

Recommendation Report for Planning Permission

REF NO: BR/18/26/PL

LOCATION: Braymead
37 Nyewood Lane
Bognor Regis
PO21 2SJ

PROPOSAL: Change of use from 10 bedroom guest house, to 8 bedroom House in Multiple Occupation, with associated alterations.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to change the use of a 10-bed Bed and Breakfast (C1) into an 8-bed House in Multiple Occupation (HMO) (Sui Generis) alongside associated alterations which include the removal of the rear garage, the installation of a side rooflight, and installation of a minor rear dormer window.
SITE AREA	225sqm.
BOUNDARY TREATMENT	Low, rendered boundary wall with access gate surrounding the front amenity space. Painted block boundary wall with access gate and garage around the rear garden. The building immediately abuts an access road on its southern side.
SITE CHARACTERISTICS	Three-storey semi-detached building serving with limited front and rear amenity areas. To the rear is a single storey garage. The building is of traditional architectural design and is the southern unit of a pair of matching buildings.
CHARACTER OF LOCALITY	Dense urban grain with terraced residential dwellings forming the most dominant form of development. To the south along Aldwick Road is a corner parade of shops with flats above. To the southeast also along Aldwick Road is a proliferation of retail units/commercial uses. A modest distance the south is the coast and Marine Park Gardens, and to the southwest is West Park (both public gardens).

REPRESENTATIONS

Bognor Regis Town Council - Objection:

- The site is within an Article 4 Direction area intended to control HMO concentrations due to their impact on community wellbeing. A further HMO would worsen the overconcentration, harming the balance of housing types and undermining mixed and sustainable communities (contrary to Arun Local Plan policies H SP4, D SP1, and NPPF Para 130(a)).
- The proposal fails to contribute positively to the quality and character of the area and risks harming residential amenity, conflicting with Arun Local Plan Policy QE SP1.
- Conflicts with Neighbourhood Plan Policy 7, which supports the development of new and existing tourist facilities, including improved hotel and guest accommodation.
- Page 14, paragraph 3 of the Neighbourhood Plan indicates a shortage of medium to higher-end visitor

accommodation, making the loss of a guest house counterproductive to local tourism objectives.

- Will likely generate higher levels of traffic and parking requirements on local streets through the day and night, unlike guest house visitors who are more likely to park in a local car park and travel on foot.
- Increased traffic movements and parking intensity raises potential highway safety concerns, contrary to NPPF paragraphs 108 and 109, which require safe and suitable access and prohibit development with unacceptable highway impacts.
- A proliferation of smaller household types in the area has already intensified parking pressures and associated amenity issues. Converting the building to an 8-bed HMO would further intensify the use of the site, harm local character, increase parking demand, and negatively affect neighbouring and public amenity contrary to Policies H SP4 and QE SP1.

1 letter of Objection from a nearby occupier:

- Concerns regarding the proliferation of HMOs within the local area, the loss of tourist accommodation, and subsequent impacts on local enterprise and the character and amenity of the area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Relevant planning matters are discussed in the conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection.

Private Sector Housing:

- Various advice relating to separate legislation. Namely the Housing Act 2004, The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006, The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018, Arun District Council's HMO Standards, Housing Health and Safety Rating System (England) Regulations 2005 and LACoRS national fire safety guidance.

WSCC Highways (LHA) - No objection:

- The site is accessed from Nyewood Lane (C class road, 30mph); adjacent to a private access serving rear of nearby dwellings. There are no safety concerns.
- The garage is intended to be removed and replaced with cycle storage.
- Application form states no on site parking; although a garage exists, its dimensions are unknown and its suitability for parking cannot be confirmed.
- The parking requirement for an 8 bed HMO is 4 spaces. There is a shortfall as none is proposed.
- Highly sustainable location in walking distance of shops, services, and regular bus routes on Aldwick Road and Nyewood Road.
- Bognor Regis railway station is accessible via a 20 minute walk or 4 minute cycle, providing realistic alternatives to car travel.
- Existing parking restrictions in the area help prevent unsafe or obstructive parking.
- The previous guesthouse use likely generated higher parking demand due to transient visitors, whereas HMO residents are more likely to walk, cycle, or use public transport.
- LHA considers zero on site parking would not have a detrimental impact on highway safety or capacity.
- The rear cycle storage (1 space per room) is suitable and should be secured by condition.
- Concludes there is no "severe" transport impact and no highway grounds to resist the proposal.

