

Recommendation Report for Planning Permission

REF NO: LU/134/19/PL

LOCATION: Glenvilla Chalet
Old Mead Road
Littlehampton
BN17 7PU

PROPOSAL: Removal of Condition 3 on LU/484/73/ (APP/1321/A/74/3173) limiting the occupation of the dwelling to a person solely employed or last employed in agriculture..

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the removal of Condition 3 on LU/484/73/ (APP/1321/A/74/3173) limiting the occupation of the dwelling to a person solely employed or last employed in agriculture which states that:
	The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in section 290(1) of the Town and Country Planning Act 1971 or in forestry (including the dependants of such person residing with him) or a widow or widower of such a person.
SITE AREA	0.26 hectares.
SITE CHARACTERISTICS	The site consists of a dwelling, outbuildings and an array of greenhouses to the rear on the 0.26 hectare site.
CHARACTER OF LOCALITY	The area is semi rural in character however there is a mix of uses including a string of residential dwellings and a caravan park along Old Mead Road, a large caravan & camper storage in former greenhouses and a solar panel farm to the west with open fields to the south and north.
None relevant.	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council
No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/a.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

OUTS BUILT AREA

DEVELOPMENT PLAN POLICIES

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

HDM3	H DM3Agricultural forestry and horticultural Rural dwellings
CSP1	C SP1 Countryside

Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
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Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
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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.

Policies 1 & 2 of the Littlehampton Neighbourhood Plan are considered relevant to 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 not considered to comply with relevant Development Plan policies in that it would be located outside of the built up area boundary. However, 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 is it considered to have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background in that there is no realistic possibility of the agricultural unit coming back into productive use and the character of the area has changed from a rural area to a mixed use area including residential and other commercial uses.

CONCLUSIONS

The application seeks permission for the removal of Condition 3 on LU/484/73/ (APP/1321/A/74/3173) limiting the occupation of the dwelling to a person solely employed or last employed in agriculture which states that:

The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in section 290(1) of the Town and Country Planning Act 1971 or in forestry (including the dependants of such person residing with him) or a widow or widower of such a person.

The application seeks the removal of the aforementioned agricultural occupancy condition attached to the detached dwelling known as Glenvilla Chalet.

The Council has to consider what circumstances will have changed since the original granting of permission including the consideration of the proposal against current guidance including the Arun Local Plan and the updated National Planning Policy Framework. Any decision to approve the removal of the condition would not set a precedent for further development in the locality since the main issue is whether it is reasonable on planning grounds to retain the occupancy condition .

Criterion (g) of Policy H DM3 provides guidance on considering applications which seek to remove occupancy conditions in rural areas. The policy states that such conditions will only be removed if it can be demonstrated that the rural workers dwelling is no longer required and that reasonable attempts have been made to market the dwelling with the restriction.

Within the submitted information the applicant states that the agricultural/horticultural business has not operated at the unit for over 11 years. The current occupiers are not employed in agriculture.

No reference has been made to any reasonable attempts to market the property with the agricultural tie. The site is not in a defined built up area as defined by the Local Plan and therefore notwithstanding the more permissive policy context of the NPPF 2019, the granting of permission to remove the occupancy conditions would currently be contrary to the aims and intentions of policy H DM3 (g). However, Officers consider that there are material considerations which the Council believes would indicate that a decision should be made other than in strict accordance with the Local Plan. Officers note that since the granting of original planning permission, a number of dwellings and indeed a small estate of house have been granted planning permission without agricultural ties along Old Mead Road and as such the application dwelling is physically associated with residential properties in the area. Officers consider that there are now a number of homes available, potentially more suitable to a modern family, that could be lived in by potential farm workers and their families.

It is noted that sometimes farmers need to live on extremely close to farms so that they can look after livestock especially around lambing, calving time etc. However, the horticultural unit is of a small size and its commercial viability is questionable.

Horticultural greenhouses neighbouring the site of a larger size have been converted to B8 uses for the storage of caravans and mobile homes. Officers note that horticultural farming practices in the immediate area have reduced over the years.

SUMMARY:

With regard to the above assesment, Officers note that farming activity has decreased/diversified away from 'traditional farming' activities and that the dwelling no longer serves the purpose for which it is was originally intended. Additionally Officers note the variety of housing options that have since been granted within the area within the area. Therefore, it is considered that the need for the occupation of the property known as Glenvilla Chalet Springfield to be limited to persons employed or last employed, locally in agriculture no longer exists.

The applicant has not provided evidence that reasonable attempts have been made to market the rural workers dwelling for that use and as such the removal of the agricultural tie condition would be contrary to Policy Criterion (g) of Policy H DM3. However, as a result of the above assessment Officers are satisfied that given the levels of C3 residential dwellings within the wider area, there is plenty of suitable family dwellings such that farm and forestry workers to find suitable accommodation in relatively close proximity to agricultural land/farms. For these reasons Officers are satisfied that the removal of the agricultural tie, Condition 3 on LU/484/73/ (APP/1321/A/74/3173) would not lead to the loss of essential agricultural workers accommodation. Therefore it is considered that this application should be approved.

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