

Recommendation Report for Planning Permission

REF NO: EG/50/14/PL

LOCATION: Land at Tars Farm
Church Lane
Barnham

PROPOSAL: Conversion of existing agricultural buildings to form 1 No dwelling house (including feed and equestrian store), 1 No holiday let and associated garaging.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. This application is phase 2 of a 2 phase redevelopment of the site. Phase 1 (Conversion of agricultural buildings to 7 stables, a farm office, tack room and foaling box) has been granted under a separate application.

The holiday let would have 3 bedrooms and the residential dwelling would have 4 bedrooms. The proposal includes a feed and equestrian store and 2 double garages.

SITE AREA

1,280 square metres

RESIDENTIAL DEVELOPMENT DENSITY (NET) 16 dwellings per hectare

TOPOGRAPHY

Predominantly flat. The site slopes gently up away from Church Lane and towards the railway line. The land on which the buildings are sited is flatter but there is an approx. 0.75m drop from the northwest to the southeast.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Hedgerow around the perimeter of the farm. Flint walling exists in places on the site of the former piggeries.

SITE CHARACTERISTICS

The site comprises agricultural land. The buildings are a mixture of traditional flint barns and modern breeze block constructions. The traditional barns have become disused and are falling into disrepair. It is noted that the flint boundary walls also need some repair. The land is currently used for sheep grazing.

CHARACTER OF LOCALITY

The area is rural in character. There are

residential properties to the south of the site along Church Lane. To the west of the site is Barnham Court which is a Grade I Listed Building. North east of the site is the main line railway from Barnham to London.

RELEVANT SITE HISTORY

EG/64/12/	For a change of use for 33 acres of land adjacent to Tars Farmhouse from Agriculture to Agriculture and Equestrian. The construction of a 50m x 30m outdoor training arena (Menage) for the schooling of horses and ponies.	ApproveConditionally 16-04-2013
BN/11/14/	Conversion of existing agricultural buildings to form 7 No stables, a farm office/tack room and 1 No foaling box.	ApproveConditionally 04-06-2014

REPRESENTATIONS

Representations received:

Eastergate Parish Council

Barnham Parish Council

No Objection - Request conditions are imposed relating to surface water drainage and sewerage removal is in accordance with policy ES1 of the Neighbourhood Plan. The council also asks that there be a restriction to avoid further housing to comply with policy numbers ES1 and ES4 of the Neighbourhood Plan.

Barnham Parish Council - No Objection. The site is close to the Rife and flooding concerns and connection to the main sewer may be issues that should be considered. Wish to see conditions imposed to prevent future over development and protect open views. Buildings should be built using appropriate materials.

Comments on Representations received:

Noted.

CONSULTATIONS

Building Control

Engineers (structural)

WSCC Strategic Planning

Environment Agency

Engineering Services Manager

Consultations responses received:

County Highways - No known issues with current access. No intensification of use is anticipated. There would be no expectation for this proposal to give rise to any highway safety concerns. It is not considered that this proposal could be resisted in terms of traffic generation.

Environment Agency - No comment

Structural Engineer - Based upon the information submitted there appear to be significant levels of foundation/underpinning and ground floor slab works required to all buildings to enable conversion. Details of how this will be achieved including temporary works to maintain the walls stability during execution of any works will be required.

Building Control Officer - A full structural survey appraisal will be required. Under the Building Act a structure that is demolished or dilapidated below 3m from the ground is considered as a new building when an application is made and all regulations would apply.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Outside the Built Up Area Boundary; and
Southern Water Interest.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2 GEN3 GEN7 DEV1 DEV2	Built-up Area Boundary Protection of the Countryside The Form of New Development Conversion of Rural Buildings for Industrial or Business Use Conversion of Rural Buildings for Residential Use
Publication Version of the Local Plan (October 2014):	SD SP2 Built-Up Area Boundary C SP1 Countryside D DM1 Aspects of Form and Design Quality D SP1 Design H DM3 Agricultural, Forestry & Horticultural Workers' Dwellings ENV SP1 Natural Environment	

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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: Arundel; Barnham & Eastergate; Felpham.

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 it would have a materially adverse effect on the visual amenities of the locality established character of the surrounding area.

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 the countryside where residential development is strictly controlled. The proposal is for conversion of rural buildings to a mix of commercial development, holiday let and residential. The application therefore falls to be considered against policy DEV1 of Arun District Local Plan in respect of the holiday let and policy DEV2 in respect of the residential dwelling. All the criteria outlined by each policy need to be complied with.