Economic Regeneration - Objection:

- Loss of holiday accommodation.
- Further increase in the high concentration of HMOs in Marine Ward which has a significant number of HMOs and is one of the district's most deprived areas.
- Levels of antisocial behaviour (ASB) linked to existing HMOs are high enough to impact the viability of the town centre.
- Economic Development and the Arun ASB Team are concerned that adding more HMOs would exacerbate existing issues.
- The Article 4 Direction and Arun Local Plan Policy H SP4 provide grounds to resist further HMOs, as they aim to maintain mixed and balanced communities.
- A high concentration of HMOs can negatively affect local amenity, particularly where properties are occupied by short term tenants.
- Marine Ward already shows the abovementioned impacts due to an overconcentration of HMOs and further HMOs risk worsening decline in the surrounding area, including the town centre.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary.

Article 4 Direction.

Pagham Harbour Zone B.

2km Buffer for a Site of Special Scientific Interest (SSSI) (Bognor Reef).

Potential susceptibility to Groundwater Flooding $\geq 25\%$ $<50\%$.

Low - Very Low risk of Surface Water Flooding (1 in 100 and 1 in 1000).

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
HSP4	H SP4 Houses in multiple occupation
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP2	ECC SP2 Energy and climate change mitigation
WDM2	W DM2 Flood Risk
TOUDM1	TOU DM1 Tourism related development
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
HERSP1	HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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 conflicts with relevant Development Plan policies in that it has not provided a Site Specific Flood Risk Assessment, evidence demonstrating that the existing tourist accommodation is no longer viable, or adequate on site car parking and amenity space. However, for the reasons explained below, these conflicts do not amount to sufficient grounds to justify refusal.

In all other respects, the proposal complies with relevant Development Plan policies in that it would deliver much needed housing, would not harm the visual amenity of the area, would not lead to an unacceptable overconcentration of HMOs, would provide an acceptable standard of amenity for future occupiers, and would result in a net improvement to the site's flood-risk position.

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 other material considerations to be weighed in the balance with the Development Plan. These considerations are discussed within the conclusions section of the report below.

CONCLUSIONS**PRINCIPLE**

The site is in the Built-up Area Boundary (BUAB) where development is acceptable in principle subject to the consideration of other relevant Development Plan policies in accordance with Arun Local Plan (ALP) Policy SD SP2.

The NPPF is an important material consideration in determining applications. As the council cannot demonstrate a 5-year Housing Land Supply (HLS), para 11(d) of the NPPF and the application of the 'presumption' in sustainable development is triggered. The proposal would contribute the equivalent of 2-3 independent residential units in a highly sustainable location to the current HLS shortfall.

On 18 January 2023, Arun District Council (ADC) confirmed a non-immediate Article 4 Direction to remove permitted development rights for the change of use from a dwellinghouse (C3) to a House in Multiple Occupation (HMO) for occupation by up to six persons living as a single household (C4). This came into force on 19 January 2023. Wards with high levels of HMOs and with high proportions of hazards or despair were the starting point when considering the imposition of the Article 4 Direction.

The area the Article 4 direction applies to the Marine ward (Bognor Regis), which the site is located within. The wards to which the Article 4 Direction applies are those where existing or future high concentrations of HMOs are considered likely to be harmful to the amenity or wellbeing of local residents and communities.

The analysis supporting the Article 4 Direction showed that the percentage of the private rented sector in the Marine ward is 52.8% whilst the national average is 19%. Marine ward has approximately 193 HMOs, making up approximately 10% of the private rented housing stock, and had some of the highest levels of anti-social behaviour (ASB) within the District within 2019-2020. As the proposal would result in the introduction of a new HMO and is in Marine ward, the evidence base supporting the Article 4 Direction is a material consideration.

The Article 4 Direction removes permitted development rights for converting C3 dwellinghouses into C4 small HMOs, giving the Council greater control in areas experiencing negative impacts that may be related to the overconcentration of HMOs. The Direction is not a standalone reason to refuse planning permission. Each HMO proposal must be assessed on its own merits, with an objective evaluation of concentration of HMOs and the subsequent potential harm at district, ward, and local levels. This includes taking account of recent appeal decisions on both small and large HMOs in the relevant wards, where refusals on the grounds of overconcentration and character impacts were challenged and overturned. These decisions provide useful guidance on how the Local Planning Authority should objectively assess HMO concentrations in an area and how they should be determined accordingly.

