

Recommendation Report for Planning Permission

REF NO: LY/10/21/PL

LOCATION: The Barn
Station Road
Lyminster
BN18 9PH

PROPOSAL: Alterations to existing summerhouse to provide shower room & kitchenette ; change of use of summerhouse to include intermittent B&B accommodation & continuing use in connection with existing dwelling & extension to existing fence as visual & acoustic barrier against railway. This application affects the setting of a listed building and is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This planning application seeks the change of use of an existing summerhouse to a holiday let; to extend the summerhouse to accommodate a shower room and kitchenette; and to extend the existing fence along the boundary with the railway line.
SITE AREA	0.676 hectares.
TOPOGRAPHY	The domestic curtilage and the extended garden is predominantly flat, but the land rises up to the south towards Upper Broomhurst Farm.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site boundaries consist of hedgerows and hedgerow trees and post and rail timber fencing, together with a short stretch of close boarded fencing which screens the summerhouse from Arundel Train Station.
SITE CHARACTERISTICS	The site comprises a detached dwelling of 2 storeys with gardens to the rear and sides.
CHARACTER OF LOCALITY	The area is rural in character with few neighbouring properties. The site is bounded to the north by Arundel Train Station and to the north-west and west by the railway line; the site is bounded to the north-east by The Priory Farmhouse, which is a Grade II Listed Building; the site is bounded to the east by the pond and the grounds of the former Priory; and to the south the land rises up towards Upper Broomhurst Farm. The site is located at the end of a private gravelled driveway serving Priory Farm, which is also known as The Barn (i.e. the application site) and The Priory Farmhouse, which is accessed via a wrought iron gate.

RELEVANT SITE HISTORY

PAA/26/21/	Addition of shower room and kitchenette to existing Summer House to enable use for visitors and occasional paid Bed and Breakfast guests	Approve Pre App 29-04-21
------------	--	-----------------------------

PAA/26/21: It was concluded that were an application for permission be submitted it would be likely to be approved.

- The proposal included the use of the summerhouse for a holiday let (i.e. bed and breakfast accommodation).
- The need for permission for the use as a holiday let would be a matter of "fact and degree" namely how often it is used for that purpose rather than as accommodation related directly to family members.
- An application for the holiday let should quantify the number of days/time per year for that use.

REPRESENTATIONS

LYMINSTER AND CROSSBUSH PARISH COUNCIL:

No objection.

1 letter of support on the following grounds:

- This is a good development.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS (Formerly HIGHWAYS ENGLAND):

No objection.

LOCAL HIGHWAY AUTHORITY:

No objection.

Conditions are requested relating to the provision of car parking and cycle parking spaces and the installation of an electric vehicle charging point.

NETWORK RAIL:

No objection.

The developer should follow the Asset Protection informatives which are issued to all proposals within close proximity to the railway, especially the Noise and Vibration informatives. A copy of the Asset Protection informatives should be attached to the Decision Notice.

ADC DRAINAGE:

The application is within Flood Zone 3 and is at high risk of surface water flooding. There is a significant risk of proposing sleeping accommodation on the ground floor in an area that is shown to be at high risk of flooding; and such proposals are not usually supported. It is recommended that predicted flood depths at the site are obtained from the Environment Agency via a product 4 application. It does not appear that

the proposals would result in an increase in impermeable area, as a result, no conditions are required.

ENVIRONMENT AGENCY:

Object.

The Flood Risk Assessment (FRA) fails to consider how a range of flooding events would affect people and property; take the impacts of climate change into account; and there is no assessment of the impact of climate change using appropriate climate change allowances. To overcome this objection, the applicant should submit a revised FRA and amended plans. Sleeping accommodation should be placed at least 300mm above the modelled floor levels (0.5% plus climate change allowances 2125) reducing the risk to occupants for the lifetime of the development.

ADC ENVIRONMENTAL HEALTH:

No objection.

Conditions are requested relating to the control of railway noise, the hours of construction and unsuspected land contamination.

ADC CONSERVATION OFFICER:

The site is located within the domestic curtilage of Priory Farm which is adjacent to Priory Farmhouse (Grade II Listed Building). If Priory Farm was in the grounds of the listed Priory Farmhouse when that building was statutorily listed, Priory Farm would reasonably be expected to be curtilage listed. The change of use would not be harmful, and would ensure that the structure is kept in a good state of repair. The proposed extension to the existing fencing is substantial, but its reason is understood and justified. On balance it is considered to be acceptable. The application is considered to not cause harm to the significance of the heritage assets or their setting. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments. You will also need to take into account the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Planning related comments noted and addressed in the 'Conclusions' section below.

