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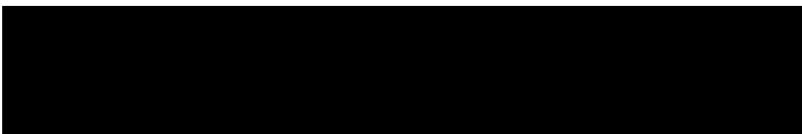
PLANNING STATEMENT

IN RELATION TO:

*'Removal of Condition 7 pursuant to planning
permission ref: CM/11/10/ to allow the change of
use of Lower Dairy Barn & Cowshed Outbuilding
from a single holiday let to 1 no. residential unit
(use class C3)'*

**Lower Dairy Barn & Cowshed Outbuilding,
Kents Farm, Brookpit Lane, Climping, West Sussex,
BN17 5QU**

March 2019



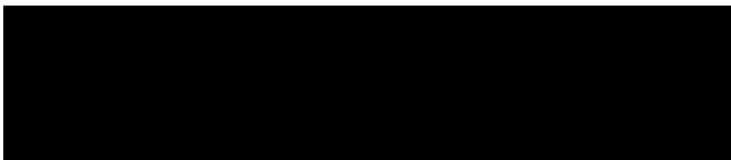
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1.0 INTRODUCTION

- 1.1 This application is submitted on behalf of the landowners, Mr and Mrs Edge.
- 1.2 The application seeks permission for the removal of condition 7, which was attached to planning permission ref: CM/11/10/ for an *'amendment to approved application CM/29/09/ change of use of cow shed in to single holiday let unit, installing 4 roof lights to the north elevation. Replace dilapidated roof to the covered barn together with associated works. Re instate roof structure and covering to existing main barn'*.
- 1.3 Our clients intention is to use Lower Dairy Barn & Cowshed Outbuilding as a single, independent residential unit (Use Class C3).
- 1.4 This Planning Statement is submitted in support of the above planning application. The statement describes the site, its surroundings and the proposal itself. The Planning Policy background is considered along with an assessment of the proposal in light of the relevant policy and all other material planning considerations.



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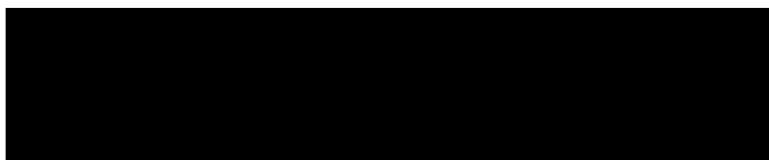
2.0 SITE CIRCUMSTANCES

- 2.1 Lower Dairy Barn is located south of Kents Farm, which itself is positioned adjacent to Brookpit Lane, Climping.



Fig 1. Aerial site location plan (courtesy of Google Maps)

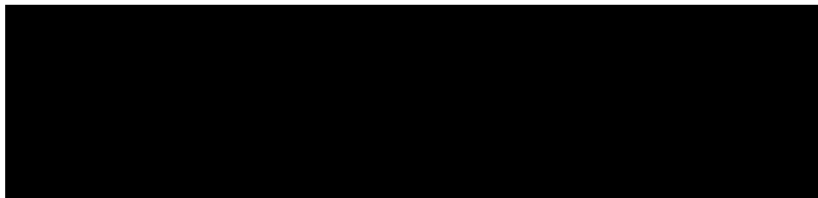
- 2.2 At the time of the most recent planning application relating to this site being considered, Lower Dairy Barn and its immediate environs was described by the Council's Planning Officer as a *"derelict 2 story flint barn with roof off. Knapped flint with Elizabethan bricks (looks as though constructed by materials from an ecclesiastic building destroyed during the reformation). Single storey cowshed with flat roof. Timber trusses are in good conditions and are currently exposed as work*



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has commenced. Lime washed. Side hovel with corrugated roof, now an open barn. Rural..."

- 2.3 It is understood that planning ref: CM/11/10/ for a single holiday let unit was implemented in 2010 and completed by 2012, at which time our client commenced letting the building for tourist accommodation. This building is therefore currently in use as a holiday let, restricted by the conditions attached to the 2010 planning permission.
- 2.4 In terms of the site designations, the site is located outside of any defined built-up area boundary, within designated countryside.
- 2.5 It is understood that Kents Farm is Grade II Listed; however Lower Dairy Barn is not subject to such a designation, and nor is it recognised as being curtilage listed. It is understood that this position has been previously formally confirmed by the Local Authority.
- 2.6 The site is also identified as being within a 'gap between settlements' and within a 'Biodiversity Opportunity Area'.