ALP Policy H SP4 states that where applications for HMOs are not covered by permitted development rights (removed in this case under Article 4 Direction) they will be favourably considered where proposals contribute to the creation of sustainable, inclusive, and mixed communities and meeting the detailed criteria as set out below:

- a. Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing.
- b. Do not contribute to the generation of excessive parking demands or traffic in an area.
- c. Provide adequate areas of open space.

CHARACTER OF THE AREA

The proposal involves minor alterations to facilitate the change of use. These include removing the garage to install cycle shelters, adding a side rooflight on the southern roof slope, placing timber bin stores in the front garden, and adding a small rear dormer with a window on the west-facing roof slope.

The physical alterations are minor and would not result in demonstrable harm to the visual amenity or the character of the site or the area. The change of use would result in the tourist accommodation becoming a residential use, albeit a more intense use than traditional Class C3 residential dwellings, but a

residential use, nonetheless. The character of the area is predominantly residential and the proposed use would not be out of character with the prevailing use of the area.

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

ALP Policy H SP4 supporting text (12.5.1) states 'In providing for the housing needs for Arun, it is important to ensure that mixed and balanced communities are developed so that situations where existing communities become unbalanced by the narrowing of household types towards domination by a particular type, such as shared housing, are avoided'. Neither ALP policy H SP4 nor its supporting text set out a specific threshold or limit to the number/proportion of HMOs that would be acceptable. The following recent appeal decisions are of note:

- BR/168/23/PL sought permission for the change of use of a dwelling to an HMO in Hotham Ward. The Inspector allowed the appeal and referred to less than 5% of properties within 250m of the site being HMOs as an acceptable threshold.
- BR/111/24/PL sought permission for the change of use of a dwelling to an HMO in Marine Ward. The Inspector allowed the appeal and identified HMOs to form less than 10% of the overall stock in the ward, and as less than 5% of properties within 150m of the site were HMOs, it was acceptable.
- LU/308/24/PL sought permission to convert a ground-floor unit into an HMO and one self-contained C3 flat, with minor physical alterations. The application was partly refused due to alleged HMO overconcentration and resulting character harm. On appeal, the scheme was dismissed solely on flood-risk grounds; the Inspector did not support the Council's concerns about character impact. They found that only 12% of private rented homes in the River ward were HMOs, an amount not considered significant or imbalanced. The Inspector also concluded that ASB could not be directly linked to HMOs and that a suitable management plan could help minimise any potential issues.
- Appeal APP/C3810/C/25/3360505 pertains to a recent appeal against an enforcement notice served on a property in River ward where the property was converted from a C3 Dwellinghouse to a C4 Small HMO contrary to the Article 4 direction. The grounds for the notice included harm to the character and appearance of the area (by virtue of an overconcentration of HMOs). The enforcement notice was quashed and planning permission granted, following conclusions that HMOs within 200m of the site equated to 2.5% of the private rented housing stock in River ward and that this was not an overconcentration.

While officers recognise the evidence underpinning the Article 4 Direction, the appeal decisions above make clear that this does not mean all HMO applications in affected wards should be refused. Each proposal must be objectively assessed to determine whether it creates an actual overconcentration in its locality.

Inspectors have used varying radii, typically 150-250m, to quantify and assess local HMO concentration. They have consistently found that concentrations below 5% in these radii do not amount to an overconcentration, and that 10-12% of private rented homes being HMOs at ward level is not an overconcentration/imbalance.

For consistency with appeal decisions, officers have undertaken an assessment of HMO numbers within a radius of 250m of the site and to provide an objective assessment relevant to this site. There are 966 residential properties within a 250m radius of the site, and 31 of these are HMOs (including the recent approval at 90 Aldwick Road). The ratio of HMOs to independent residential units within 250m of the site is 3.2%.

