

Recommendation Report for Planning Permission

REF NO: CM/53/19/PL

LOCATION: Kents Yard
Brookpit Lane
Climping
BN17 5QT

PROPOSAL: Change of use of barns to 3no dwellings - Resubmission of CM/25/19/PL

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to convert and extend the former farm stable buildings to create 3 separate dwellings. One 4 bedroom, one 3 bedroom and one 2 bedroom.
SITE AREA	0.14 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	21 dwellings/hectare.
BOUNDARY TREATMENT	To Crookthorne Lane 2m high flint wall. To the west an overgrown bund planted with hedging. To the east a 2m high brick wall.
SITE CHARACTERISTICS	The proposal site is located on the southern side of Crookthorne Lane and comprises single storey traditional flint and brick built farm buildings enclosing an inner yard area.
CHARACTER OF LOCALITY	The area is rural in character with a few neighbouring properties with one residential property on the opposite side of the road and a group of five to the south-east. Residential properties adjoin the site to the east and on the opposite side of Crookthorne Lane.

RELEVANT SITE HISTORY

CM/25/19/PL	Change of use of barns to 3 No dwellings (resubmission following CM/24/18/PL). This application may affect the setting of a listed building.	Refused 08-08-19
CM/24/18/PL	Conversion of farm building to form 4 No. two bedroom dwellings, associated parking & garden area. This application may affect the setting of a listed building.	Withdrawn 17-01-19
CM/19/17/PL	Conversion of former agricultural buildings to form two dwellings (Revised design). Resubmission following	ApproveConditionally 25-10-17

CM/28/16/PL. This application affects the setting of a Listed Building.

CM/28/16/PL	Conversion & extension of barns to form 2 No. dwellings & detached car port This application affects the setting of a Listed Building.	Refused 09-02-17
CM/19/15/PL	Change of use of agricultural building to 2 No. dwellings. This application affects the setting of a Listed Building.	ApproveConditionally 05-11-15

CM/19/17/PL granted planning approval for the conversion of the barn subject of this application to 2 x 4 bed units.

CM/25/19/PL refused planning permission for a conversion of the barn to 3 residential units for the following reason:

The proposals would result in a form of development that would be cramped and over intensive with inadequate amenity space resulting in an adverse impact on the character of the area contrary to Policy D DM1 of the Arun Local Plan.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Objection

Detrimental to adjacent Listed Building.

Out of character for the area.

Detrimental to the amenity of the area.

Out of scale with existing building.

Adverse impact on wildlife.

Drainage issues have not been resolved.

Inadequate parking and turning space in site.

Adverse impact on road safety

Not developable as a HELAA site.

Contrary to Clymington Neighbourhood Plan.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The reasons of objection relating drainage, impact on wildlife, parking and turning on site and HELAA designation are considered to have been resolved through consultee comments on this application and the previous permission at the site for conversion to two houses CM/19/17/PL.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Conservation Officer
Ecology Advisor
Building Control
Environmental Health

CONSULTATION RESPONSES RECEIVED:

ADC Conservation Officer - Objection due to the division of the courtyard into smaller spaces having a negative impact upon the established character of the building and its context.

CDC Ecology - No objection subject to conditions.

ADC Environmental Health - No objection subject to condition.

ADC Drainage - No objections subject to compliance with building regulations

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

PD RESTRICTION

OUTS BUILT AREA

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HDM3	H DM3Agricultural forestry and horticultural Rural dwellings
HDM4	H DM4 Conversion of rural buildings for residential use
HERDM1	HER DM1 Listed Buildings
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SDSP3	SD SP3 Gaps Between Settlements

[Clymping Neighbourhood Plan 2015 Policy CPN11](#) Quality of Design

Clymping Neighbourhood Plan 2015 Policy CPN13 Retain buildings or structures of character

Clymping Neighbourhood Plan 2015 Policy CPN14 Traffic and the Environment

Clymping Neighbourhood Plan 2015 Policy CPN9 Protection of Natural Habitats

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.

Policy CPN 9 Protection of Natural Habitat, CPN 11 Quality of Design, CPN 13 Retain buildings or structures of character and CPN 14 Traffic and the Environment of the Clymping Neighbourhood Plan are considered to be relevant to determination of this 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 conflict with relevant Development Plan policies in that the proposals would result in a form of development that would be cramped and over intensive with inadequate amenity space resulting in an adverse impact on the character of the area contrary to Policy D DM1 of the Arun Local Plan and harm the setting of a neighbouring listed building contrary to policy HER DM1 of the Arun Local Plan.

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 where residential development is not permitted unless it is for agricultural purposes or complies with other policy in the Arun Local Plan. In this case Arun Local Plan Policy H DM4 allows conversion of rural buildings worthy of retention to be converted to residential use, subject to certain constraints.

BACKGROUND

An almost identical application CM/25/19/PL was refused planning permission for the following reason; The proposals would result in a form of development that would be cramped and over intensive with inadequate amenity space resulting in an adverse impact on the character of the area contrary to Policy D DM1 of the Arun Local Plan.

The amended scheme here submitted varies from that last refused in that

- It provides 2 visitor parking spaces.
- Delivery Vehicles are indicated to have turning space within the courtyard.
- A more detailed arrangement for the division of amenity space has been provided using low fencing and low level box hedging.

Previous to this the site has been subject to 2 applications for permitted development for conversion of 2 smaller sections of the building to 2 residential units (CM/38/14/PD and CM/40/14/PD). A relatively recent application CM/19/17/PL for the conversion of barns to form two dwellings, including the rebuilding of the east wing has been approved. A subsequent application was submitted for the conversion of the buildings to form 4 no dwelling (CM/24/18), however a number of concerns were raised with particular regard to the loss of the sense of the barns internal open character and this application was withdrawn.

