

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

REF NO: LY/1/19/HH

LOCATION: 253 Church Lane
Lyminster
BN17 7QJ

PROPOSAL: Extend the earth bunds on the south and west sides. This application affects the character and appearance of the Lyminster Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to extend the existing earth bunds on the Southern and Western sides.

RELEVANT SITE HISTORY

LY/4/19/HH Proposed first floor side extension, single storey rear extension to existing dwelling and summer house within garden. This application affects the character and appearance of the Lyminster Conservation Area and affects the setting of a Listed Building.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Parish Council - No comment.

Letter of no objection:

- The extension contravenes the property boundary.

OFFICERS COMMENTS ON OBJECTIONS:

Comments noted. Land ownership is not a planning consideration.

CONSULTATIONS

Arboriculturist
Conservation Officer
Directorate of Airspace Policy
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

W.S.C.C. Highways - No objection.

The application is not considered to have a 'severe' impact upon the operation of the Highway network, therefore, there are no transport grounds to resist the proposal.

Conservation Officer - Support

The application is to extend an existing earth bund on the southern and western sides.

The site is located within the Lyminster Conservation Area, and the residential property to which the site is attached has been identified as a Locally Listed Building or Structure of Character. There are also a number of other Locally Listed Buildings or Structures of Character which adjoin the site (and front on to Church Lane).

This part of the Conservation area is rural in character; it is characterised by buildings of various scale, style, date and materials. There is an informality of layout enhanced by mature landscaping and verges.

As noted in the Conservation statement, the agricultural basis of the settlement is echoed in several buildings found in the locality, including Nos. 254 & 255, 256 & 257 Church Lane along with the small corn store at the entrance to Church Farm.

The existing earth bund contains a number of trees and ground cover vegetation. The altered earth bund should reflect this appearance.

It is considered that the proposed works would reflect the rural character of the Conservation area, and be located so as to not harm the nearby heritage assets. As a consequence the proposal is capable of support.

C.A.A.C - No objection.

POLICY CONTEXT

Designation applicable to site:

Outside of built up area boundary

Locally Listed Building

Lyminster Conservation Area

Tree Preservation Order

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM3	HER DM3 Conservation Areas
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

The site is outside of the built up area as defined in the Local Plan and as such the development plan in the determination of this application will consist of the Arun District Local Plan (ALP) 2011 - 2031 and the National Planning Policy Framework.

Arun District Local Plan (2011-2031):

The key policy considerations in the determination of this application are considered to be SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031. Policy C SP1 states that 'Outside the Built-Up Area Boundaries (as identified on the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty.'

The application site is situated outside of the built up area boundary (BUAB) as specified by policy SD SP2 which seeks to focus development within the built up area. Policy Due to the sites location outside of the BUAB development in this location would be in conflict with locational requirements of policy C SP1 of the Arun Local Plan 2011 - 2031.

The NPPF (July 2018) states:-

2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Therefore as the development conflicts with an up-to-date Local Plan and there are no material considerations to indicate otherwise a recommendation for refusal would be compliant with the NPPF.

Conclusion on Matters of Principle:

The principle of residential development on this site is contrary to the development plan (Arun District Local Plan policy C SP1). However there are other relevant material considerations which need to be taken into account.

MATERIAL CONSIDERATIONS

Whilst outside of the defined BUAB, contrary to Policy C SP1, there needs to be a demonstrable harm to the aims of this policy. The aims of this policy are to preserve the character and beauty of the countryside and to manage the urban/rural fringe.

The application site is adjoined to the East and West by existing dwellings. The application seeks very minor extensions to existing bunds, within the curtilage of an existing residential property. The impact on the character of the countryside, from the extension of the two bunds is therefore acceptable. For these reasons, it is considered that there are other material considerations that would weigh in favour of granting planning permission, contrary to the principles of the development plan.

DESIGN AND VISUAL AMENITY

The proposed development is not considered to have any significant impact on the character of the area, or the host dwelling. The proposed bund extensions is considered to remain in character with the rural area, and therefore the proposal is considered to be in accordance with D DM1 and HER DM3 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to have any significant overshadowing or overbearing

impact upon the occupiers of nearby properties. This is as a result of the minor scale of the proposal, and its separation distance from neighbouring dwellings. Therefore, the application is considered to be in accordance with D DM1(3) of the Arun Local Plan.

SUMMARY

The application is outside of the defined built-up area boundary. Policy C SP1 seeks to preserve the character and beauty of the countryside and to manage the urban/rural fringe. However, whilst outside of this defined B.U.A.B, in order for the proposals to be considered contrary to Policy C SP1, there needs to be a demonstrable harm to the aims of this policy. Therefore, the application is recommended for approval, due to the acceptable impact on the proposal on the locality.

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

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:

- Location Plan
- Block Plan
- Site Plan
- Section drawing through Earth Bund - A:A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun 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 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.