While the majority of HMOs in the radius house 3-10 No. occupants, it is recognised that there are some larger HMOs nearby, these being 86 Aldwick Road (Maximum 45 No. Agricultural workers), 120 Aldwick Road (Maximum 109 No. Employee staff accommodation), and 41-45 Nyewood Lane (Maximum 52 No.

occupants).

41-45 Nyewood Lane was allowed on appeal following a High Court appeal having been refused on grounds of character, noise and disturbance, occupant amenity, and parking concerns. 86 and 120 Aldwick Road are staff accommodation with strict management plans, and 1-45 Nyewood Lane is subject to a management plan. With strict management in place and 86 and 120 being staff accommodation, it is unlikely that these units would contribute significantly to the adverse social impacts often associated with an overconcentration of HMOs.

Whilst there are a number of other HMOs nearby, including the larger HMOs identified above, the area contains predominately independent dwellings in terms of its housing stock. The addition of an 8-occupant HMO will only marginally alter this demographic and introduce a mixed and unrelated household into the character of the area. Based on this assessment and the outcome of previous appeal decisions, this does not constitute a localised overconcentration nor an imbalance of housing types and will not be unacceptably harmful or adversely affect the character of the area.

For the reasons outlined above, while officers appreciate the evidence base supporting the Article 4 Direction, the higher levels of ASB in this ward, and the comments of the Town Council, it is the view of officers, that in line with the recent appeal decisions, this proposal would not result in an overconcentration/imbalance of HMOs in the local area, and a refusal on these grounds and their subsequent harms to the character of the area would not withstand an appeal.

The applicant has provided an HMO management plan document.

The proposal is in accordance with ALP policy H SP4(a).

FLOOD RISK

The southeast side of the front courtyard is partially at low risk of surface water flooding (1 in 100) and almost the entire site is at very low risk of surface water flooding (1 in 1000). It has low-moderate potential to be at risk of groundwater flooding. The site is otherwise in Flood Zone 1 and as a change of use application, no Sequential Test for flood risk is required.

In accordance with Footnote 63 of the NPPF, no Site-Specific Flood Risk Assessment (FRA) is required because although the proposal may be subject to other sources of flooding (surface water/groundwater), it is in Flood Zone 1 and would not introduce a more vulnerable use. However, ALP policy W DM2 still requires an FRA.

The proposal has not been supported by a FRA which is in conflict with ALP policy W DM2, but it does not increase the vulnerability classification of the site and results in a reduction of the number of bedrooms at ground floor, going from three to two.

While the proposal has not been supported by a FRA, it results in a clear betterment of the flood risk conditions on site by reducing the amount of existing sleeping accommodation at ground floor. The proposal would not otherwise alter the flood risk on site or elsewhere, and the lack of a Flood Risk Assessment does not amount to any identifiable harm and is not, therefore, a reason for refusal.

INTERNAL SPACE STANDARDS

The HMO is to include 8 single occupancy bedrooms. The Nationally Described Space Standards (NDSS) do not provide relevant standards for HMOs but the standards do provide a point of reference for an assessment of residential amenity. Each bedroom is in excess of the minimum required internal floor area and of acceptable widths.

Each bedroom is served by at least one external window, providing adequate access to natural light.

The proposal complies with ALP policies QE SP1 and D DM2.

RESIDENTIAL AMENITY AND OPEN SPACE

The proposal is acceptable in terms of internal spaces and how this impacts the residential amenity of its occupiers.

In terms of external space provisions, Section H of the ADG provides a guideline that communal shared spaces, such as shared external amenity space, should be at minimum 40sqm, plus 10sqm for each unit. The council treat every three rooms in an HMO as one unit. The proposal would require 60-70sqm of communal external amenity space to satisfy this guideline.

The proposal has a front and rear garden, with the rear providing greater amenity on the basis it would benefit from greater privacy/security and benches/planters. These spaces equate to a total of approx. 70sqm of external amenity space, but parts of this area are, and would be, occupied by functional components such as bin and bike stores. Discounting these, the property benefits from approx. 57sqm of amenity space total, with the most functional, primary amenity space (the rear), making approx. 20sqm of the total. This falls short of the guidance, but it must be acknowledged that this is a dense urban environment where lower provisions of amenity space can be expected.

