

Recommendation Report for Planning Permission

REF NO: CM/27/18/PL

LOCATION: Bairds Farm Shop
Crookthorn Lane
Climping
BN17 5SN

PROPOSAL: Part change of use of farm shop (sui generis) to include sale of pet shop goods (A1 Retail)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to expand the retail sales which are currently restricted by a Section 52 Planning Obligation relating to CM/40/02 which restricted goods sold to Items necessary for the running of a household, Bakery, Butchery and Greengrocery. The proposal would add goods associated with a retail pet shop including live tropical, marine and coldwater fish for pets, foodstuffs for live tropical marine and coldwater fish and accessories for the keeping of live tropical, marine and coldwater fish as pets and other pets, foodstuffs for pets; and accessories for the keeping of other pets.
SITE AREA	0.34 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Ranch style fencing to site frontage
SITE CHARACTERISTICS	The site comprises an established farm shop with car parking adjacent to the road frontage. It is single storey with clad elevations. The area immediately to the east of the car park contains a raised bed planted with shrubs and enclosed by sleepers. The car park area is hard surfaced with spaces clearly defined and marked out.
CHARACTER OF LOCALITY	The area is rural in character with sporadic linear development to the south. Land to the east and west of the site is predominantly undeveloped agricultural land

RELEVANT SITE HISTORY

CM/30/18/PO	Application to modify a Planning Obligation dated 16/1/2006 under planning application CM/40/02/ to allow for use as a pet shop
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CM/4/18/CLP	Lawful development certificate for the proposed demolition of a portacabin & use of part of existing farm shop as a pet shop.	PP Required 22-05-18
CM/34/95	Change of use of Bairds Farm Shop to include the sale of fresh meat and grocery items	App Cond with S106 22-07-97

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

No Objection provided the use as a pet shop does not give a generic A1 retail use.

One Support - Failing to support this application seems counterintuitive as the loss of the farm shop will result in a loss of jobs in the area. The creation of new employment by the proposed use
114 standard letters of support on the basis that the premises can continue to trade as a retail site and offer employment to the local community.
will help to mitigate the loss

COMMENTS ON REPRESENTATIONS RECEIVED:

This application is accompanied by a Variation to the Obligation application (CM/30/18/PO) which will be determined at the same time and ensures that the goods sold are restricted and an unfettered A1 use cannot be undertaken without discharge of this amended Obligation.

CONSULTATIONS

Economic Regeneration

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection

The new owner will need to register as a food business for the coffee shop and will need to contact Licensing regarding selling of fish.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary
Class A road

Within Settlement Gap

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development
SDSP2	SD SP2 Built-up Area Boundary
SDSP3	SD SP3 Gaps Between Settlements
EMPDM1	EMP DM1 Employment Land: Development Management

[Clymping Neighbourhood Plan 2015 Policy CPN14](#) Traffic and the Environment

Clymping Neighbourhood Plan 2015 Policy CPN4 Protection of existing commercial premises or land

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

The relevant policies of the Climping Neighbourhood Plan have been taken into account in the determination of the application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the character of the area or residential amenity.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site lies outside the built up area boundary in a rural area adjacent to the A259. It also lies within a Gap Between Settlements within the Local Plan. There are no relevant designations or policies within the Littlehampton Neighbourhood Plan.

The application seeks to increase the goods sold from the premises to include pet shop items and fish and aquatics. The premises currently operates as a farm shop and the goods sold are restricted by a Section 52 Agreement which was signed following approval of CM/40/02.

The reason for the condition was that unrestricted retail sales would be contrary to the Council's policy in respect of the rural area, where normally only that development essential in the interests of agriculture or forestry is normally permitted.

The proposal relates to use of the existing buildings which have a footprint of approx. 690sqm and does not include any extensions to the building footprint. A restricted retail use is already existing and therefore rural conversion policies are not relevant to conversion of the premises. The application falls to be determined against the countryside, retail and employment policies of the Local Plan and the employment and traffic policies of the Neighbourhood Plan and the National Planning Policy Framework (NPPF).

BACKGROUND AND PLANNING HISTORY

When the farm shop originally opened in 1977 and Sunday opening took place when other stores were closed it benefitted from a robust trade. There was an identified need for a farm shop in the immediate area. Since then the viability of the shop has been in decline and it has now closed being on track to have only broken even in the last financial year. Since the farm shop first opened a large number of out of town retail stores operate in the area including Tescos and Morrisons which have had a detrimental impact on retail sales from the farm shop. From its peak year in 2008 trade has been steadily decreasing from a height of over £2 million per annum to the reduced turnover of £470, 000 in 2018. Staffing has decreased from 15 to 9 part time staff.

The owner has tried to keep the shop going, but with restricted sales it has been hard to compete. Sales began to decline in 2012 and the premises has been marketed since this time with no successful occupier attracted. The consensus was that the site was too small for an institutional commercial use.

The proposed occupier is an established aquatics dealer and has 163 outlets nationwide. The shops open 7 days a week. One of their current trading sites at Wyevale garden centre Ferring is due for closure as notice has been given and the garden centre is for sale along with the remaining Wyevale estate. The proposal will therefore allow re-location of a local business. The main offering will be an extensive aquarium showroom, pet shop, the existing garden centre offer and an associated coffee shop (as within the premises currently).

