

Recommendation Report for Planning Permission

REF NO: F/32/17/PL

LOCATION: Rife Cottage
1 Station Road
Ford
BN18 0BJ

PROPOSAL: Existing ancillary building to be used as a tourist unit 1st April to the 30th September only.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the change of use of the existing outbuilding as tourist accommodation for 6 months of the year.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site consists of a flint wall approximately 1m in height with the rear and side boundaries consisting of picket fencing, close boarded fencing and planting.
SITE CHARACTERISTICS	The site is occupied by a semi-detached two storey dwelling with flint elevations and a slate roof. The host dwelling has previously been the subject of a two storey side extension with a detached garage located to the north of the dwelling.
CHARACTER OF LOCALITY	The character of the locality is predominantly rural with limited development.

RELEVANT SITE HISTORY

F/4/17/PL	Existing ancillary building to be used as a tourist unit. Resubmission of F/17/16/PL	Refused 08-08-17
F/17/16/PL	Existing ancillary building to be used as a tourist unit.	Refused 17-11-16
F/18/15/CLP	Lawful development certificate for a proposed rear extension.	PP Not Required 26-01-16

F/7/05/

2 stables, tack room and hay store.

ApproveConditionally
02-06-05

This application has been submitted to address the previous refusal F/17/16/PL which was refused for the following reason only: Insufficient information has been provided, by way of a Flood Risk assessment (FRA), in order to allow the local planning authority to assess whether the proposed change of use from ancillary building to tourist unit will not lead to an unacceptable level of flood risk to current and future occupiers and the application is therefore contrary to section 10 of the National Planning Policy Framework, Policy GEN11 of the Arun District Council Local Plan and Policy W DM2 of the Arun Local Plan February 2014 (Publication Version).

A Flood Risk Assessment has been submitted with the application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Environment Agency

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Environmental Health

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Environment Agency - The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment (November 2017) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (November 2017) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 3.12 metres above Ordnance Datum (AOD).
- Occupancy between 1 April and 30 September only.
-

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance

with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Environmental Health - No Objection

Southern Water - No Objection. Informative suggested.

Economic Regeneration - No Objection

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

DEV34	Tourist Accommodation and Attractions
GEN11	Inland Flooding
GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
SD SP2	Built -Up Area Boundary
TOU DM1	Tourism Related Development
W DM2	Flood Risk
TOU SP1	Sustainable Tourism & The Visitor Economy

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 and is 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.

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 has taking place. 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. The examination was completed in September 2017. The Main Modifications to the Arun Local Plan (2011-2031) are presently out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

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. 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).

The Ford Neighbourhood Plan has not yet been 'made' and as such its policies cannot be taken into account for development control purposes.

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 it would have no 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 flooding.

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 application site falls outside of the built area boundary where the principle of development is resisted. However, the building the subject of this change of use application has already been constructed and is used for purposes incidental to the existing dwelling. As such the proposed change of use is not considered to have an unacceptably adverse impact upon the rural character of the locality.

DESIGN AND VISUAL AMENITY

The proposed building will be altered externally through the addition of bi-fold doors to the western elevation. The proposal includes the addition of decking to the west of the building measuring 10m in depth and approximately 5m in width - this decking will feature fencing to a height of approximately 1.8m on the southern and western edge with 1.1m high railings to the north.

The alterations to the external elevations, addition of fencing and decking could be carried out as permitted development and as such are not considered to have an unacceptably adverse impact upon the character of the locality.

RESIDENTIAL AMENITY

The proposed development by virtue of its design and location is not considered to give rise to any unacceptably adverse overlooking, overshadowing or overbearing impacts on the neighbouring property.

FLOODING

The application site falls is identified as falling within Flood Zone 3. However, the application is accompanied by a flood risk assessment and as such no objection has been received from the Environment Agency provided it is carried out in accordance with the assessment.

The proposal is now considered to comply with policy GEN11 of the Arun District Local Plan; Paragraph 94 of the National Planning Policy Framework; and policy W DM2 of the Emerging Arun Local Plan.

HIGHWAYS

The proposed change of use will make use of the existing drive way to 1 Station Road and is unlikely to result in a significant increase in vehicular movements to and from the site.

TOURISM CONSIDERATIONS

Policy DEV35 of the Local Plan supports new tourism development outside the built up area boundary where appropriate changes of use are involved which do not detract from the character of the surroundings.

SUMMARY

The proposed development is considered to comply with relevant development plan policy and as such is recommended for approval subject to the following conditions.

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 : DRG 2B.

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 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (November 2017) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 3.12 metres above Ordnance Datum (AOD).
- Occupancy between 1 April and 30 September only.
- .

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants. In accordance with policies GEN7 and GEN11 of the Arun District Local Plan.

- 4 Between 1st October and 31st March the accommodation hereby permitted shall be occupied

solely for purposes ancillary to the occupation and enjoyment of Rife Cottage as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 and DEV19 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

5 **INFORMATIVE:**

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

6 **INFORMATIVE:**

It is recommended that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan.

7 **INFORMATIVE:**

It is recommended that consideration be given to use of flood mitigation measures to reduce the impact of flooding when it occurs. Flood mitigation measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. More information can be found in the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

In addition to any other permission(s) that the applicant may have already obtained, e.g. planning permission, the applicant may need an Environmental Permit for Flood Risk Activities (formerly known as Flood Defence Consent prior to 06 April 2016) as the applicant wants to carry out work within 16 metres of the Little Tortington Stream. For further information please visit: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

For any further advice, please contact your local Environment Agency FRA Permitting Office at PSOWestSussex@environment-agency.gov.uk

It should be borne in mind that the approval of a planning permission does not mean that any future EPR application will be approved by the Agency.

8 **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.