The site is within proximity to the foreshore (3 minutes), Marine Park Gardens (3 minutes), and West Park (9 minutes). The on-site private communal amenity spaces would provide sufficient space for limited residential activities and a general gathering place for residents, and the proximity to public open spaces such as those mentioned above would provide ample opportunity for exercise and the enjoyment of the outdoors.

The site is in a highly sustainable location with pedestrian and public transport connections many services and amenities to the south/southeast along Aldwick Road and within the wider locality.

While the proposal is in technical conflict with ALP policy D DM1(15) due to the shortfall of recommended on-site private and communal amenity space provisions outlined within the Arun Design Guide (ADG), the on-site amenity space provided, in combination with the public open space opportunities and access to other services and amenities within the area result in the proposal providing adequate areas of open space and a sufficient level of residential amenity for occupiers. The proposal is in accordance with ALP policies QE SP1 and H SP4.

HIGHWAYS, TRANSPORT, AND PARKING

WSCC Highways have raised no objections.

The Arun Parking Standards (APS) 2020 has no specific category for HMO uses, but for a HMO, the WSCC Guidance on Parking for New Developments (September 2020) expects the provision of 0.5 car parking spaces per bedroom and 1 cycle parking space per unit. The council considers 3 beds in an HMO equal to 1 housing unit (i.e. 1 dwelling). In this instance, the proposal would require 4 car parking spaces and 3 cycle parking spaces (rounded up) to comply with the WSCC standards.

The proposal does not benefit from any car parking provisions but is to provide 8 secure and sheltered cycle storage spaces in the rear garden. When assessing the parking impacts of the change of use, due consideration needs to be afforded to the properties existing impacts on parking demand within the area.

Guesthouses fall in the C1 use class. Arun's Parking Standards indicate that such uses should be assessed on a case-by-case basis and supported by a Travel Plan. WSCC's Guidance on Parking for

New Developments recommends one parking space per bedroom for C1 uses.

For a 10-bed guesthouse in a dense urban and sustainable location, providing ten on-site parking spaces is unrealistic parking demand and the site currently has no on-site parking/one parking space if the garage has sufficient internal dimensions. It is likely that current parking demand is accommodated on nearby streets. Although the guesthouse may not operate at full occupancy year-round, and some guests may use public transport, the existing use is still likely to generate a notable demand for on-street parking. Even at an average 50% occupancy, up to five vehicles could reasonably be expected to park on surrounding roads.

Given the existing use could reasonably be expected to take anywhere up to ten on-street parking spaces, with a more realistic/conservative expectation being an average of five, the parking requirements of the proposed HMO being four parking spaces, would not likely have any additional harm to on-street parking capacity within the locality. This needs to be considered within the context of the proposal including a cycle storage space for each occupant (above guidance requirements), and that public transport connections and amenities are all in a reasonable distance of the site, making it a highly sustainable location with private motorcar alternatives. Cycle storage will be secured by way of condition.

From the visit and officer knowledge of the area, it is clear that on-street parking is often difficult to locate and that parking some distance from the property may not produce a high standard of amenity for the proposed occupiers, but this is a matter of amenity and not a highways safety/transport concern, nor is it considered sufficient reason to refuse when occupiers are encouraged to make use of private motorcar alternatives.

While the proposal is in conflict the WSCC Guidance on Parking for New Development document, and ALP policy T SP1 by extension, taking into account the comments (guidance) from WSCC Highways for this proposal, and the existing parking demand of the site, the proposal would not have any unacceptable impact on highways parking capacity or safety this conflict does not in itself, amount to harm.

With consideration of all of the above, the proposal is in accordance with ALP policy H SP4(b) and NPPF Paragraph 116.

ECOLOGY, BIODIVERSITY, AND PAGHAM HARBOUR

The proposal is exempt from Statutory Biodiversity Net Gain under the de-minimis exemption. The proposal is required to achieve some form of biodiversity net gain in line with ALP policy ENV DM5, thus, a condition is attached to secure the scheme for ecological enhancements suggested in the supporting Planning Statement, alongside the addition of a Swift and Bat box in suitable locations on the building.

Whilst the proposal is a residential development in Pagham Harbour Zone B and a financial contribution would usually be secured by S.106 agreement to mitigate against recreational pressures arising from the development, it is necessary to deduct the relevant financial contribution that would be required for the recreational pressures caused by the existing guesthouse use from the contributions required for the development. The result is a net zero requirement, and therefore, no financial contribution or S.106 agreement is required.

