

**Recommendation Report for Planning Permission**

**REF NO:** CM/7/17/PL

**LOCATION:** The Old Piggery  
The Street  
Climping

**PROPOSAL:** Change of use of permitted office building (B1 Business) to 4 No. visitor residential accommodation units (C1 Hotels). This application affects the setting of a Listed Building.

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION**

As above. The planning application is for the conversion of a redundant piggery. Works began to convert the building into an office but were not completed.

The change of use involves retaining existing walling on three sides and enclosing the remaining open fronted side elevation and providing a new shallow pitched roof. The piggery lies within the existing farm complex of buildings. Each holiday unit would have 2 bedrooms and the western end of the building would be used for service/laundry and storage. The same farm access will be used as currently exists. 8 parking spaces will be provided.

**SITE AREA** 1,4000 sq m

**RESIDENTIAL DEVELOPMENT DENSITY (NET)** N/A

**TOPOGRAPHY** Predominantly flat.

**TREES** None of any significance affected by the proposed development.

**BOUNDARY TREATMENT** Open boundaries to the north and east. Hedging along the western boundary

**SITE CHARACTERISTICS** The building is empty with no roof, internal walls or side elevation. It is constructed of brick/stone. The location of building is at the edge of the farm complex of buildings known as Hobbs Farm

**CHARACTER OF LOCALITY** The piggery building lies within the existing farm complex of buildings. Along Climping Street there are two-storey dwellings whilst to north is the farm shop

## RELEVANT SITE HISTORY

|          |                                                                                                                                                                                                                                                 |                                    |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| CM/1/08/ | Change of use of Piggery (and building conversion works) from agriculture to offices, laundry, stores/archives, toilets & associated facilities. (Departure from the Development Plan)                                                          | ApproveConditionally<br>23-06-2008 |
| CM/4/11/ | Renewal of unimplemented planning permission CM/1/08 for change of use of Piggery (and building conversion works) from agriculture to offices, laundry, stores/archives, toilets & associated facilities. (Departure from the Development Plan) | ApproveConditionally<br>30-06-2011 |

## REPRESENTATIONS

### Representations received:

Climping Parish Council

No objection

### Comments on Representations received:

None

## CONSULTATIONS

Southern Water Planning

Building Control

Listed Building Officer

Conservation Officer

WSSC Strategic Planning

Economic Regeneration

Environmental Health

Engineering Services Manager

Engineers (Drainage)

### Consultations responses received:

County Highways: Second response. West Sussex County Council, as the Local Highway Authority (LHA), has been re-consulted on proposals for conversion of office buildings to 4 x visitor accommodation units. No change to existing access via private track on to The Street is proposed. From an inspection of the new traffic regulation order (TRO) information the unclassified highway subject to 30 mph speed restriction is planned to be reduced to 20 mph in this location.

In our previous response we requested further information on vehicular visibility achievable from the existing access point and anticipated trip generation.

It has become clear that the applicant maintains and owns a small section of land to the north east of the access and that vegetation and lowering of the wall, as necessary to support a maximum achievable visibility splay, is possible. Maximum achievable visibility splays, from 2.4 metre back into the centre of the existing access, should be drawn to the nearside road edge in both directions. This can be carried out and secured under condition. The Local Planning Authority (LPA) should be aware that this will involve works to the wall and vegetation and may wish to consider this from a street-scene perspective.

In light of this and the supporting information to demonstrate that vehicle movements are likely

to be less trip intensive than the previous permitted B1A use the LHA do not wish to raise a highway safety concern or transport grounds to resist the proposals.  
If the LPA are minded to approve the application conditions and an informative are requested.

Environmental Health: No comment

Drainage Engineers: No comment

Southern Water : Informative requested

Economic Development: Support - Keen to see quality accommodation for visitors

Conservation Officer - No objection in terms of Policy HER DM1, as the site is some distance from the nearest listed buildings and the proposal causes no harm to the significance of any designated heritage assets.