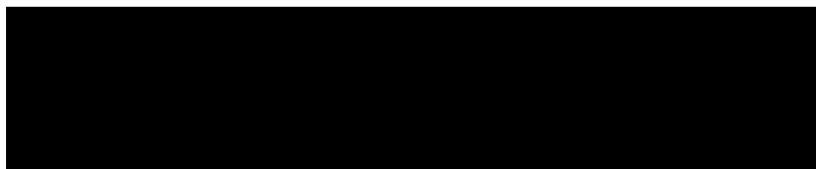
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3.0 PLANNING POLICY

a. National Policy Context

(i) National Planning Policy Framework (NPPF)

- 3.1 The National Planning Policy Framework (NPPF) was originally published in 2012, with a revised version published in July 2018. A further updated version of the NPPF was published in February 2019, comprising only minor alterations to the 2018 publication.
- 3.2 The NPPF confirms that planning law, as set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, requires that applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 3.3 The focus of the revised NPPF continues to be achieving sustainable development. The NPPF clarifies that *"at a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs"* (taken from Resolution 42/187 of the United Nations). However, at paragraph 8 the Framework sets out that in planning terms, and in order to achieve sustainable development there are *"three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)"*. These objectives are economic, social and environmental, which *"should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area"* (paragraph 9).



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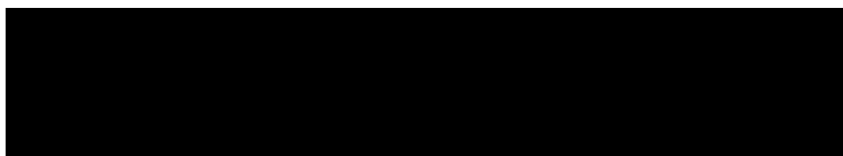
- 3.4 Paragraph 11 is an important element of the NPPF. It states that: *"Plans and decisions should apply a presumption in favour of sustainable development... For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".*
- 3.5 Paragraph 12 confirms that *"the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."*
- 3.6 Section 4 of the Plan refers to Decision Making. At paragraph 38 of the Framework, it sets out that *"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should... work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."*
- 3.7 Paragraphs 54 – 55 refer to planning conditions and obligations and states that *"local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning*



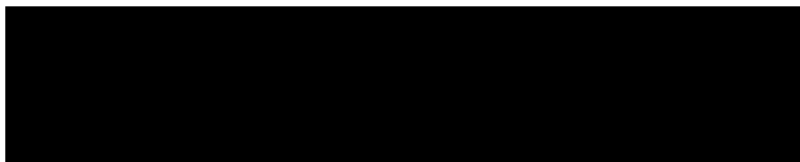
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obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition...Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification..."

- 3.8 Section 5 relates to delivering housing. It reiterates at paragraph 59 that the Government's objective is to significantly boost the supply of new homes. Paragraph 63 confirms that non-major development schemes should not have to provide affordable housing (although a lower threshold is applicable in designated rural areas). Paragraph 68 identifies the important role small and medium sized sites can make to meeting the housing supply of an area. It states that local planning authorities should *"support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes..."*
- 3.9 At paragraph 73 the NPPF sets out that *"Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old"*. The Framework also clarifies that *"a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement"*
- 3.10 Paragraph 77 states that *"in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs."*



- 3.11 Paragraph 78 goes on to state that *"to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby"*.
- 3.12 Paragraph 79 outlines that *"planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
 - d) the development would involve the subdivision of an existing residential dwelling;*
or,
 - e) the design is of exceptional quality, in that it:*
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area"*.
- 3.13 Paragraph 83 states that *"planning policies and decisions should enable:*
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*





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b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

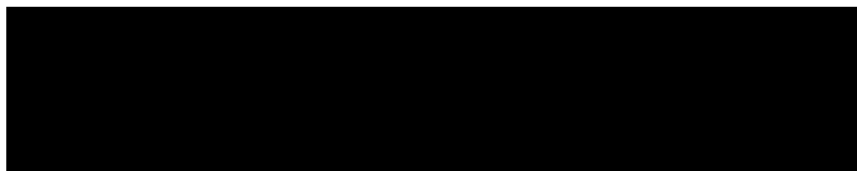
d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship".

3.14 Section 9 discusses sustainable transport, including the need to support opportunities, and give priority to walking, cycling and public transport, in addition to creating places that are safe, accessible, address the needs of people with disabilities, and are designed to enable charging of plug-in and other ultra-low emission vehicles.

3.15 Paragraph 105 sets out that *"Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport."*

3.16 Paragraph 108 confirms that the main considerations in transport terms when determining specific planning applications is that proposals should provide: *"a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

3.17 At paragraph 109 the Framework also confirms that *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact*



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on highway safety, or the residual cumulative impacts on the road network would be severe."

- 3.18 Section 11 is entitled 'Making effective use of land'. Paragraph 117 confirms that *"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions".*
- 3.19 Paragraph 118 sets out that decision makers are required to give regard to benefits of development, including environmental gains, and should *"give substantial weight to the value of using suitable brownfield land within settlements for homes... [and] promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively."*
- 3.20 Section 16 relates to Conserving and Enhancing the historic environment. Paragraphs 193 – 196 notes that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance...Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional"... Where a proposed development will lead to substantial harm to (or total loss of significance*

of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

3.21 Further parts of the Framework that are of particular note include Section 14, which relates to matters of climate change, and flooding; and Section 15, which refers to the desire for development to contribute to and enhance the natural and local environment.

(ii) Local Planning Policy

(i) Arun Local Plan 2018

3.22 The Arun local Plan 2011 – 2031 was adopted by resolution of Full Council on 18th July 2018. The Councils Proposals Map (Fig 2) identifies the site as being outside of any defined built up area boundary, within designated countryside. It also identified the site as being in a gap between settlements (green and white diagonal hatching) and within a Biodiversity Opportunity Area (annotated trees).

