

REPORT UPDATE

Application No: BN/96/25/PL

Reason for the Update / Changes

Reason for Update/Changes:

Consultation comments were received from ADC drainage engineers in which they object on the basis there is insufficient information to evidence that flood risk will not be increased due to the proposed development. At present insufficient detail has been included on the drainage plans submitted for engineering assessment.

The application site is in the Lidsey Wastewater Treatment Catchment Area. This catchment is the subject of a surface water management plan due in part to the recognised history of foul sewer flooding. Therefore, it is important to ensure that future development does not exacerbate this problem.

- Comments received from a nearby occupier who wished to make emphasis on the below points:
- Presence of slow worms and grass snakes on Church Lane, there may be ecology on the site.
 - Ground level concerns, the report does not identify whether levels have been altered, if this remains an active enforcement matter or if a survey has taken place.
 - Cumulative impact of development upon the conservation area.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: BN/96/25/PL

LOCATION: Land West of Brookside
Highground Lane

PROPOSAL: Demolition of existing barn to be replaced by a new barn within the existing footprint. This application is in CIL zone 3 (zero rated) as other development. This may affect the character and appearance of the Church Lane, Barnham Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to remove the barn and replace it with another of the same footprint.
	Whilst the building is taller, the footprint is not larger than the one currently on site.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposal.
BOUNDARY TREATMENT	The site has post and rail fencing to the southern boundary

running along the access road on Highground Lane. Post and rail fencing continues along the east and western boundary.

SITE CHARACTERISTICS

The site forms agricultural land which is meadow/grassland and has a small barn and track on site.

CHARACTER OF LOCALITY

The site is outside the built-up area boundary, in the designated countryside. The site is to the southwest of Barnham village. The area is semi-rural in character, between two clusters of residential properties to the southeast and northwest of Highground Lane.

RELEVANT SITE HISTORY

BN/53/25/PL	Change of use from agriculture to recreation/leisure use for private use. This application may affect the character and appearance of the Church Lane, Barnham Conservation Area, affects a Public Right of Way, is a Departure from the Development Plan and is in CIL Zone 3 (Zero Rated) as other development.	Refused 01-07-25
BN/7/17/PL	Shed	ApproveConditionally 31-05-17
BN/93/21/PL	1 No. 5 bed detached dwelling with ancillary parking and bin storage. This application is in CIL Zone 3 and is CIL liable as new dwelling.	Refused 31-08-21

REPRESENTATIONS

Barnham and Eastergate Parish Council - Objection.

- The site is flood zone 3.
- Any development would reduce the surface water capacity in an already extremely vulnerable area.
- Application goes against Barnham and Eastergate Neighbourhood Plan (BENDP2) policies ES1a, ES1b and ES1c.

1 letter of no objection.

- Any design for the barn should be in keeping it the area and not for residential purposes.

6 letters of objections.

- Adjoins the Conservation Area and further development would impact the rural nature.
- The application lacks detail and conflicts with planning policies.
- Unlawful changes have taken place on the site.
- Flood plain.
- The proposal seeks a replacement but is larger in footprint and height compared to the shed that was approved.

- There is a misrepresentation of the existing building and site area.
- The proposal appears designed not only to enlarge the shed but also to raise the finished level of the new barn to align with the unauthorised standing area.
- The increase in height would result in a building that is visually more dominant, altering the balance of Church Lane and causing heritage harm.
- Not a like for like replacement.
- Rooflights will provide light pollution if on at night.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion. Each application is based on their own merits. Policy ES1c is not relevant as the development would not require a connection to the foul sewer and would not be subject to surface water contamination.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environment Agency - No objection on the basis that the replacement barn shall continue to be used for agricultural purposes, and the finished floor levels as existing.

Environmental Health - No objection.

Southern Water - Requested a condition for full details of foul sewerage be submitted prior to commencement. They note there are restrictions with regards to the siting of trees to sewers, rising mains or water mains. A condition is requested for landscaping in proximity to public apparatus. Surface water discharge should be in compliance with buildings regs.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The barn is for storage only and would not require a connection for foul sewerage. Landscaping would not be required for this barn and the conditions requested from Southern Water are not necessary.

POLICY CONTEXT

Outside Built Up Area Boundary (BUAB)
 Lidsey Treatment Catchment Area
 Lidsey Flood Risk Zone
 Flood Zone 2 and 3 and 3b.
 Area of Special Advert Control

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
WDM2	W DM2 Flood Risk
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

Barnham & Eastergate Neighbourhood Plan 2019 Reducing Flood Risk
POLICY ES1b

Barnham and Eastergate Neighbourhood Plan 2019 Flooding
 POLICY ES1a

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, The South Inshore & South Offshore Marine Plan 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.

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 complies with relevant Development Plan policies as it does not result in harm upon the character of the area nor upon neighbouring amenity or flood risk.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site lies outside the built-up area boundary (BUAB). The site is in the countryside under the provisions of policy C SP1 of the Arun Local Plan (ALP), where development will only be permitted for a defined list of countryside uses to prevent encroachment into open countryside.

Criterion (a) of policy C SP1 states '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;

The application seeks permission for the replacement of an existing barn which is sought for storage of equipment in relation to the agricultural use of the site. The principle of development is considered acceptable and will be assessed against relevant development plan policies.

DESIGN AND VISUAL AMENITY

ALP Policy D SP1 states all development proposals should seek to make efficient use of land but reflect the characteristics of the site. Policy D DM1 provides a number of criteria which should be taken into account such as character and appearance.

The land is to the north of Highground Lane and has a post and rail fence along the boundary which adjoins the road.

The barn will replace the existing structure, situated to the northwest of the site. It is proposed to be used as storage for a tractor used to maintain the land which is agricultural consisting of open grassland.