**Comments on Consultation responses:**

- comments noted

**POLICY CONTEXT**

Designation applicable to site:  
Outside Built Up Area Boundary  
Within Strategic Gap

**DEVELOPMENT PLAN POLICIES**

|                                                                       |                                                                                               |                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Arun District Local Plan 2003:</a>                        | <u>GEN3</u><br><u>GEN2</u><br><u>GEN7</u><br><u>DEV1</u><br><br><u>AREA10</u><br><u>DEV35</u> | Protection of the Countryside<br>Built-up Area Boundary<br>The Form of New Development<br>Conversion of Rural Buildings for Industrial or Business Use<br>Strategic Gaps<br>Tourism Development Requiring a Coastal Location                                                                                                                         |
| <a href="#">Publication Version of the Local Plan (October 2014):</a> |                                                                                               | C SP1 Countryside<br>SD SP2 Built-Up Area Boundary<br>D DM1 Aspects of Form and Design Quality<br>D SP1 Design<br>SD SP1 Sustainable Development<br>SD SP3 Gaps Between Settlements<br>TOU SP1 Sustainable tourism and the visitor economy<br>TOU DM1 Tourism Related Development<br>H DM3 Agricultural, Forestry & Horticultural Workers' Dwellings |
| <a href="#">Clymping Neighbourhood Plan 2015 Policy CPN5</a>          |                                                                                               | Support and promote recreation and tourism                                                                                                                                                                                                                                                                                                           |

**PLANNING POLICY GUIDANCE**

NPPF

National Planning Policy Framework

**POLICY COMMENTARY**

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston;

Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Policy CPN 5 'Support and Promote Recreation and Tourism' is considered relevant

#### **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 the relevant Development Plan in that it is not considered to have a materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area or the integrity of the Gap.

#### **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 site lies in a countryside location outside the Built-up area boundary where the principle of development is considered unacceptable. Development Plan policies seek to exert a strict control over new development in the countryside to protect it for its own sake. Development will only be permitted in exceptional circumstances or where there is a strong justification for a countryside location. The Government's planning advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected, and where possible enhanced. The site is also restricted by its Strategic Gap designation.

Policy GEN3 of Arun District Local Plan states development in the countryside will be safeguarded for its own sake. Development will not be permitted unless:

- (i) - it meets the operational needs of agriculture
- (ii) - is for quiet informal recreation
- (iii) - is for diversification of the rural economy
- (iv) - is for an essential road scheme
- (v) - is in accordance with a policy in another section of the plan

Permission will not be given for the extension of isolated groups of buildings or consolidation of linear development unless it accords with criteria (i) to (iii) or (v).

However, policies for the countryside allow for the conversion of rural buildings to business use and support economic growth in rural areas. Policy DEV1 of Arun District Local Plan and policy H DM3 of the emerging local plan have a number of policy considerations

a) the building is structurally sound, of permanent construction, capable of conversion without rebuilding or significant alteration or extension;

A structural survey may be required to demonstrate that the building is capable of conversion.

b) 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. The proposal must minimise the amount of land to be used as residential curtilage.

c) where the building is of historic or architectural importance, there is no adverse effect on the character and appearance or features of architectural or historic interest, internally and externally, which the building possesses, or its setting and

d) the traffic to be generated by the new use can be safely accommodated by the site access and the local road system.

Provision for bats and/or owls should be incorporated into the scheme. require that the building must be structurally sound, of permanent construction and capable of conversion without rebuilding or significant alteration or extension.

Based on the information submitted with the application and the officer comments on planning permission CM/4/11 it is clear that the structural survey submitted at that time indicated that the building was structurally sound in terms of existing walling but indicated that a new roof and new walling for the open bay of the building would be necessary. The new roof also involved new part gable walling at the two ends of the building. It was therefore considered that the proposal was contrary to the Development Plan as the local plan policy DEV1 indicates that the building should be capable of conversion without rebuilding or significant alteration or extension.

No structural survey has been submitted with this application and very little of a building remains. A new roof and new walling for the open bay of the building is necessary. It is therefore considered that the proposal is contrary to this part of local plan policy DEV1 which indicates that the building should be capable of conversion without rebuilding or significant alteration or extension. Whilst the proposal does not accord with this part of policy DEV1 it is compliant with the other criteria in the policy.

Accompanying the original planning application was a Bat and Owl Survey which indicated that it was unlikely that bats had used or are likely to use these buildings and there is no evidence of use of the uncovered structure by Barn Owls currently.

In addition, the previously approved conversion to offices was implemented from the carrying out of some structural works and the proposal meets other rural policy requirements. Paragraph 28 of

the National Planning Policy Framework is supportive of the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings and promotes the development and diversification of agricultural and other land-based rural uses. The replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example, where the replacement building would bring about an environmental improvement in terms of the impact of development on its surroundings and the landscape. In this case it is considered that the rebuilding could be justified as an environmental improvement.