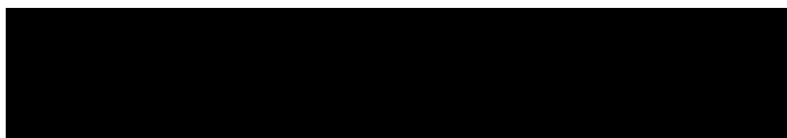




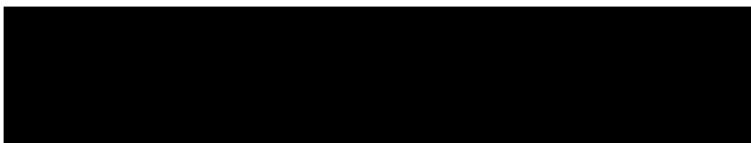
Fig 2. Extract from Local Plan Map 4: Littlehampton and the Surrounding Area

3.23 The following policies are considered to be of relevance:-

3.24 **Policy SD SP1** is a generally policy that relates to sustainable Development.

3.25 **Policy C SP1: Countryside** states that *"outside the built up area boundaries (as identified on the Policies Map) land will be defined as countryside and will be recognised for its intrinsic character and beauty. Development will be permitted in the countryside where it is:*

- a. For the operational needs of agriculture, horticulture, forestry, the extraction of minerals or the management of waste as part of a waste site allocation within the West Sussex Waste Local Plan; or*
- b. For quiet, informal recreation, or*





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- c. For green infrastructure; or*
- d. For the diversification of the rural economy; or*
- e. For road and/ or cycle schemes; or*
- f. In accordance with other policies in the Plan which refer to a specific use or type of development.*

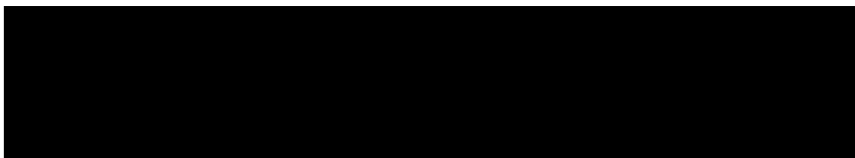
The Council will take into account cumulative impact of development in the consideration of planning applications.

To ensure better management of the rural-urban fringe in those areas where significant new development is proposed, early consideration will need to be given to landscape and biodiversity enhancement, woodland management, recreation provision and access routes”.

3.26 Policy TOU DM1 relates to Tourism related development. This policy notes that *“when assessing proposals for visitor attractions, facilities or accommodation outside of the Built up Area Boundary these will generally be expected to be small-scale and relate to quiet, informal recreation and enjoyment of Arun’s countryside. However; there may occasionally be circumstances where larger scale facilities may be appropriate where they are associated with enhancing visitor use or appreciation of a specific feature or location, scale and viability will be material considerations...In all cases, development in the countryside will demonstrate that it is required and is compatible with its countryside location and is sensitively designed to minimise potential impact on the countryside”.*

3.27 Policy H SP1 is a general housing policy, relating to the Housing Requirement . It notes that *“within the plan period 2011 - 2031 at least 20,000 new homes will be accommodated in the District”.*

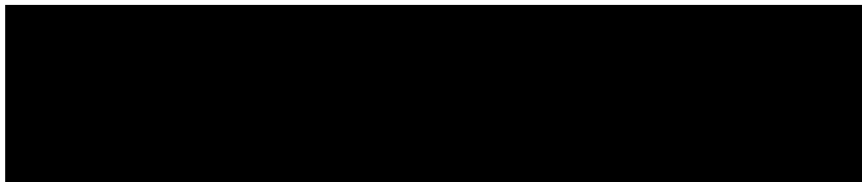
3.28 Policy H DM4 relates specifically to Conversion of rural buildings for residential use. It states that *“proposals for the conversion of buildings for residential use outside the built-up area will not be permitted unless:*



- a. *Either it has been demonstrated that reasonable attempts have been made to market and use the premises for business purposes, and the application must be supported by a statement of the efforts which have been made; or residential conversion without rebuilding or significant alteration or extension;*
- b. *The building is structurally sound, of permanent construction, and capable of conversion without rebuilding or significant alteration or extension;*
- c. *The resultant building and use will not have an adverse effect on the rural character of the area and is sympathetic to its setting in terms of form, bulk and visual design. Particular regard will be given to the impact of any residential curtilage on the character of the countryside;*
- d. *Where the building is of historic or architectural importance, there is no adverse effect on the character and appearance of features of architectural or historic interest, internally and externally, which the building possesses, or its setting and*
- e. *The traffic to be generated by the new use can be safely accommodated by the site access and the local road system.*

The proposal must minimise the amount of land to be used as residential curtilage. A structural survey may be required to demonstrate that the building is capable of conversion. Provision for bats and/ or owls should be incorporate into the scheme. Where necessary, planning conditions will be imposed removing relevant Permitted Development Rights under the General Permitted Development Order. All large scale proposals must be accompanied by a landscape assessment".