Considerations in relation to policy DEV1 and conversion to business use

This policy requires that the buildings are structurally sound, of permanent construction and capable of conversion without significant rebuilding or significant alteration or extension. Most of the buildings are not of permanent construction and many are just remnants of buildings. It is not considered that this requirement has been satisfactorily addressed. A structural survey accompanied the application which lists an extensive number of defects in the structure of the buildings on site and confirms that many of them are in a state of disrepair. Even if the structures were complete and had solid walls and roofs the amount of work required to bring them up to current Building Regulations standards would result in the construction of almost completely new replacement buildings on the site. The plans refer to new garaging and stores on footprint of piggeries with new timber frame and new roof.

The policy also requires provision for bats and owls to be made within the scheme and no details have been submitted in this respect. Indeed, no mitigation, other than compliance with policy, has been proposed by the Licensed Ecologist. The proposal is also contrary to standing advice relating to protection of species since the proposal has not fully investigated the impact on bats or considered any relevant/necessary mitigation. All surveys must be complete and necessary mitigation presented to support the application. There could be a material impact on the design of the building. It is not possible to assess the impact on bats and what mitigation will be required without further survey. An additional survey cannot be conditioned.

Criteria (iv) requires the resultant building to be sympathetic to its setting in terms of form, bulk and visual design. The provision of a pair of double garages in this open rural location would not be sympathetic to the rural setting.

Criteria (v) states resultant traffic should be safely accommodated by the site access and the central road system. Following advice from County Highways it is not considered the proposal conflicts with these requirements.

Considerations in relation to policy DEV2 and conversion to residential use

The first criteria of policy DEV2 requires that evidence is submitted to demonstrate that reasonable attempts have been made to market and use the premises for business purposes and a statement of the efforts made is submitted in support of the application; or that residential conversion is a subordinate part of a scheme for business reuse. No evidence has been submitted in respect of marketing and the residential use comprises half of the scheme and would not therefore be considered subordinate. The proposal does not therefore accord with this criteria.

Both policies require that the buildings are structurally sound, of permanent construction and are capable of conversion without significant rebuilding or significant alteration or extension. Most of the buildings are not of permanent construction, one comprises breeze block construction and others are just remnants of buildings. It is not considered that this requirement has been satisfactorily addressed. A structural survey accompanied the application which lists an extensive number of defects in the structure of the buildings on site and confirms that many of them are in a state of disrepair. Even if the structures were complete and had solid walls and roofs the amount of work required to bring them up to current Building Regulations standards would result in the construction of almost completely new replacement buildings on the site. The larger barn which is

not of block work construction is clearly identified on the plans as having a new roof and flint walls.

The policy also requires provision for bats and owls to be made within the scheme and no details have been submitted in this respect. Indeed, no mitigation, other than compliance with policy, has been proposed by the Licensed Ecologist. The proposal is also contrary to standing advice relating to protection of species since the proposal has not fully investigated the impact on bats or considered any relevant/necessary mitigation. All surveys must be complete and necessary mitigation presented to support the application. There could be a material impact on the design of the building. It is not possible to assess the impact on bats and what mitigation will be required without further survey. An additional survey cannot be conditioned.

Criteria (iv) requires the resultant building to be sympathetic to its setting in terms of form, bulk and visual design. The block work barn is to be overclad in Marley Eternit Profile 6 fibre cement which would not improve the utilitarian appearance of the existing structure and it is not considered that this elevational treatment would be sympathetic to the rural setting.

Criteria (v) states resultant traffic should be safely accommodated by the site access and the central road system. Following advice from County Highways it is not considered the proposal conflicts with these requirements.

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

HUMAN RIGHTS ACT

FOR REFUSAL

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 (the 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 neutral 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).

SECTION 106 DETAILS

A signed Section 106 affordable housing agreement for contributions totalling £2208 has been submitted with the application

RECOMMENDATION

REFUSE

- 1 The proposed conversion is unacceptable in that it has not been satisfactorily demonstrated that the buildings are of sound construction and capable of conversion without significant rebuilding or alteration, that the appearance of the buildings would be acceptable, or that alternative business uses have been considered for the proposed dwelling, the rural character and appearance of the locality would therefore be adversely affected in conflict with policies GEN3, GEN7, DEV1 and DEV2 of the Arun District Local Plan.
- 2 The proposal contains insufficient information in respect of the presence of bats and owls, impact on bats and owls and mitigation and it has not been satisfactorily demonstrated that such mitigation measures could be achieved without adversely affecting the design and appearance of the rural structures in conflict with policies DEV1 and DEV2.
- 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.