POLICY CONTEXT

Designation applicable to site:

Outside the Built-Up Area Boundary (BUAB) in the Arun Local Plan.

Setting of Arundel in the Arun Local Plan.

In a Gap between settlements in the Arun Local Plan.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
LANDM2	LAN DM2 The Setting of Arundel
SDSP3	SD SP3 Gaps Between Settlements
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

There is no 'made' Neighbourhood Plan in place for Lyminster & Crossbush. The parish council has started their Regulation 14 consultation on the Lyminster & Crossbush Neighbourhood Plan (NP) from 27th September to 19th November 2021. Relevant emerging Neighbourhood Plan (NP) policies have been taken account of and are addressed in the Conclusions section of this report.

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."

Section 70(2) of TCPA provides that:-

- (2) In dealing with an application for planning permission the authority shall have regard to:
- (a) the provisions of the development plan, so far as material to the application, a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

There is conflict with the Arun Local Plan in respect of its location within the countryside but the proposal would not have a materially adverse impact on the residential amenities of nearby properties or on the established character of the surrounding area including the setting of Arundel and the site is located within the settlement gap between Arundel and Littlehampton. However, the site is within Flood Zone 3 and is at high risk of surface water flooding and there is insufficient information to demonstrate the development will be safe, without increasing flood risk elsewhere and reduce flood risk overall, and to demonstrate that it complies with Policy W DM2(b) of the Local Plan, Policy EH3 of the emerging Lyminster and Crossbush Neighbourhood Plan and the National Planning Policy Framework, 2021.

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 site is located outside the built-up area boundary; and development in the countryside will only be permitted where it relates to certain criteria including where in accordance with another policy of the Plan. Policy TOU SP1 sets out that holiday accommodation is suitable and it will be encouraged where it protects and enhances the natural and built environment of Arun and demonstrates that it is required and is compatible with its countryside location and is sensitively designed to minimise potential impact on the countryside. The principle of developing a holiday let in this countryside location is acceptable.

KEY ISSUES

The key issues to be considered as part of this application are:

- Is the proposed alteration to the summerhouse and the new fencing acceptable?
- Would the proposed development harm the setting of the Priory Farmhouse Grade II Listed Building?
- Is the change of use to a holiday let acceptable in this location?
- Would the proposed development flood as the site is located within Flood Zone 3?

SCALE AND BUILDING HEIGHT

The summerhouse is a single storey building located in the rear garden of Priory Farm; the summerhouse is screened from view on 2 sides by trees and shrubs, and the site is well screened by trees. The existing gross floor area of the summerhouse measures 30 square metres, with a veranda on 2 sides, giving a total floor area of 50 square metres. The scale and building height are not changing. The proposal is to infill part of the veranda on the south western elevation of the single storey building, increasing the floor-space of the summerhouse by 8.0 metres to create a shower room and a kitchenette, but the proposal would not raise the height of the summerhouse or affect the roof-line in any way. The summerhouse would remain a single storey building although it would be altered in width and depth, but the proposed infilling of part of the veranda would be in proportion and scale to the existing summerhouse.

The proposed infilling of part of the veranda of the summer house would not constitute over-development of the site and the summerhouse would not increase in scale; and the proposed infill is well integrated and sympathetic in appearance. The gap between Arundel and Littlehampton and the setting of Arundel would not be compromised by the proposed infilling of part of the veranda within the rear garden of Priory Farm. The proposed development complies with Policy D DM4, Policy D SP1, Policy SD SP3 and Policy LAN DM2 of the Local Plan.

DESIGN AND VISUAL APPEARANCE

The proposed infilling of part of the veranda on the modern summerhouse would be constructed with a brickwork plinth and boarded walling to match the existing building, and it would include timber framed windows to match the existing windows. This additional space would accommodate the shower room and kitchenette which are required for the proposed change of use to a holiday let.

The summerhouse is located to the rear of the property with no views of the proposed development from the public realm; and the summerhouse is well screened from view from outside the site by fences, out-buildings, Priory Farm and by existing native and ornamental trees. The design of the proposed infill to the summerhouse matches the existing single storey building; and due to its siting within the rear garden of Priory Farm there are no views of the site from the highway or from the railway line and the design is acceptable.

The application includes the erection of close boarded fencing measuring 36 metres in length along the western boundary of the property, to screen the view of the railway line and to provide privacy for the residents at Priory Farm. The initial proposal was for the fence to be 3.5 metres high, but an amended plan (Drawing No. 02 Rev. 3 - 'Proposed Floor Plan and Elevations') has been submitted, at the request of the LPA, reducing the height of the fence to 2.8 metres so as to reduce the visual impact of the fencing when viewed from the platforms at Arundel Train Station. There are gaps in the planting along the boundary with the railway line, following the removal of trees and shrubs on the railway land, but these would be screened from view by the provision of a 2.8 metre high fence.