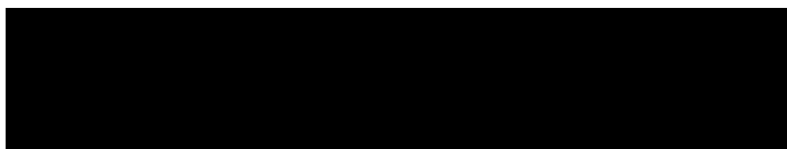
- 3.29 **Policy D SP1** refers to Design. It notes that "all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major



developments (as defined in the GDPO 1995 (as amended(41)) or allocated sites in the Development Plan. In addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required".

3.30 Policy D DM1 Aspects of form and design quality. It states that "*when considering any application for development the Council will have regard to the following aspects:*

- 1. Character Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.*
- 2. Appearance/attractiveness Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area.*
- 3. Impact Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.*
- 4. Innovation Raise standards of design by embracing appropriate innovative design, new technologies and construction techniques, where a development proposal has the potential to do so.*
- 5. Adaptability Acknowledge diversity and difference. Buildings and places should be flexible to future adaptation, including the changing needs of occupants (for example ageing users, family circumstances), changes in wider work and social trends, and be able to accommodate potential differing uses of public space.*
- 6. Crime prevention Provide security measures that make places feel safer. This shall be achieved through natural surveillance and human presence by locating buildings and play areas along public routes and spaces, and making a clear division between private and public land to foster a mutual protection through territorial belonging. With respect to crime prevention, regard shall be had in particular to the*



document 'Secured by Design' and the 'Safer Places - The Planning System and Crime Prevention'.

7. *Trees and woodland* All new development will be expected to incorporate existing and new tree planting as an integral part of development proposals.

8. *Solar gain* Within the constraints of the site and local context development proposals should, maximise sunlight and passive solar energy. Ideally development should be positioned (within a 15-20 degree margin) broadly south, with streets having an east-west pattern.

9. *Public realm* Provide or enhance layouts, streets and public spaces so that they are attractive, socially inclusive, safe and secure, adaptable, with appropriate provision for planting, street furniture, and facilities for bicycle storage to create a place with attractive and successful outdoor areas.

10. *Layout - movement* Utilise existing networks or improve access via delivery of a variety of integrated networks, to and from residential areas, commercial zones, open spaces, facilities and public transport. Development schemes should carefully consider walking and cycling as an integral part of the overall design concept.

11. *Layout - legibility* Deliver or contribute to the ease of navigation within a new or existing development scheme through use of focal points (landmarks, gateways, vistas, corner buildings, active edges, existing topography), and/or a variety of detail within the public realm (sculpture, planting, street furniture, building materials, building detail, signage).

12. *Public art* Public Art should be incorporated into schemes where there is capacity to do so. Public art can encompass a wide variety of elements to include art as part of the design of buildings and developments, landscape and planting, street furniture, signage and lighting in the public realm which is accessible to all. This can also result in physical, permanent artworks and sculptures.

13. *Density* The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should

take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity.

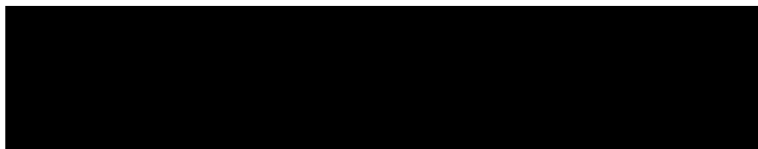
14. Scale The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement.

15. Aspects of form and design quality Development should also comply with the Arun District Council Design Guide”.

3.31 Policy QE SP1 refers to the quality of the environment. It states that the “Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District”.

3.32 The following policies are also considered to be of relevance:-

- * Policy SD SP3: Gaps Between Settlements;
- * Policy D DM2: Internal space standards;
- * Policy T DM1: Sustainable Travel and Public Rights of Way ;
- * Policy HER SP1: The historic environment;
- * Policy HER DM1: Listed Buildings; and
- * Policy W DM2: Flood risk.





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4.0 PLANNING HISTORY

4.1 According to the Council's online records the following planning history is applicable to Lower Dairy Barn & Cowshed Outbuilding:-

- * **Planning ref: CM/9/11/L/:** Amendment to Planning Approval CM/11/10 for change of use of cowshed outbuilding into 1 no. holiday let unit. Install 4 no. rooflights to the north elevation. Replace dilapidated roof to covered barn & associated works. Re-instate roof structure & covering to existing main barn. **This application appears to have been undecided for reasons unknown.**
- * **Planning ref: CM/11/10/:** Amendment to approved application CM/29/09/ change of use of cow shed in to single holiday let unit, installing 4 roof lights to the north elevation. Replace dilapidated roof to the covered barn together with associated works. Re instate roof structure and covering to existing main barn. **Approved Conditionally 12-08-10.**
- * **Planning ref: CM/29/09/:** Change of use of cow shed outbuilding into 2 holiday let units, installing 4 roof lights to the North elevation. Replace dilapidated roof to covered barn together with associated works. Reinstate roof structure & covering to existing main barn. **Approved Conditionally 22-01-10.**

4.2 It is understood that planning ref: CM/11/10/ for a single holiday let unit was implemented in 2010 and completed by 2012, at which time our client started letting it out.

