

Recommendation Report for Planning Permission

REF NO: LY/16/21/PL

LOCATION: Connies Byre
Calceto Lane
Lyminster
BN17 7QL

PROPOSAL: Extension & conversion of existing outbuilding to form home office/gym & garage & inclusion of outbuilding within residential curtilage. This application is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to enlarge a part open garage/shed, add a pitched roof and convert it into ancillary living accommodation. The extensions add 3m on the eastern side (front) and 2.5m on the southern side. The new double garage would have internal dimensions of 5.2m wide by 6.6m deep. The eaves height remains the same but there would be two pyramid roofs with a central valley. The maximum height would be around 4.7m. Materials are larch cladding and plain clay tiles. The effect of the application would be to bring the extended building into the existing residential curtilage.
SITE AREA	0.12 hectares.
TOPOGRAPHY	Flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Open aside from a two bar ranch style fence to the residential garden behind.
SITE CHARACTERISTICS	Single storey flat roofed timber clad store/garage building used for parking/domestic storage in association with the dwelling which is to the west. Oil tank on the northern side. Large areas of hardstanding on the eastern side forming part of the access to the site and to other nearby properties.
CHARACTER OF LOCALITY	Rural countryside location. The site is part of a complex of former farm buildings, most of which have been converted to residential. Open countryside to the west. Similar countryside to the north but with the A27 a short distance away.

RELEVANT SITE HISTORY

LY/13/21/HH	Single storey extension and conversion of out building into office, gym with WC and garage.	Withdrawn 22-09-21
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LY/17/18/HH	New porch with hip roof & brick dwarf wall, new detached garage, new window to west elevation, new doors to south elevation, new sun tunnel for north elevation & improved drainage & low wall alteration.	ApproveConditionally 10-12-18
LY/1/13/	Change of use from redundant agricultural building (sui generis) to single dwelling (C3 dwelling house) (resubmission following LY/9/12/)	App Cond with S106 18-04-13

REPRESENTATIONS

No response from Lyminster & Crossbush Parish Council and none from any residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - make no comment.

COUNCILS ECOLOGIST - no objection subject to conditions to secure bat/bird/hedgehog nesting, control new lighting and to protect birds nests. State that after viewing the photographs, are satisfied that the shed is too bright to provide a day roost and it appears to have negligible roost potential no ecological surveys are required.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary (BUAB);
Advert Special Control;
WSCC Mineral Consultation Area;
Arun Valley Impact Risk Zone 2;
CII Zone 3; and
Current & Future Flood Zone 1.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DSP1	D SP1 Design

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
ENVDM5	ENV DM5 Development and biodiversity
HDM4	H DM4 Conversion of rural buildings for residential use
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
QEDM2	QE DM2 Light pollution
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

[West Sussex Waste Local Plan 2014:](#)

West Sussex Waste W2 Safeguarding Waste Management Sites

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. Lyminster & Crossbush are working on a joint Neighbourhood Plan but it is not yet at a stage for which it is necessary to have regard to it.

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 not result in any harm to the character of the countryside, to the amenities of nearby residents, to biodiversity and would not have any impact on existing safeguarded waste sites.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) 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,

- (aza) 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.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site is outside of the built up area boundary as defined by Arun Local Plan (ALP) policy SD SP2. Policy C SP1 states development in the countryside outside the BUAB will be permitted if it accords with other policies in the Plan which refer to a specific use or type of development. Policy D DM4 allows for extensions and alterations to existing buildings even where located in the countryside.

Policy H DM4 allows for the principle of conversion of rural buildings into residential use and would support the inclusion of the building into the existing curtilage. As such, subject to adherence with policies D DM4 and H DM4, there will be no conflict with policy C SP1.

CONVERSION POLICY:

ALP policy H DM4 allows for the conversion of rural buildings in the countryside subject to certain criteria.

(a) The first criteria 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. The application is silent on this matter. However, it is clear that the building is already being used for residential purposes (parking & storage). It is also considered that a commercial use in this location would be detrimental to the amenities of the existing residential properties.

(b) The second criteria is that the building should be structurally sound, of permanent construction and capable of conversion without rebuilding or significant alteration or extension. Again, the application is silent on this matter. However, the building appears to be structurally sound with no obvious signs of weakness and the applicant clearly considers it to be capable of conversion and extension.

(c) The third criteria states that the resultant building and use should not have an adverse effect on the rural character of the area and be sympathetic to its setting in terms of form, bulk and visual design. It also states that particular regard will be given to the impact of any residential curtilage on the character of the countryside. This part of the policy is considered elsewhere in this report but it is concluded that there is no conflict with the criteria.

(d) The fourth criteria is not relevant as the building does not have any historic or architectural significance. The nearest Listed Building is 138m away with intervening buildings in between.

(e) The final criteria states that resultant traffic should be safely accommodated by the site access and the local road system. The proposal does not affect the access to/from the site and the building currently & will in the future, be used by an existing dwelling. It is not considered that the proposal will intensify traffic levels. A condition will be imposed to prevent the building from becoming a separate dwelling.

Parking is considered elsewhere in this report.

The policy requires the conversion makes provision for wildlife and minimise the amount of land to be used as residential curtilage. Conditions will be imposed to protect birds nests in the building, to secure new wildlife nesting habitat and to control new lighting. The effect of the proposal will be to extend the curtilage to include the building and this is acceptable as the current situation on the ground reflects the proposed curtilage and there will be no harm to the character of the countryside.