POLICY CONSIDERATIONS

The use of the site is limited by the existing building footprint and any extension would require the submission of an application for planning permission and would be considered separately. In this respect it is not considered that an alteration to the goods sold within the building would adversely affect the character or integrity of the countryside or the settlement gap.

Paragraph 86 of the National Planning Policy Framework (NPPF) refers to the need for sequential testing to planning applications for main town centre uses that are not in accordance with an up-to-date Local

Plan. However paragraph 25 states that the sequential approach should not be applied to applications for small scale rural offices or other small scale rural development. This application falls within this excluded category so sequential testing is not necessary.

Paragraph 89 of the NPPF states 'when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm)'

This floor area of the site is below this threshold and therefore an impact assessment is not required.

Paragraph 83 of the National Planning Policy Framework states that planning policies should support economic growth in rural areas, promote development and diversification of agricultural and other land-based rural businesses and promote the retention and development of local services and community facilities such as local shops. The proposal is consistent with this.

It is considered that the proposal would represent diversification of the rural economy and is therefore compliant with policy CSP1 of the Local Plan. It would also provide safe access and given that it represents use of existing retail footprint to unrestricted retail use would not adversely impact on the character of the area. The amount of activity generated by the use has declined recently, but in the past the level of activity and volume of sales was much greater. It is anticipated that vehicular movements will be reduced owing to the fact that few consumables will be sold at the premises and that there would only be one service vehicle per day. It would therefore accord with policy TSP1 of the Local Plan and Policy CPN14 of the Climping Neighbourhood Plan. The site is considered to be sustainably located given the presence of nearby bus routes and the cycle and pedestrian access opposite which is facilitated by a designated crossing with a central refuge.

Policy RET DM1 allows for retail development outside principal shopping areas provided it does not impact on these areas. Given the limited footprint of the retail area proposed and the height of the building this is unlikely to materially impact on existing retail areas and many of the goods currently available to purchase from the site are already sold from the principal shopping areas.

Policy RETDM1 part 3 refers to retail development outside the town centres and local service centres which states that applications for food and non-food retail will be permitted provided that the scheme meets the impact tests of the NPPF, is easily accessible by the highway network and public transport, includes provision for access by cycle and on foot and includes appropriate provision for people with disabilities. The proposal is considered to accord with this policy in that it is below the threshold for an impact test, it is easily accessible by car and bus and accessible by bicycle and on foot. The site is also flat and level and is already accessed by disabled.

Policy RET DM1 part 4 refers to change of use from retail will not be permitted for shops which are located outside the town centre unless it can be demonstrated that retail use is no longer viable. The Council will require marketing evidence. The proposal would allow the premises to consider operating as a restricted retail sales outlet and evidence has been submitted to demonstrate that the farm shop use is no longer viable and that marketing has been carried out for some time.

The employment at the site has been reducing over time and recently has only provided employment for 2 staff. The proposal indicates that 7 full-time staff would be employed at the site and the proposal is therefore considered to be employment generating in accordance with policy EMP DM1 of the Local Plan and Policy CPN4 of the Climping Neighbourhood Plan. The proposal would also facilitate the re-location of a local business in compliance with policy EMP DM1.

For the reasons set out above the proposal is also considered to accord with policies SD SP2, SDSP3,

EMP SP1, EMP DM1 and RET DM1 in the publication version of the Local Plan.

IMPACT ON RURAL CHARACTER

The building is already in retail use and the footprint and potential floor sales would not alter. It is considered that the change in products sold from the site would not adversely impact on the rural area.

The buildings have previously been converted without significant alteration or extension and are sympathetic in terms of form, bulk and visual design and the associated traffic can be accommodated by the site access and local road system. The parking is existing and already in use. The daytime use of the premises would reflect the nature and traffic and activity levels previously associated with the farm shop when it was first opened and the volume of sales was greater.

The increase in range of items sold at the premises would not significantly impact on the character and appearance of the area or highway safety. When originally imposed in 2006 the condition reflected policies to only allow agricultural and forestry uses in the countryside. The character of the agricultural market and other retail use of this part of the A259 has altered with the changes in retail use. These policies have now been altered with the NPPF and other emerging local plan policies which seek to encourage business use and diversification of the rural economy. The justification for such a tight restriction on retail goods sold is therefore outdated. The sale of the additional items identified would not result in an unfettered retail use of the premises given the legal agreement which runs concurrently with the application.

CONCLUSION

The application is therefore recommended for approval subject to the following conditions.

This application is being considered alongside application CM/30/18/PO which seeks to amend the planning obligation to include use of the premises as a pet shop. This report sets out the justification and reasoning for the decision.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership,

pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans: Location and Site Layout.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 4 **INFORMATIVE:** This decision has been granted in conjunction with a Deed of Variation legal agreement (CM/30/18/PO) relating to restriction of the goods sold from the premises.

- 5 **INFORMATIVE:** The applicant is advised to register as a food business for the coffee shop and to contact Licensing regarding the selling of fish.