The proposed infilling of part of the veranda on the summerhouse is appropriate to the size of the site and for its setting; and due to the design and siting of the development, it is not considered to result in adverse impact upon the spatial pattern or character of the area. The fencing is deemed to be necessary to screen the view of the railway line and to provide privacy for the residents at Priory Farm. The proposed development would comply with Policy D SP1, Policy D DM4, Policy LAN DM2, and Policy TOU DM1 of the Local Plan.

ACCESS

The existing gravel driveway serving Priory Farm and Priory Farmhouse (Grade II Listed Building) which leads to The Causeway (the A27) would be retained as access to the site. Highways England has raised no objection to the proposed development. Consequently, there would be no highway safety issues and the proposed development would comply with Policy T SP1 of the Local Plan.

PARKING

The proposed holiday let would have 2 car parking spaces, provided alongside the gravel driveway which serves Priory Farm, which is adequate for a holiday let of this size. The provision of 2 car parking spaces for the holiday let complies with the ADC Parking Standards SPD, January 2020. There is sufficient space for vehicles to turn within the domestic curtilage and exit in a forward gear without reversing onto the highway. Secure and covered cycle parking should be provided for the holiday let and secured by condition. Subject to conditions requiring the provision of 2 car parking spaces and secure cycle parking to serve the holiday let, the proposed development complies with Policy T DM1 of the Local Plan and the ADC Parking Standards SPD.

It is appropriate that provision is made for an electric vehicle charging point to serve the holiday let to accord with paragraph 2.8 of the ADC Parking Standards SPD, January 2021; and this should be conditioned. Subject to a condition requiring the provision of an electric vehicle charging point, the proposed development complies with Policy QE DM3 in terms of reducing air pollution.

RESIDENTIAL AMENITY

The proposed infilling of part of the veranda on the summerhouse and the extension to the existing timber fencing are located on a large plot. A minimum of 3.9 metres is retained between the summerhouse and the closest boundary to the north west. There is 1 additional window proposed on the side elevation of the summerhouse facing the garden of Priory Farm. This window is acceptable due to the ground floor nature and the views available from this window will be over the grounds of Priory Farm rather than the neighbouring buildings.

Due to its siting, the proposed infilling of part of the veranda on the summerhouse would not have an adverse impact on occupiers of Priory Farm or on Priory Farmhouse (Grade II Listed Building), located adjacent to the site, by way of over-shadowing, overbearing or overlooking due to the separation distances between neighbouring properties. The proposed infill of part of the veranda on the summerhouse would constitute a positive contribution to the domestic curtilage of Priory Farm in terms of its siting. Consequently, the proposed infill of part of the veranda to the summerhouse and the extension to the fencing comply with Policy D DM1 and Policy D DM4 of the Local Plan.

LISTED BUILDING

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 195 of the NPPF (February 2021) requires great weight to be given to the conservation of heritage assets. Any harm resulting from the proposed development should be weighed against the public benefit in accordance with paragraph 202 of the NPPF (February 2021). Paragraph 202 of the NPPF (2021) says that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum value".

Priory Farm stands on land that was once part of Calceto Priory and Priory Farm is likely to have been built using materials recovered from the Priory. The only work that would involve excavation is the installation of a drain and other pipework that would connect to the existing sewage treatment plant and to pipework in Priory Farm. The retention of the existing garages and out-buildings and the landscaping in the side garden of Priory Farm would help with the issue of inter-visibility between the Priory Farmhouse (Grade II Listed Building) and Priory Farm.

Having had regard to the consultation response from the ADC Conservation Officer summarised above, together with the layout of the existing Priory Farm and associated out-buildings, the proposed alteration to the summerhouse and the extension to the existing fencing would not cause harm to the significance of the heritage asset or its setting and the development is found to be acceptable, in accordance with paragraph 202 of the NPPF (2021). Consequently, the proposed development is acceptable and it complies with Policy HER DM1 of the Local Plan in terms of impact on Priory Farmhouse (Grade II Listed Building) and the NPPF (2021) in that it protects the setting of the Grade II Listed Building.

