

Recommendation Report for Planning Permission

REF NO: CM/54/19/PL

LOCATION: 3 Westground Cottages
Horsemere Green Lane
Climping
BN17 5QZ

PROPOSAL: Application for variation of condition 2 imposed on CM/47/03 - to allow use of detached ancillary outbuilding as independent tourist accommodation up to 90 days p.a.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/a.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	2 metre close boarded fence to side and rear boundaries, 2 metre hedge to front boundary.
SITE CHARACTERISTICS	A semi detached property with an outbuilding to the side.
CHARACTER OF LOCALITY	A residential area to the south of Horsemere Green Lane within the open countryside.

RELEVANT SITE HISTORY

CM/47/03/	Replacement of existing garage with double garage and adjacent room. (Resubmission following application CM/33/03/)	ApproveConditionally 11-02-04
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Planning permission for the outbuilding was granted as a double garage and additional room ancillary to the main dwellinghouse. The garages have subsequently been converted into residential accommodation.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Climping Parish Council
No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Environmental Health

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

ADC Environmental Health - no comment.

ADC Economic Regeneration - No comments received.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

OUTS BUILT AREA

NO PUBLIC SEWER

PD RESTRICTION

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
TOUDM1	TOU DM1 Tourism related development
DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development

[Clymping Neighbourhood Plan 2015 Policy CPN5](#) Support and promote recreation and tourism

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 5 Toursim, of the Clymping Neighbourhood Plan is considered to be relevant to the 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 comply with relevant Development Plan policies in that the development would support tourism in the Arun District.

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 policy C SP1 Countryside applies. Development is not permitted unless it is for agricultural purposes, other exceptions or it complies with other policy in the Arun Local Plan. In this case Arun Local Plan Policy TOU DM1 allows for small scale visitor facilities that relate to the quiet, informal recreation and enjoyment of Arun's countryside provided it minimises potential impact on the countryside.

Within the Climping Neighbourhood Plan, Policy CPN 5 supports small scale recreational and tourism facilities.

The proposed variation of condition would provide small scale tourist facilities related to the enjoyment of the countryside and therefore the principle of the variation of condition is accepted.

DESIGN AND RESIDENTIAL AMENITY

There are no external alterations proposed and therefore design is not an issue. The additional noise and disturbance of independent tourist accommodation is not considered to cause a significant loss of residential amenity to neighbouring properties and therefore the proposal is considered to comply with policy D DM1 of the Arun Local Plan.

PARKING

The dwelling has ample car parking and turning space for 4 cars and therefore there is an adequate transport provision on the property such that the scheme complies with policy T SP1 of the Arun Local Plan.

The variation of condition is therefore recommended for approval subject to the following condition.

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 annexe accommodation hereby permitted shall be occupied as independent tourist accommodation for up to 90 days per annum and also for purposes ancillary to the occupation and enjoyment of 3 Westground Cottages as a dwelling.

Reason: To provide small scale tourist facilities in accordance with policy TOU DM1 of the Arun Local Plan and policy CPN5 of the Climping Neighbourhood Plan.

- 2 The annexe shall be used for Airbnb customers for no more than 90 days per annum. The owner shall maintain a register of occupiers for each calendar year which shall include:
 - 1) The full names, occupation, permanent address and contact telephone numbers of all of the person(s) occupying the premises; and
 - 2) The start and end date of the stay and the purpose of the stay.

It shall be made available for inspection by the Local Planning Authority at any time.

Reason: The site is located outside the settlement boundary where the provision of dwellings is only acceptable if justified on agricultural grounds or are required for a purpose for which a countryside location is necessary and in accordance with policies C SP1 and TOU 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 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.