

Planning Statement Addendum

Royal Bay, 86 Aldwick Road, Bognor.

Continued use of former Care Home (C2) as temporary accommodation for seasonal agricultural workers (resubmission following BR/213/20/PL). (Ref BR/97/22/PL).

Purpose:- To address issues raised by Planning Officer, August 2023, namely the new Article 4 Direction relating to HMOs and the lack of external amenity space.

Article 4 Direction

It is understood that an Article 4 Direction has been imposed on the area within which the application property is located. To be clear, this is not a new planning policy on HMOs. The purpose of the HMO is to prevent permitted development rights from C3 to C4 HMOs from automatically being exercised. It simply means that planning permission must be sought for such changes of use. As such the HMO itself has absolutely no bearing on the current application and how a decision should be made.

Amenity Space

It is strongly refuted that there is a lack of private amenity space at Royal Bay and that this should point towards the application being unacceptable.

The appeal decision at 83 Aldwick Road (APP/C3810/W/22/3296267) makes clear that 40sqm of outside amenity space is the starting point for HMOs. The Inspector writes at paragraph 7 of the decision letter:-

7. The Arun District Design Guide Supplementary Planning Document (SPD) states the minimum outdoor space provision for residential communal shared spaces is 40sqm. Irrelevant of whether the proposal would constitute 1 or more residential units, a minimum should be the starting point and the SPD also requires that outdoor space should be usable and enjoyable.

In the case of Royal Bay, there is well in excess of 40sqm of outdoor space. At ground level there is a picnic area of approximately 50sqm, green space in the front garden (also of approximately 50sqm) and covered space adjacent to the building entrance comprising approximately 18sqm. Furthermore, at first floor level there is a large balcony area of 15sqm which is similarly useable and practical (and would count as amenity space according to the SPD). All these areas are useable and enjoyable outdoor spaces and can be used for sitting out and socialising. This brings the **total outdoor amenity space to approximately 133sqm**. These spaces are shown more clearly on the amended ground floor and site layout plans.

It should also be borne in mind that there is extensive and good quality indoor communal space within the building in the lounge, dining and social areas shown on the submitted floor plans) at both ground and first floor levels. The amenities of the agricultural workers are therefore very well served within the site. When not at work, agricultural workers who reside at Royal Bay take walks on the beach and in the town. There is also barely a time when all workers are present in the building at the same time (due to the very purpose of the accommodation to house seasonal agricultural workers). For all of these reasons the comparison with the appeal at 83 Aldwick Road is un-substantiated and disingenuous.

The Planning Balance

The Appeal Inspector in the 83 Aldwick Road appeal makes clear that his decision was based on the tilted balance approach, triggered by paragraph 11dii of the NPPF and resulting from the failure of the Council to demonstrate a 5 year housing supply. In this appeal decision, the Inspector correctly weighs the issues in accordance with the tilted balance methodology, i.e. not simply weighing positives against negatives but weighing whether any negatives “significantly and demonstrably outweigh the benefits”, as required by paragraph 11dii. In other words to justify a refusal, the negatives have to not just balance out the positives but have to be significantly and demonstrably worse than the positives. The Inspector in this case decided that the inadequate amenity space for occupants was harmful enough to significantly and demonstrably outweigh the modest positive contribution towards housing provision.

This current application at Royal Bay is very different because there are inherently more positive benefits in the planning balance. These include:-

- Providing essential housing for 58 individuals who are vitally needed locally to support the agricultural and horticultural sectors (ie local farms and nurseries).
- Providing local jobs (involved in managing and maintaining the facility)
- Direct and indirect benefits to the local economy through increased local spending in shops and for services.
- Bringing vacant floorspace/previously developed land back into beneficial use, wholly aligned with NPPF priorities.
- Property has been refurbished and repaired, with a new roof as well as other external improvements. This has refreshed and upgraded the physical fabric of the building and improved its visual appearance in the street scene.
- The internal facilities have been substantially upgraded in line with the HMO Officer’s requests and at a cost of over £30,000. These improvements have been the result of a number of months of discussions with the Council’s Environmental Health Department and have been agreed with the HMO Officer. (The quality of the accommodation is shown clearly in the submitted photographs).

If there are any disbenefits of the scheme, these must significantly and demonstrably outweigh all of the benefits of the scheme that have been detailed in the application. There

is no evidence of harms to neighbours through noise and disturbance. Indeed, the facility is well-managed and there have been only compliments, no complaints. In the absence of any harms, there is nothing to weigh in the balance and therefore the tilted balance points firmly towards granting planning permission in line with the requirements of Paragraph 11dii of the NPPF and the methodology of the Appeal Inspector's decision at 83 Aldwick Road.

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