4.3 Condition 7 attached to planning ref: CM/11/10/ (which is the subject of this application), restricts this use of the holiday let to between the months of October and March in any year without the prior written consent of the Local Planning Authority.



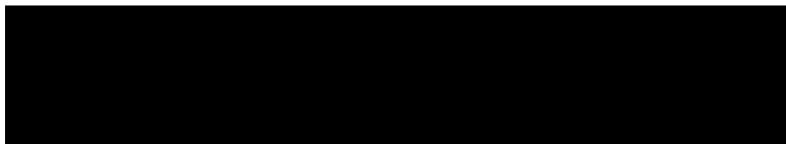
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5.0 THE PROPOSAL

- 5.1 Planning application ref: CM/11/10/ sought permission for an 'amendment to approved application CM/29/09/ change of use of cow shed in to single holiday let unit, installing 4 roof lights to the north elevation. Replace dilapidated roof to the covered barn together with associated works. Re instate roof structure and covering to existing main barn'. This application was approved, subject to a number of conditions, via decision notice dated 12th August 2010.
- 5.2 Condition 7 of this approval reads as follow:-
"The tourist unit shall be occupied only for holiday use purposes only and not between the months of October and March in any year without the prior written consent of the Local Planning Authority. Reason: The site lies outside the built up area boundary and within flood zone 3 where development is not normally permitted and to ensure the occupation of the accommodation is only during months when the risk of extreme flood events is at its lowest to protect the lives of the occupants and reduce risk to emergency services in accordance with Arun District Local Plan policy GEN3, GEN10".
- 5.3 This application seeks planning permission for the removal of the above condition 7, to allow the permanent change of use of Lower Dairy Barn & Cowshed Outbuilding from a single holiday let to 1 no. residential unit (Use Class C3), thereby allowing year-round, unrestricted occupation of the existing barn conversion dwelling.
- 5.4 The existing property comprises two double bedrooms, two bathrooms, sitting room, kitchen and the large barn area which is used for recreation sports and sitting out in sun and barbecues etc.



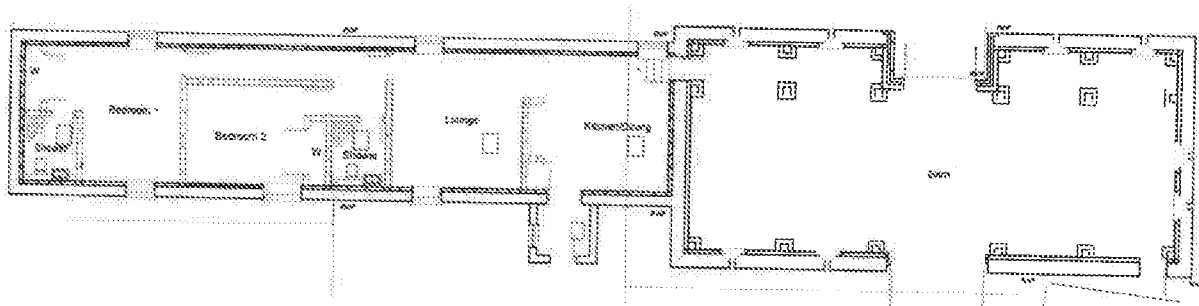


Fig 3. Existing and Proposed Floor Plan

- 5.5 The whole area has underfloor heating and an eco-friendly heating system has been installed with underground heat source pump and solar panels on the cowshed roofs.

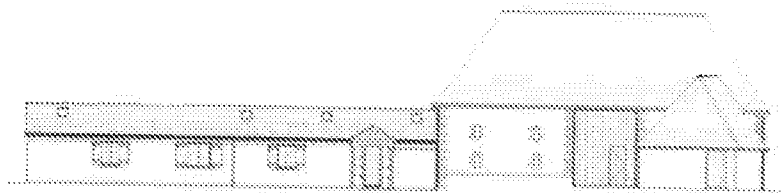


Fig 4. Existing and Proposed Front Elevation

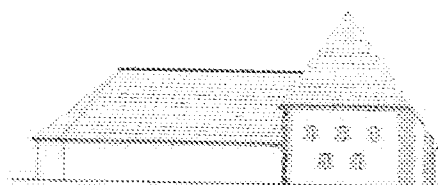
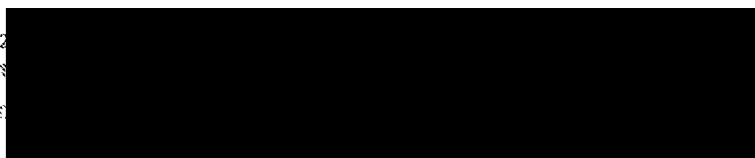


Fig 5. Existing and Proposed West Side Elevation

- 5.6 The proposal solely relates to the removal of condition 7. No internal or external, alterations, additions or extensions are proposed as part of this application. Therefore the proposed and existing drawings are one and the same.