The barn measures 5.5m x 5.4m and this matches the footprint of the existing building. The proposed barn would be taller at 4.8m with eaves to 3.6m, an increase of approximately 1.2m with a pitched roof.

It is accepted the plans approved in 2017 for a shed do not match the size of the outbuilding that was constructed and is on site. The shed that was approved was approximately 21.6sqm whereas the proposed is 29.7sqm. Nonetheless, the barn as proposed is not larger in footprint than is what is currently on the site and has been for a number of years.

The barn is of a standard construction and would result in a visual appearance that would remain largely as existing, albeit a slight alteration to the shape of the roof. The barn would be clad in horizontal timber with a brick plinth and a profiled metal roof. The materials would be appropriate for the site and wider area.

The site is relatively large and forms an area of open field forming part of a physical and visual separation between development on Highground Lane and Church Lane. The views across the space form part of the character of the area, with the views prominent from many public and private vantage points. The replacement outbuilding would retain the views.

The planning statement submitted with the application confirms the ground level will remain unchanged and no changes are proposed under this application. Any changes to the ground level which have occurred previously are not subject to this application.

With the barn being of similar design and size to the existing structure, the proposal would not result in adverse harm upon the character or appearance of the area in accordance with ALP policy D DM1 and D SP1.

RESIDENTIAL AMENITY

Policy D DM1(3) requires the consideration of impacts of neighbouring amenity such as loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

Policy QE SP1 requires that all development contributes positively to the quality of the environment and ensures that development does not have a significantly negative impact upon residential amenity.

The barn will be approximately 65m from the nearest neighbouring property to the southeast at Brookside. Due to the separation retained, the outbuilding would not appear overbearing or overshadowing. The structure is proposed for storage and would not feature windows that would result in overlooking.

Due to the development proposed, it would not result in adverse harm on neighbouring amenity in compliance with ALP policy D DM1 and QE SP1.

FLOOD RISK

Policy W DM2 of the ALP requires all development must demonstrate that it will not result in unacceptable flood risk implications.

Paragraph 173 of the NPPF states Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

Policy ES1a of the BENDP2 states no development should occur on areas of flood risk unless there are no other lower risk sites. Policy ES1b states development on undeveloped land must demonstrate that surface water runoff will be returned to re-development greenfield criteria.

The site is in flood zone 2 and 3. Part of the site is in flood zone 3b which is classified as functional flood plain. A Rife (small river) runs close to the site. The site is in the Lidsey Treatment Catchment Area and the Lidsey Flood Risk Zone (LFRZ).

NPPF Annex 3 classifies development types according to their vulnerability to flood risk. Agricultural use falls in the less vulnerable classification (Land and buildings used for agriculture and forestry). From the detail submitted, the barn would be considered less vulnerable development. The application is seeking a barn for the storage of equipment in relation to the agricultural use of the site. A recent planning contravention notice (PCN) received from the applicant confirmed the use of the site was agricultural.

Further to the vulnerability classification, PPG Table 2 provides guidance on which developments are incompatible with certain flood zones. The development is classed as less vulnerable in accordance with Annex 3 of the NPPF. The location of the barn as proposed would fall within FZ3b and would not ordinarily be permitted as less vulnerable development is not compatible in FZ3b as per Table 2 of the NPPG.

In this case, the Environment Agency (EA) have no objections and state 'given that the proposed agricultural barn will be a like-for-like replacement within the same footprint of an existing structure, in this specific instance we have no objection to the proposed development as submitted. Our position is also provided on the basis that the replacement barn shall continue to be used for agricultural purposes, and the finished floor levels remain the same as existing.'

Whilst it is acknowledged the barn is not like for like in design, it does have the same footprint and as a result, the EA are accepting of a replacement. A condition will be applied to ensure that the building is only used for storage in relation to the agricultural use of the site.

As the barn will be used for storage it would not require a connection for foul sewage and would not result in adverse harm upon the Lidsey Catchment Area.

Policy ES1a requires a sequential test to identify lower flood risk sites, however an agricultural shed may be exempt if it is considered a minor development, meaning a non-domestic extension with a footprint of less than 250 square metres. The building is therefore exempt from a sequential test.

Whilst the proposal is for a use that is not normally permitted in the flood zone, on the basis that the size of the structure will replace one of the same size and the EA have no objections to this, the proposal is acceptable in terms of flood risk.

HERITAGE ASSET

The site adjoins the Church Lane Conservation Area to the eastern boundary and falls within its setting.

Para 207 of the NPPF requires the identification of the significance of the heritage asset affected by a proposed development. The heritage asset in this case derives its significance from its historic character of a rural, agricultural, settlement.

Para 208 requires the Local Planning Authority consider the significance of the impact on that heritage asset. The land is outside the conservation area and forms part of its setting.

The barn proposed is the same size as the building currently on site. Whilst it is slightly taller, the overall visual impact will remain largely as existing. The materials are also appropriate for the area.

Due to the type of development proposed and with it set back around 50m from the conservation area boundary, it would not result in adverse harm upon the setting of the heritage asset and complies with ALP policies HER DM3 and HER SP1.

SUMMARY

The proposal would accord with relevant development plan policies and as such is recommended for approval subject to conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

The application is not CIL liable.

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 and Block Plan - 100 Rev B
 - Proposed Site Plan - 101 Rev B
 - Proposed Plans and Elevations - 200 Rev B
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.
- 3 The barn shall be used only for purposes relating to the agricultural use of the site.

Reasons: To ensure there is no harm upon the character of the area in compliance with Arun Local Plan policies QE SP1 and D DM1.
- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).
- 5 INFORMATIVE: This application only approves development of the outbuilding and does not permit any change to ground floor levels which have already taken place.