As the site is in the zone of influence of the Pagham Harbour Special Protection Area (SPA), Arun is required to carry out an Appropriate Assessment (AA) to assess the impact of the proposal on the European Site. As the proposal is primarily for a change of use that would reduce the recreational pressures on Pagham Harbour and includes no significant physical development, no additional impacts on the SPA, direct or indirect, are identified. As such, the need for an AA is screened out.

The site is within the 2km Buffer Zone a SSSI, Bognor Reef. Given the scale and nature of the

development, and that it is a brownfield site and within a dense urban grain, the proposals would not have any adverse impact on the SSSI.

The proposal is in accordance with ALP policies ENV SP1 and ENV DM1.

TOURISM AND EMPLOYMENT

The site currently serves as visitor accommodation.

The Town Council highlight that Bognor Regis Neighbourhood Plan (BRNP) policy 7, is in opposition to developments that result in the loss of tourist accommodation such as this. BRNP Policy 7 states 'This Neighbourhood Plan recognises the crucial importance the tourist industry has for the Bognor Regis economy. Where proposals comply with other policies in this plan, development of new and existing tourist facilities will be supported, as a crucial part of improving Bognor Regis as a visitor destination...'. This policy, and the BRNP as a whole, clearly identifies the tourist industry to be crucial to the economy of Bognor Regis, supporting the development of tourist facilities, but this policy does not resist the loss of existing accommodation/facilities.

Nevertheless, ALP policy TOU DM1 does resist the loss of tourist accommodation.

No evidence to this effect has been provided to demonstrate that the use is no longer viable or could be redeveloped for another visitor use. However, the site is modest in size and capacity, having only moderate benefit to the local tourist industry/economy of the area. The resultant harm from its loss is afforded moderate weight.

Whilst the proposal would result in the loss of a modest tourist accommodation site and its associated employment, the proposal would provide an 8-bed, 8-occupant HMO. The council typically consider every three bedrooms in an HMO to equal one dwelling as an average. Thus, the proposal would make the equivalent housing supply contribution of 2-3 dwellings during a period of acute housing shortfall and in a highly sustainable location.

The proposal is in conflict with ALP policy TOU DM1 for the reasons outlined above, but equally, for the reasons outlined above, the harms are moderate. The harms of this conflict would not significantly and demonstrably outweigh the benefits of the proposal, nor would they cause substantial harm. On this basis, conflict with ALP policy TOU DM1, is not a sufficient reason to refuse the development.

SUMMARY

The proposal is in conflict with ALP policies D DM1(15), W DM2, and T SP1 due to shortfalls of adequate on-site amenity space, a lack of parking provisions that complies with guidance, and the lack of a Site-Specific Flood Risk Assessment, however, for the reasons outlined in the report above, these conflicts do not amount to harm and are not reasons for refusal.

The proposal is in conflict with ALP policy TOU DM1 in that it has not justified the loss of the tourist accommodation, however, the harms of this conflict would not significantly and demonstrably outweigh the benefits of the proposal. As such, paragraph 11(d)(ii) of the NPPF states that permission should be granted.

The proposal is otherwise compliant with relevant Development Plan policies and is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may

arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This 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 Plan TQRQM26020104715098.
- Site Plan 37Nye 26 05-.
- Proposed Draft Plans (Floor Plans) 37Nye 26 03-.
- Proposed Elevations 37Nye 26 04-.

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 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the ecological enhancement measures outlined within Section 6.0 of the 'Planning Statement' (Produced by 'APPLECORE' and Dated February 2026), together with the addition of 1 No. Swift Box and 1 No. Bat Box, shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development hereby approved, and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats and species).

- 4 No part of the development hereby approved shall be first occupied until the covered and secure cycle parking spaces have been provided in accordance with the approved site plan. The spaces so provided shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 5 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the first occupation of the building for the use hereby approved, and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and Arun Local Plan policy ECC SP2.

- 6 The development hereby approved shall not accommodate more than a cumulative maximum of 8 No. occupiers on site at any one time.

Reason: In the interests of ensuring sufficient amenity for the occupiers and local residents in accordance with Arun Local Plan policy QE SP1.

- 7 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).

- 8 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.