Visually the rebuilding and associated alterations are not considered to affect the character and the appearance of the area. Furthermore the car parking is located close to the building and does not encroach into open countryside. There is not considered to be an impact on the Strategic Gap because the building is already existing and the use therefore is not considered to affect significantly the gap. A new hedge is proposed to the northern elevation the details of which are controlled by condition which would help to assimilate the building into the landscape.

The conversion of rural buildings can be beneficial to the area by contributing to the local economy and to the local landscape. It is considered that the levels of activity would be acceptable and that the external changes would be relatively minor alterations to the building. The proposals would not have a suburbanising impact on the character of the area or be detrimental to the appearance of the building. It would retain the appearance of a rural building and the alterations and additional windows would be limited. Arun District local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property.

In this case, it is considered that the proposed development would be acceptable on the residential amenities of neighbouring properties because the noise and activity generated would be limited given the size of the property, the position of parking and that the property would not be located immediately adjacent to residential properties. There will be noise and activity associated with the new use but this is not considered significant especially given that the previous lawful farm use, a piggery, no doubt had associated noise and disturbance with this. The converted building and external areas are considered to be sufficient distance from the nearest neighbouring properties to avoid significant impact. The building and external areas are a minimum distance of 40 metres from 1 Langmead Close to the east and separated by a field. To the south west, 1 and 2 Hobbs Cottages are approximately 10-15 metres distant from the hardstanding areas associated with the use and separated from the site by another farm building within the complex and the field referred to.

The application site lies in an area of countryside within the Strategic Gap between Middleton and Littlehampton. Development is strictly controlled in Strategic Gaps and is only acceptable if it meets the requirements of other policies in the Development plan and does not compromise the objectives and fundamental integrity of the gap and provides long term enhancement of the landscape. The resultant building would be no higher or prominent than the existing building which does benefit from screening from some boundary hedging and is not visually prominent in the landscape and would therefore adhere to this policy objective. The existing vehicular access is being used.

In terms of tourism policies it is considered that the proposal is compliant with policy DEV35 of the

Local plan in that it would be an appropriate small scale change of use which does not detract from the character of the area.

Finally the proposal is considered to comply with policy CPN5 'Support and Promote Recreation and Tourism' in that it is small in scale, the siting, scale and design have regard to the rural character and are in keeping, the traffic impact is acceptable in terms of highway safety and impact on residents and there would be no adverse impact on the character of the Gap.

It is therefore recommended that the planning application be approved subject to the following conditions.

#### **HUMAN RIGHTS ACT**

##### **FOR APPROVAL**

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  
Site Plan 1703/SK2 1.12.16 RCA, Elevations and site plan 1006/DPA01 rev 01, Existing Elevations and Floor Plan 1006/DPA03 and Proposed Elevations and Floor Plans 1006/DPA02.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development shall be first occupied until plans and details of the proposed gravel trap/ hardbound material to prevent gravel overspill onto the highway is submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety in accordance with policy GEN7 of Arun District Local Plan.

- 4 No part of the development shall be first occupied until maximum visibility splays shall be provided at the site access onto The Street in accordance with a plan to be submitted to and approved by the planning authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of 0.6 metre above the adjoining road level.

Reason: In the interests of road safety in accordance with policy GEN7 of Arun District Local Plan.

- 5 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy GEN12 of Arun District Local Plan.

- 6 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 7 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external roof of the proposed holiday lets have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the holiday lets.

Reason: To enable the Local Planning Authority to control the development in detail in

the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 8 Notwithstanding the provision of Part C, Class C3 Dwelling House to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any order revoking or re-enacting that order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order, without the prior permission of the Local Planning Authority. The properties shall not be occupied by any persons for a total period exceeding 28 days. 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, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

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.

- 9 The position and intensity of any external lighting fittings shall be submitted to and approved in writing by the Local Planning Authority prior to the use commencing. The approved lighting shall be erected in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of Arun District Local Plan.

- 10 **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.

- 11 **INFORMATIVE:** The applicant is advised to contact WSCC Highways (01243 642105) to discuss any requirement for the gravel trap/ hardbound material which may involve works on the public highway.

- 12 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).