FLOODING AND DRAINAGE

Foul drainage would be connected to the existing treatment plant adjoining the summerhouse. The summerhouse is located in Flood Zone 3 and is at high risk of surface water flooding. Applications for minor development such as this, including small non-residential extensions (with a footprint of less than 250 metres square) should not be subject to the sequential and exception tests but should still meet the requirements for site-specific flood risk assessments (paragraph 168 and footnotes 55 and 56 of the NPPF, 2021)

A Flood Risk Assessment (FRA) has been submitted with the planning application which identifies that flood risk principally arises from tidal effects, with a possible contribution by fluvial effects at certain times of the year; being tidal, the duration of the risk would be short. It is not clear from the Flood Zone map what level of flooding is being modelled, but typically in the area 1-in-200 year Flood levels are estimated as high as 5.3 metres above ordnance datum (AOD) near the river mouth, and 3.6 metre AOD near Lyminster. The FRA proposes the construction of a small berm to protect the summerhouse, and details of the berm have been submitted on Drawing No. 01 Rev. 3 - 'Location Plan and Block Plans, Existing Floor Plan and Elevations'. The Environment Agency has objected to the proposed development, confirming that the FRA fails to consider how a range of flooding events would affect people and property; take the impacts of climate change into account; and there is no assessment of the impact of climate change using appropriate climate change allowances. There is insufficient information to demonstrate the development will be safe, without increasing flood risk elsewhere and reduce flood risk overall, and to demonstrate that it complies with Policy W DM2(b) of the Local Plan, Policy EH3 of the emerging Lyminster and Crossbush Neighbourhood Plan and the National Planning Policy Framework, 2021.

CONVERSION TO A HOLIDAY LET

Policy TOU DM1 of the Local Plan supports tourism which is compatible with its countryside location and is sensitively designed to minimise potential impact on the countryside. Emphasis is placed on development that respects established spatial and pattern of the place, sensitive and appropriately integrated into its landscape setting, which forms the dominant feature in the countryside, where the proposed development is located. The proposed use of the summerhouse as a holiday let is appropriate in relation to its size on the site and appears to be fully integrated into its landscape setting due to the design and scale of the proposed alteration to the summerhouse. The use of the holiday let by reason of its size is deemed to be acceptable. There are 2 parking spaces located to the south eastern side of the site, which are visually partially restricted via existing hedgerow planting, which reduces the visual impact on the area and is acceptable. It would be reasonable to impose a condition whereby the summerhouse shall not be occupied by any persons for a total period exceeding 28 days and for the owner to maintain a register of occupiers for each calendar year; as 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 and in accordance with Policy TOU SP1, Policy TOU DM1 and Policy D DM4 of the Arun Local Plan. Subject to the imposition of a condition restricting the use of the summerhouse as a holiday let, the proposal is acceptable and it complies with Policy TOU SP1, Policy TOU DM1(2) and Policy D DM4 of the Local Plan.

SUMMARY

The proposed infilling of part of the veranda on the summerhouse, the use of the summerhouse as a holiday let, and the proposed extension to the timber fencing along the boundary with the railway line are acceptable in principle, in accordance with Policy D SP1, Policy D DM1, Policy D DM4, Policy SD SP3, Policy LAN DM2, Policy TOU SP1, Policy TOU DM1(2), Policy HER DM1, Policy QE DM3 and Policy T SP1 in the Arun Local Plan and the Arun Design Guide.

However, the site is within Flood Zone 3 and is at high risk of surface water flooding and the Flood Risk Assessment (FRA) fails to consider how a range of flooding events would affect people and property; take the impacts of climate change into account; and there is no assessment of the impact of climate change using appropriate climate change allowances. There is insufficient information to demonstrate the development will be safe, without increasing flood risk elsewhere and reduce flood risk overall, and to demonstrate that it complies with Policy W DM2(b) of the Local Plan, Policy EH3 of the emerging Lyminster and Crossbush Neighbourhood Plan and the National Planning Policy Framework, 2021.

RECOMMENDATION

It is recommended that this application is refused.

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.

CIL DETAILS

This application is in CIL Zone 3 (Zero Rated) therefore developer contributions towards infrastructure will not be required.

RECOMMENDATION**REFUSE**

- 1 The site is within Flood Zone 3 and is at high risk of surface water flooding and the Flood Risk Assessment (FRA) fails to consider how a range of flooding events would affect people and property; take the impacts of climate change into account; and there is no assessment of the impact of climate change using appropriate climate change allowances. There is insufficient information to demonstrate the development will be safe, without increasing flood risk elsewhere and reduce flood risk overall, and to demonstrate that it complies with Policy W DM2(b) of the Local Plan, Policy EH3 of the emerging Lyminster and Crossbush Neighbourhood Plan and the National Planning Policy Framework, 2021.
- 2 **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 discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.