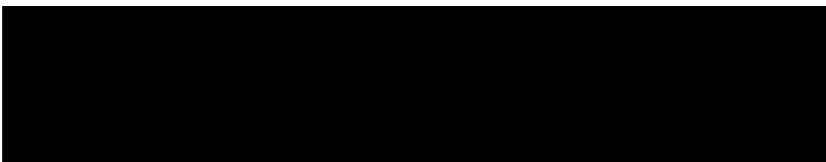




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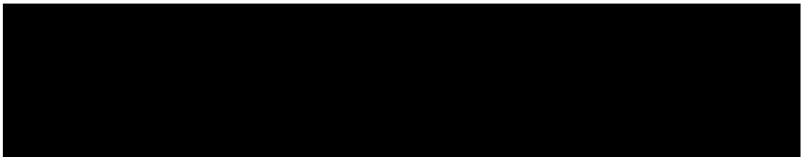
6. PLANNING ASSESSMENT

- 6.1 As outlined above, the site is located outside of any defined built up Area Boundary, as defined by the Arun Local Plan. The site is also located within a designated 'gap between settlements' and within an area identified as a 'Biodiversity Opportunity Area'.
- 6.2 Since the original 2010 planning permission was granted there have been material changes in planning circumstances in the form of the introduction of the revised NPPF, and the Arun Local Plan 2018.
- 6.3 As outlined above, we are aware that planning permission ref: CM/11/10/ has been implemented and the Lower Dairy Barn & Cowshed Outbuilding is currently in use as a single holiday let. **Importantly, it must be acknowledged that tourist accommodation of this type is defined as being within the same use class as a residential dwelling – i.e. Use Class C3.**
- 6.4 When considering the Arun local Plan 2011 – 2031, it is our view that none of these local level policies specifically relate to this proposal, which proposes the removal of a condition that restricts the occupation of the building for holiday let purposes, and to a limited period of the year. Outside of the months specified by condition 7 of permission CM/11/10, it is currently a requirement that the building is to be unoccupied and not in use.
- 6.5 **Policy TOU DM1** relates to Tourism related development, noting that *"when assessing proposals for visitor attractions, facilities or accommodation outside of the Built up Area Boundary these will generally be expected to be small-scale and relate to quiet, informal recreation and enjoyment of Arun's countryside..."*. It is our view that the proposal does not relate to a tourism development and further, this



policy makes no reference to the loss of a holiday let. As such, it is considered to be of little relevance in this instance.

- 6.6 **Policy H DM4** relates specifically to Conversion of rural buildings for residential use; however this building has previously been converted to a residential use (albeit limited to holiday lets) and is currently in use. As such it can no longer be described as a 'rural building' as referenced in this policy. The principle of the conversion and change of use of this building for habitable purposes has been accepted, and the permission implemented.
- 6.7 Notwithstanding this, it is noted that Policy H DM4 criteria (a) requires evidence that a business use is unviable or the conversion works would require no rebuilding or significant alteration or extension. We can confirm that the proposal merely seeks the removal of condition 7, with no alterations or extensions to the building being proposed as part of this application.
- 6.8 Evidently, in approving the holiday let use, the Council have accepted that the building is structurally sound (criteria b), the building and its residential curtilage would not impact on the character of the countryside (criteria c), and there is no impact on historic interests (d). As the proposal relates to the removal of a condition and would involve no internal or external alterations it is our view that the same would apply in this instance.
- 6.9 We would expect that the traffic and activity generated by a C3 dwelling use would not differ demonstrably from that of a holiday let use, albeit the use would now be unrestricted to certain months of the year. It is our view that the proposal would raise no highway safety concerns and criteria (e) would be satisfied.
- 6.10 It is our view that the other policy requirements are not applicable, and indeed they have previously been considered and accepted by Arun Council (i.e. the building is structurally sound, there is a lack of building works proposed and therefore any bats

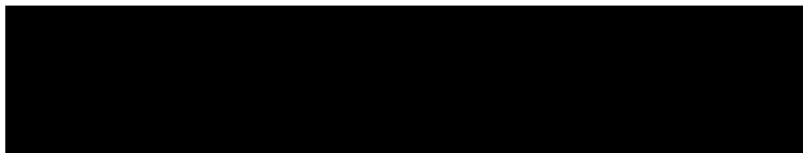


will be unaffected, and the proposals relate to the use of the building only, and there is therefore no requirement for a landscape assessment).

- 6.11 The revised version of the NPPF was published on 24th July 2018, 6 days after the formal adoption of the Arun Local Plan and as such, provides the most up-to-date guidance. It is our view that the revised NPPF is fully supportive of rural conversion, in principle. Paragraph 79 notes that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more circumstances apply. At point c, this point states if *“the development would re-use redundant or disused buildings and enhance its immediate setting...”* Although the existing building is neither redundant or disused, we feel that the intention of this guidance is clear and would be applicable to this case. The NPPF does not seek to place unnecessary restrictions or controls over any use, and indeed implies that greater flexibility should be provided when dealing with development proposals and changes of use.
- 6.12 This is confirmed by the Government’s ongoing relaxation in respect of certain permitted development rights. This includes rights for existing agricultural buildings, allowing such buildings to change to a residential use (Use Class C3) together with some building operations reasonably necessary to facilitate the conversion subject to meeting certain criteria (Part 3, Class Q of the General Permitted Development Order refers). Although these rights would not be applicable in this case (due to the building already being in use a holiday let, and no longer agricultural), we are of the view that this guidance demonstrates that the Government are supportive of rural conversions and the introduction of unrestricted residential housing in these rural locations. In our view this is a material planning consideration in favour of the proposed removal of the constraints applied by Condition 7 of planning permission CM/11/10.



