Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: **K/5/17/HH**

LOCATION: Kingston Manor
Kingston Lane
Kingston

PROPOSAL: Construction of a Detached 6 Bay Barn with Log Store

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal is to install a 6 bay barn with log store. It would have a length of 21.15m on its east/west axis and 7m on its north/south axis with an eaves height of 2.1m and ridge height of 4.4m. It would be constructed of black stained oak, flint and brickwork with a slate roof.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.6m vertical fencing to frontage, with pillars and gates to either side of front access. Low ranch style fencing and hedging surrounds the site.
SITE CHARACTERISTICS	Two storey Grade II Listed Building. The building consists of white coloured smooth render walls, flint work to side elevations. Slate roof. Two flat roof dormers to rear roof slope. Many single storey extensions and additions, including a conservatory to the east side. Single storey outbuildings on site, consisting of brick and flint. Pool building has flint elevations and a slate roof.
CHARACTER OF LOCALITY	Rural area. The application site is located opposite Kingston Lane, with an open field to the opposite side. Open fields border the application site.

RELEVANT SITE HISTORY

K/16/95	Re-roofing and refurbishment of gatehouse	ApproveConditionally

	for use as garden store	07-07-1995
K/14/95	Conversion of chapel (stables) into dwelling	ApproveConditionally 21-09-1995
K/8/98	Barn renovation and garage conversion for use as games room and studio	ApproveConditionally 11-02-1999
K/31/06/	Proposed swimming pool, detached pool room and associated garage block.	ApproveConditionally 10-11-2006
K/9/07/	Proposed swimming pool room, detached pool room and associated garage block (Resubmission following K/31/06)	ApproveConditionally 04-05-2007
K/21/16/HH	Detached 6 bay barn with log store	Refused 24-08-2016

REPRESENTATIONS

Representations received:

Kingston Parish Council

No Objection subject to Conservation Officer having no objection.

Comments on Representations received:

None

CONSULTATIONS

Conservation Officer

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Grade II Listed Building
Within Strategic Gap/ Settlement Gap

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	AREA10	Strategic Gaps
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D SP1 Design
		SD SP3 Gaps Between Settlements

C SP1 Countryside
HER DM1 Listed Buildings
HER SP1 The Historic Environment

Kingston Neigbourhood Plan 2014 Policy KPNP7 DESIGN & DEVELOPMENT

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 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; Kingston; Littlehampton; Rustington; Walbarton; 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

Whilst an NDP is under preparation it will be afforded limited 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: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Policies KPNP 3 and KPNP 7 Design and Development is considered relevant to consideration 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 it would have a materially adverse effect on the visual amenities of the locality and the established character of the surrounding area and an adverse impact on the setting of the listed building.

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 application follows an earlier refusal for a structure of identical size and position which was refused for the following reasons:

'Given the location, size, height, footprint, design and the lack of any historic justification for the structure the proposal would damage the setting of a Grade 2 Listed Building, and therefore conflicts with the National Planning Policy Framework (para 132) and policies HERDM1 and HERSP1 of the emerging Local Plan'

and

'The extent of development would be visually prominent and involve further unjustified development within the East Preston to Kingston strategic gap/gap between settlements in conflict with policies AREA 10 of the Arun District Local Plan and SDSP3 of the emerging local plan'.

This resubmitted application has attempted to address these reasons. The materials have been altered to introduce a mix of brickwork and flintwork on the southern and western elevations and

additional information has been submitted relating to the justification and reasoning for the application. However the size of the building remains unaltered. The building would comprise 4 enclosed bays and 2 open bays, together with an open-sided log store on the east side.

It is contended by the agent that the proposed outbuilding will shield the existing listed buildings and the former church from the development and light pollution resulting from ASDA and the A259. The agent has advised that the building is required for storage of domestic vehicles and agricultural equipment utilised in the cultivation and maintenance of the surrounding farmland generally cut for silage and used to graze sheep. An area of hard standing located to the north, currently used for storage, will be removed. However, the proposal still involves installation of a significant structure within the grounds of the listed building which is located within a strategic settlement gap within an area defined as countryside. The application follows earlier approvals for a swimming pool room, detached pool room and associated garage block and replacement garages. It would therefore constitute a further ancillary building within the grounds of the listed building. The supporting information does not identify what specific equipment requires storage, why it cannot be stored elsewhere or why the car barn storage needs to be as large as submitted.

The outbuilding is located to the south east side of the main dwelling and is sympathetically designed in so far as use of materials and appearance relates, but it has an excessive footprint and proportions. It would be visually obtrusive in the wider landscape and no adequate justification has been given for the proposed size, need or position of the structure. The addition of such a significantly large building in this designated Gap would extend built development on the site and compromise the objectives of the gap and its integrity. There are other similar structures already within the curtilage of the building and the needs of the building are therefore already met elsewhere on the site.

The proposal would add to the visual clutter of buildings on the site and would extend the built form beyond the current arc of curtilage buildings, eastwards into an area that is relatively flat and open on the site. It would therefore, be unacceptable and would adversely affect the setting of the adjacent Grade II Listed Building and undermine the visual separation of settlements derived from the gap. It is not agreed that the benefits accrued from obscuring light pollution would be sufficient to outweigh the visual harm and damage to the listed building resulting from the provision of a car barn of significant proportions in this location. Hedging or other screening could be erected be to prevent adverse light spill from adjoining uses. A 6 bay car barn is not the only method of preventing adverse lighting impacts.

No neighbouring properties are located within close proximity of the proposal and therefore, it is not considered that it would detrimentally impact upon the residential amenities of any neighbouring property.

It is therefore, recommended that the application is refused for the reasons given overleaf

HUMAN RIGHTS ACT

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), 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 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 Given the location, size, height, footprint, design and the lack of adequate historic justification for the structure the proposal would damage the setting of a Grade 2 Listed Building, and therefore conflicts with the National Planning Policy Framework (para 132) and policies HERDM1 and HERSP1 of the emerging Local Plan.

2 The extent of development would be visually prominent and involve further unjustified development within the East Preston to Kingston strategic gap/gap between settlements in conflict with policies AREA 10 of the Arun District Local Plan and SDSP3 of the emerging 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 provide pre-application advice in respect of any future application for a revised development.