

Recommendation Report for Planning Permission**REF NO:** CM/4/13/**LOCATION:** 3 Kents Cottages
Brookpit Lane
Climping**PROPOSAL:** Change of use of garage to annexe, including holiday let, with single storey extensions. Amendments to planning approval CM/11/12.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approx. 990 sq.metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Dwarf walling with close board timber fencing projecting above to a height of approximately 2 metres.
SITE CHARACTERISTICS	End of terrace 2 storey dwelling. Stucco rendered finish to elevations and gable slate tiled roof. Large detached garage to east of building. 2 vehicular accesses into site.
CHARACTER OF LOCALITY	Rural lane, fields to the north and east. Farm building opposite site. Some residential properties noted within the locality.

RELEVANT SITE HISTORY

CM/25/02/	Dwelling on line of existing walls (Departure from the Development Plan)	Refused 07-01-2003
CM/10/03/	Demolition of remains of former dwelling and erection of garage.	Approve Conditionally 02-07-2003
CM/4/05/	Part single, part double storey extension and new front porch	Approve Conditionally 11-05-2005
CM/23/06/	Extend existing single storey rear elevation to form dining room, add oak-frame and brick open porch to front . Erect single storey oak frame 3 bay car port at 90 degrees to the front westerly side of property	Approve Conditionally 14-03-2007

CM/11/12/	Conversion of the separate double garage block into a holiday let unit to include a new dormer window to the north elevation	Approve Conditionally 18-10-2012
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REPRESENTATIONS

Representations received:

Climping Parish Council

No objection.

1 Letter of Objection:

Proposal to double the size of the existing garage for a family annex is contrary to conditions made on approval of CM/11/12.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Environmental Health

Economic Regeneration

Engineering Services Manager

Consultations responses received:

Environmental Health: No comments.

Drainage Engineer: No comments.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:

Outside the built-up area boundary

Strategic Gap

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN3](#)

[GEN2](#)

[GEN7](#)

[GEN10](#)

[GEN11](#)

[DEV2](#)

[DEV35](#)

[DEV34](#)

[AREA10](#)

Protection of the Countryside

Built-up Area Boundary

The Form of New Development

Tidal Flooding and Coastal Defence

Inland Flooding

Conversion of Rural Buildings for Residential Use

Tourism Development Requiring a Coastal Location

Tourist Accommodation and Attractions

Strategic Gaps

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

PLANNING

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 conflict with relevant Development Plan policies in that it would result in a self contained unit of accommodation being sited outside of the defined built-up area boundary and within the Littlehampton to Middleton-On-Sea Strategic gap.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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

The garage to be converted and extended lies outside of the built-up area where the principle of development is deemed unacceptable. Arun District Local Plan Policy GEN3 sets out specific exceptions in which development would be looked upon more favourably. Criterion (iii) of this policy states that development that will contribute towards a diversification of the rural economy qualifies as an exception. The proposal is to provide ancillary residential and at times tourist accommodation.

Paragraph 2.5 of The Good Practice Guide on Planning for Tourism (2006) specifically states that tourism aids diversification of the rural economy and supports the use of local facilities such as shops and pubs. Given the previous approval was for tourist accommodation the location and scale of the development was deemed acceptable. However this proposal is for annex accommodation predominantly and would in practice provide a self contained bungalow.

The new building would extend the existing garage building to provide a self contained dwelling which comprises of 2 bedrooms, 1 bathroom, a kitchen and open plan living room. The proposed

building therefore appears as a completely separate residential dwelling which is set away from the existing property. An annexe, which is applied for under this current application, is in any definition a supplementary building or structure. In this case the proposal does not appear as such, but as a separate residential property which does relate in anyway to the existing dwelling as an ancillary form of accommodation.

As such the proposal would result in the construction of a detached residential building which is not ancillary to the host building. It is therefore recommended that the application is refused for the reason set out below.

HUMAN RIGHTS ACT

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 for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 a negative impact has been identified upon those people with the following protected characteristics (age, disability). Whilst this is noted, more appropriate annex accommodation could be provided and the Local planning Authority would be happy to discuss an amended scheme.

RECOMMENDATION

REFUSE

- 1 The site lies in a rural area and the proposal, which does not result in an ancillary form of annexe accommodation, conflicts with policies GEN2, GEN3, AREA10 of the Arun District Local Plan which seeks to protect the countryside, and ensure that the amount of land taken for development is kept to a minimum, consistent with the provision of high quality and adequate space within the built environment and to resist the consolidation of linear or sporadic development.
- 2 The scale of the building is also tantamount to a new dwelling given the accommodation provided; this would result in the construction of a separate two bedroom dwelling and is

therefore contrary to policies GEN3, GEN7 of Arun District Local Plan and Paragraphs 63 and 64 of the National Planning Policy Framework.

- 3 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.