- 6.13 Furthermore, recent case law sets out that there is no longer considered to be a distinction between holiday lets and residential units, with them both being classified in the same Use Class (C3). As such no change of use application is required in instances such as this.
- 6.14 We are aware of an Planning Appeal decision for '*change of use from holiday let to 2-bed residential dwelling and use of upper floor as a 2-bed holiday let*' for a property in Ardingly (Appeal ref: APP/D3830/W/15/3132848). Within this appeal decision, the Inspector considered the change of use, noting that "*I have found that the particulars of this case are that the change of use sought for the ground floor would be within the same use class. In practice, this means that rather than the proposal creating a new dwelling or the re-use a building for residential purposes; it instead represents a shift in the use of the ground floor within the same use class. As such, the relevance of such policies is limited in this instance*". This decision is supported by case law (for example, Gravesham Borough Council -v- Secretary of State for the Environment; 1984 P&CR 142, Moore -v- Secretary of State for Communities and Local Government and Another; CA 18 Sep 2012 EXCA Civ 1202, and Moore -v- Secretary of State for Environment and New Forest District Council; CA 18 Feb 1998 EXCA Civ 235), which is of relevance.
- 6.15 Given that it is established in case law terms that a holiday let use is no different from a normal permanent residential dwelling use, then our view is that the simple removal of condition 7 would allow the building to be used as a residential dwelling, without the need to apply for planning permission for a change of use.
- 6.16 Planning permission CM/11/10/ permits a holiday let use, which in our view does not make the best use of this building, at a time when rural housing is much needed in this area, as supported by up-to-date planning guidance and case law.



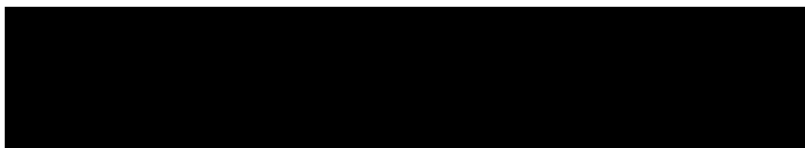


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- 6.17 Condition 7 restricts the holiday let use to a very limited number of months per year. It is our view that the removal of this condition would allow a more efficient use of the building/ site for unrestricted residential purposes on a year round basis.
- 6.18 It is our view that the removal of condition 7 to allow the use of the building as a single dwelling would represent an acceptable form of development, which would be fully compliant with national and local level policy.

Flood Risk

- 6.19 Condition 7 stated that *"the tourist unit shall be occupied only for holiday use purposes only and not between the months of October and March in any year without the prior written consent of the Local Planning Authority"*.
- 6.20 The reason for this condition being imposed was as follows:- *"The site lies outside the built up area boundary and within flood zone 3 where development is not normally permitted and to ensure the occupation of the accommodation is only during months when the risk of extreme flood events is at its lowest to protect the lives of the occupants and reduce risk to emergency services in accordance with Arun District Local Plan policy GEN3, GEN10"*.
- 6.21 At the time of the previous application being considered, the Environment Agency stated that they had *"no objection provided that a condition is imposed restricting the use to the spring and summer season only"*. It is clear that this condition was therefore imposed for this reason alone, as no other justification was provided.
- 6.22 We have consulted the Environment Agency's online flood mapping system and as shown at Fig 5, the site is now shown as not lying within Flood Zone 3.