CONVERSION POLICY

Conversion of rural buildings to residential use is only acceptable if they are compliant with policy H DM4 of the Arun Local Plan.

This policy states that it needs to be demonstrated that reasonable attempts have been made to market and use the premises for business purposes, and any application must be supported by a statement of the efforts that have been made or that residential conversion is part of a subordinate scheme for business re-use. This application does not contain any marketing information, but as it benefits from a relatively recently approved CM/19/17/PL an additional Marketing Efforts Statement is not therefore required. The previous Statement outlined the marketing that had been undertaken without success.

In addition the policy requires evidence to demonstrate that the building is structurally sound, of permanent construction and capable of conversion without rebuilding or significant alteration or extension. A structural survey accompanies the application indicating that it is structurally sound. The proposed change of use involves a marginal extension of a triangular shape to the east wing; the existing flat roof above would be replaced with shallow pitched roof resulting in a slightly wider but better balanced appearance. This is not considered to represent a significant alteration or extension.

With regard to the impact on the character of the area being acceptable the alterations are not considered significant and the extension to the northern section of the eastern wing is deemed acceptable in terms of the extent of alteration of the buildings as a whole.

It is considered that all of the new spaces that are created as a result of the internal alterations are such that they attempt to retain some of the open character of the building and therefore sympathetic to the rural setting in terms of form and bulk. The layout of the proposed courtyard incorporating low rise fencing and box hedging however fails to respect the open character of the agricultural barn and adversely affects the character of the surrounding countryside.

In respect of highway matters the advice from highways in previous applications has found the conversion of the barn into two units acceptable. In this there is no reason to suggest a differing opinion given that the additional dwelling proposed has been allocated two off street car parking spaces and 2 additional car parking spaces for visitors has been added to the proposal.

The proposal is compliant with the conversion policy in most respects however the alterations to the current scheme are no longer considered in keeping with the rural character of the building.

DESIGN

The proposed conversion is considered to result in a form of development that would be cramped and over intensive with inadequate amenity space resulting in an adverse impact on the character of the area. The proposed changes to the scheme would alter the scheme with the changes being providing more parking and adding low rise hedging and fencing which would not materially increase amenity space for the dwellings, simply cause a more cramped appearance to the dwellings and development as a whole. The development would be considered contrary to Policy D DM1 of the Arun Local Plan.

Policy CPN 11 of Climping Neighbourhood Plan requires new development, including rebuilding and alterations to be of high quality design and to protect and enhance local character. It is considered that the treatment of the building fails to protect the rural character of the area by creating an overly cramped and intensive use of the property.

AMENITY SPACE

The proposed amenity space to the front of the dwellings is not considered to be usable given the low rise (1.2 metres) fencing and hedging that is proposed as the space would be overlooked by neighbours as they entered and exited their properties. This would leave the amenity space to the rear which for units 1 and 3 which would remain inadequate.

RESIDENTIAL AMENITY

The addition of 1 more unit will not have an appreciable increase on the level of impact on neighbouring residential amenity compared to that already found acceptable for two approved units.

GAPS BETWEEN SETTLEMENTS

Policy SD SP3 stresses that the generally open and undeveloped nature of gap between settlements, as defined on the Policies Maps (Littlehampton and Middleton-on-Sea, along with others listed) will be protected to prevent coalescence and retain their separate identity. Development will only be permitted within the gaps subject to certain constraints.

As part of the proposal the barns will be retained and will utilise and maintain the internal courtyard, the residential curtilage is provided to the west as previously approved. This curtilage size is desirable to reduce the impact of the development on the surrounding countryside The buildings would be extended marginally and their visual prominence would not significantly increase within the wider landscape such that the proposal is considered to comply with policy SD SP3.

HERITAGE CONSIDERATIONS

National Planning Policy Framework (NPPF) paragraph 193 states that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to asset's conservation and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) stresses that when considering whether to grant permission for development which affects a Listed building or its setting the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposal would adversely affect the setting of the adjacent Listed building, Kent's Farmhouse. The subdivision of the internal courtyard would be contrary to the concept of the space having been used as an agricultural courtyard space which would have a negative impact on the established character of the building and its context. The Council's Conservation officer objects to the proposal and considers it would cause harm to the significance of the setting of the heritage asset.

Therefore the proposed development would fail to satisfy the requirements of NPPF, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and policy HER DM1 of the Arun Local Plan.

COMPLIANCE WITH INTERNAL FLOOR SPACE STANDARDS

The proposal relates to gross internal floor spaces of approx. 86 sqm for 2 bedroom unit, 125 sqm for 3 bedroom unit and 156 sqm for 4 bedroom unit which exceed considerably the minimum gross internal floor areas requirement for a storey dwelling as set out in the Nationally adopted space standards. (70 sqm for 2 bedroom, 95 sqm for 3 bedroom and 117 sqm for 4 bedroom dwelling).

CONCLUSION

The application is therefore recommended for refusal for the following reasons:

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

REFUSE

- 1 The proposals would result in a form of development that would be cramped and over intensive with inadequate amenity space resulting in an adverse impact on the character of the area contrary to Policy D DM1 & H DM4 of the Arun Local Plan and Policy CPN 11 of the Clymington Neighbourhood Plan.
- 2 The division of the open courtyard would harm the agricultural appearance of the host building adversely affecting the setting of the listed building contrary to policy HER DM1 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 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.

- 4 If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.