The proposal is in accordance with ALP policy H DM4 and as such also with policy C SP1. By association, the proposal also complies with ALP policies ENV DM5 and T SP1.

CHARACTER & DESIGN:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 confirms development should respect the particular characteristics and natural features of the relevant landscape area. Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. These seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

The Arun Design Guide is a material consideration and section Q discusses rural development. This sets out the need for development to integrate into the landscape setting, respect rural character and use simple, unobtrusive design. As noted above, policy H DM4 states the resultant building should not have an adverse effect on the rural character of the area and be sympathetic to its setting in terms of form, bulk and visual design.

The proposal adds extensions on the east and south sides of the building plus two new full hipped roofs above. The roof extensions are not subservient but the effect of these and the other extensions will not cause any harm to the character of the area or the wider landscape. The design is simple and unobtrusive and the materials are suitable to a rural area. It is also noted that an adjacent garage building has a pitched roof and so does the existing dwelling. The proposed openings are not considered to be excessive and reflect the location of existing openings on the building.

The proposal is in accordance with ALP policies D SP1, D DM1, D DM4, LAN DM1 and H DM4 with the exception of lack of subservience.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. ALP policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. Policy QE DM2 requires that new lighting should not have adverse impact on neighbouring uses or the wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation. The Arun Design Guide sets out interface distances between facing windows.

The openings are on the east side and face onto the hardstanding and towards fields. They do not result in any overlooking. The applicant could install blinds to protect their own privacy from neighbours and others walking past. The building is not close enough to other dwellings to result in any overbearing or loss of light issues particularly given that there are existing garage buildings between it and the dwelling known as the Hay Barn.

A condition will be imposed to control any new light predominantly to protect bat species in the area but

this will also minimise any lighting impacts on nearby land and property. There is no conflict with ALP policies QE SP1, QE DM1 or D DM1.

PARKING:

ALP policy T SP1 requires that development provide appropriate levels of parking. The proposal does not add any bedrooms and therefore it is not appropriate to reassess the parking demands of the existing dwelling. The planning permission for the dwelling (ref LY/1/13) was approved with two off-street parking spaces on the northern side of the site but these have not been implemented and it is clear that the applicant has instead been using the existing storage shed on the eastern side.

The proposal includes a double garage which has the necessary dimensions to be considered as providing one parking space for the purposes of the Arun Parking Standards SPD (but in reality could accommodate two). The SPD shortfall could be met by the other areas of hardstanding to the eastern side of the site which whilst not within the red edge are used generally by others for parking with no harm to highway safety or convenience. As such, there is no conflict with policy T SP1.

WASTE SAFEGUARDING:

The site is in a defined 500m buffer of a safeguarded waste site defined by the West Sussex Waste Local Plan (2014). Policy W2 of this Plan states that development should not prevent or prejudice the use of an existing waste management site. The waste site is at Stubbs Copse Wood Yard and provides a green waste recycling service. It is some distance to the north on the opposite side of the A27. The building to be converted is already in use for ancillary residential purposes and is in a complex of other residential dwellings & buildings. On this basis, it is not considered that this proposal would have any impact on the waste site and therefore, there is no conflict with the policy.

SUMMARY:

The proposal represents an appropriate conversion and extension of an existing building in the countryside with no harm to the character of the countryside, to the amenities of nearby residents, to biodiversity or to highway safety. The proposal would also have no impact on existing safeguarded waste sites in the area. It is recommended permission be granted in accordance with 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.

CIL DETAILS

This application is not liable for CIL.

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 and with the materials set out on the application form.

Location Plan dwg 1446/DP100 Rev 01;
Block Plan dwg 1446/DP101 Rev 01;
Proposed Site Plan dwg 1446/DP104 Rev 01;
Existing & Proposed Floor Plans dwg 1446/DP105 Rev 01; and
Existing & Proposed Elevations dwg 1446/DP106 Rev 01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1 and QE SP1 of the Arun Local Plan.
- 3 Prior to the commencement of the conversion and extension works, a check for birds nests must be carried out by a suitably qualified ecologist to determine if any are present. Should any nests be present, the nest and a suitable buffer around it must be retained until it has been confirmed by an ecologist that the young have left the nest or that the nest is no longer active.

Reason: To mitigate harm to breeding birds in accordance with Arun Local Plan policy ENV DM5. This has to be a pre-commencement condition as otherwise works could start that could harm breeding birds.
- 4 No part of the converted outbuilding shall be first occupied until full details of the placement of bird, bat and hedgehog nesting facilities within the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full prior to occupation and thereafter retained to the satisfaction of the Local Planning Authority. The submission shall include:

- At least 1 bat box on the building facing south/south westerly and positioned 3-5m above ground;

- At least 1 bird box on a building and/or on a tree within the site; and
- At least 1 hedgehog nesting box within the wider application site area.

Reason: In the interests of securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 5 Should it be necessary to remove any areas of brush, compost and/or debris piles on the site then these must be removed outside of the hedgehog hibernation period mid-October to mid-March inclusive and undergo soft demolition.

Reason: In accordance with Arun Local Plan policy ENV DM5 as such areas could provide shelter areas and hibernation potential for hedgehogs.

- 6 Should any new external lighting be required then prior to occupation of any part of the converted outbuilding, details including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage shall be submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the trees and hedgerows surrounding the buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting as approved shall be installed prior to occupation and maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 7 The use hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Conies Byre as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies C SP1 and D DM1 of the Arun Local Plan and to prevent the establishment of an additional independent unit of accommodation in the countryside which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 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.

- 9 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 10 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat

Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.