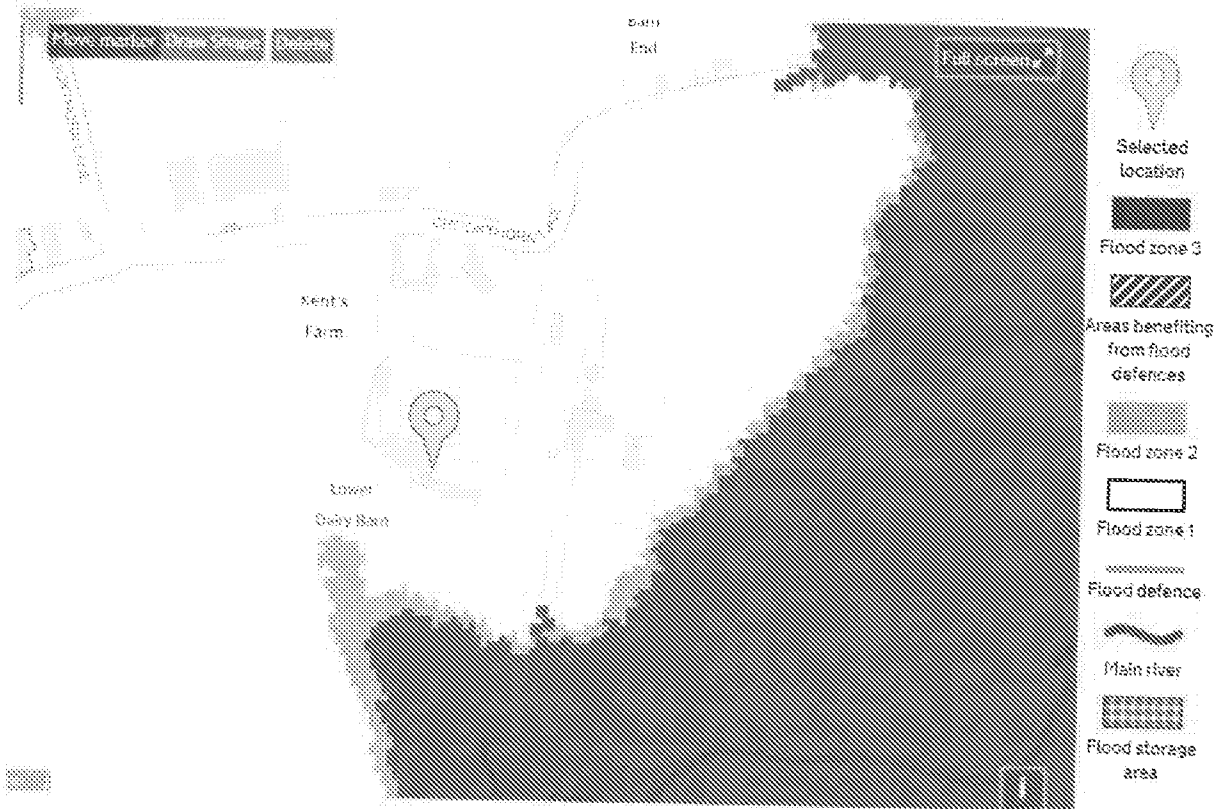


Fig 5. Extract from the Environment Agency's flood mapping system

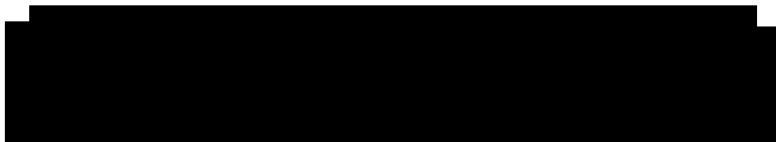
- 6.23 We are unsure whether the Environment Agency made a mistake at the time of the previous application or if the flood zones have changed. Nonetheless, the site is now shown as being within Flood Zone 1, where there is a low probability of flooding.
- 6.24 Paragraph 55 of the revised NPPF states that *"planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects"*.
- 6.25 It is our view that the building should have an unrestricted C3 use as existing condition 7 does not comply with the 6 tests (as outlined above), particularly by reason of this condition being unenforceable and unreasonable. As outlined above, the application site is evidently now located within Flood Zone 1, where there is a



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low probability of flooding. It is therefore wholly unreasonable to restrict the use of the building to the spring and summer season only on flood risk grounds.

- 6.26 Further, the proposal solely relates to the removal of condition 7 and would involve no internal or external alterations, extensions or additions. The proposal would involve the creation of much needed housing within this rural area and would make an efficient and effective use of this building on a year round basis.



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7. RECOMMENDATIONS & CONCLUSIONS

- 7.1 As outlined above, the site is located outside of any defined built-up area, within designated countryside. The site is also identified as being within a gap between settlements and a Biodiversity Opportunity Area.
- 7.2 Planning permission has been granted for use of the building as a single holiday let (planning ref: CM/11/10/) and this use has since been implemented. Condition 7 which relates to this permission, restricts use of the building to between the months of October and March in any year. The reason for this being that the site was thought to be within Flood Zone 3 and the Environment Agency felt the imposition of this condition was necessary in order to restrict occupation to the months when the risk of extreme flood events is at its lowest to protect the lives of the occupants and reduce risk to emergency services.
- 7.3 We have consulted the Environment Agency's flood maps and are of the view that the site is **not within Flood Zone 3**. As such, there is no reason for this condition to be imposed.
- 7.4 Recent case law suggests that there is no longer any distinction between holiday lets and residential accommodation, with them being considered in the same use class. It is our view that the removal of condition 7 would allow the use of the building for holiday lets or residential accommodation without the need for a formal change of use application.
- 7.5 It is our view that the building should have an unrestricted C3 use and condition 7 does not comply with the 6 tests (as outlined above) by reason of being unenforceable and unreasonable.

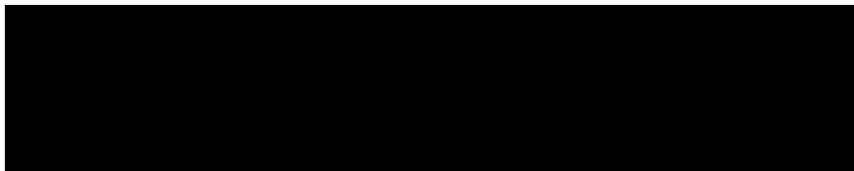




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- 7.6 This proposal is merely seeking the removal of condition 7. No alterations, extension or works are proposed as part of this application.
- 7.7 The proposal meets all the necessary policy requirements, and will cause no significant harm to the character of the surrounding area. In our opinion the overwhelming weight of evidence supports the proposal as it is shown to comply with all relevant Development Plan policies.

March 2019



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