

Mr N Crowther
Group Head of Planning
Arun District Council
Civic Centre
Maltravers Road
Littlehampton BN17 5LF

Our Ref
Your Ref
Date

23 January 2018

Dear Mr Crowther

PROPOSED CHANGE OF USE OF FARM SHOP TO BAR, AT CROSSBUSH FARM SHOP, LYMINSTER ROAD, LYMINSTER – APPLICATION REFERENCE LY/28/17/PL

I act for Mrs R Andrew of Brookfield, Lyminster Road, Lyminster. On her behalf I am writing in response to your notification dated 19 December 2017 to object to an application for planning permission for the change of use of Crossbush Farm Shop to use for purposes described in the application as "brewery tap room (bar), fresh coffee bar & café and retail space".

Crossbush Farm Shop lies immediately adjacent to my client's residential property of Brookfield and she objects to the development proposed in the application. The reasons for this objection are set out in detail below. In summary, the proposed development would be contrary to policies of the adopted and emerging development plan, and would give rise to harmful effects in terms of the local environment, highway safety and residential amenity.

As you know, applications for planning permission are to be decided in accordance with the provisions of the development plan, unless material considerations indicate otherwise. The development plan comprises the Arun District Local Plan 2003. The replacement of this is currently undergoing examination prior to adoption and so at this stage it does not form part of the development plan. However, in view of the relatively advanced stage the examination has reached, the provisions of the emerging plan are material considerations which should be taken into account.

The application site lies outside the built up area boundary as defined in the adopted Local Plan. In such locations, **Policy Gen 2** provides that "*development or redevelopment will not be permitted unless it is consistent with other Local Plan policies*". The proposal would be in conflict with this over-arching policy unless it were found specifically to accord with some other policy of the development plan.

Policy Gen 3 is concerned with the protection of the countryside, which is defined as encompassing all areas of the District outside the defined built up area, including the application site. The policy makes clear that development in the countryside is not to be permitted unless it accords with one or more of the 5 criteria set out in the policy. In this regard, the proposed use of the application premises would not be for the operational needs of agriculture, forestry, minerals or waste and therefore criterion (i) is not met. The proposal would not involve "*quiet informal recreation*" or be associated with an "*essential road scheme*". The development proposed would thereby fail to meet criteria (ii) or (iv). It might, as the applicant suggests, add to economic activity in the locality generally, but to meet criterion (iii) of the policy any such potential contribution would need to be to the rural economy specifically. This would not be the case with the change of use to a bar as proposed.

It follows from these considerations that the proposed development would not meet any of the criteria (i) to (iv) of policy GEN3 of the Local Plan. The only basis on which the proposed development could be consistent with policy GEN3 would be if "*it is consistent with a policy in Sections 2 and 3 of the plan*", as criterion (v) provides.

Of the policies contained in section 2 of the plan, **policy AREA10**, concerned with Strategic Gaps, is relevant. The application site lies within the Strategic Gap defined between Arundel and Littlehampton. The policy explains that "*Proposals for development within Strategic Gaps will be subject to the most rigorous examination.*" The policy provides that development in such locations will only be permitted if it is necessary to meet the requirements of the plan or is consistent with other of its policies; would not compromise the integrity or objectives of the Strategic Gap; and requires that attention is to be given to landscape, amenity and conservation enhancement. No evidence has been presented to give any basis for a conclusion that the establishment of a bar at the site would be necessary to meet the plan's requirements, nor that it would be consistent with its policies. The proposed development would thereby be directly contrary to policy AREA10 of the adopted development plan.

The establishment of the farm shop at the site, pursuant to planning permission LY/14/11 dated 30 January 2012, was considered to comply with **policy DEV31** within section 3 of the plan, which relates specifically to Farm Shops. In that way the previous permitted use was found to accord with criterion (v) of policy GEN3, enabling planning permission to be granted for that use. Use as a bar as now proposed is not supported by policy DEV31 and nor is there any other policy within section 3 of the plan with which the proposed use would comply.

For all these reasons the development proposed in the application would be contrary to important provisions of the statutory development plan. In such circumstances, permission may only, as a matter of law, be granted for the development proposed if other material considerations indicate that such planning permission should be granted notwithstanding such clear development plan policy conflict.

The policies of the emerging replacement Local Plan amount to material considerations to which some weight should be given in the consideration of the application. The second of the list of Strategic Objectives set out in Chapter 4 of the emerging plan is to reduce the need to travel, with the sixth being to focus entertainment, leisure, tourism and cultural activities within towns and villages. The establishment of a bar in this rural location, outside any town or village where travel would of necessity be overwhelmingly by private car, would directly conflict with these 2 strategic objectives.

Policy SD SP3 seeks to protect gaps between settlements and to retain the separate identity of settlements. It is similar in effect to its predecessor policy AREA10 but applies a higher threshold. To be potentially permissible in a Gap, the policy provides that development must be such that it cannot be located elsewhere. No evidence has been provided to suggest that the proposed bar cannot be located elsewhere. Indeed, bars are commonly and appropriately located within built-up areas, and specifically within established centres, not least to be accessible to customers. There can be no reasonable suggestion that a bar as proposed cannot be located elsewhere. The proposal is therefore in even greater conflict with emerging policy SD SP3 than with adopted policy AREA10.

Policy EMP DM1 of the emerging plan seeks to promote entrepreneurship and employment growth. Item 6 of that policy makes clear that development for local firms for

these purposes would only be acceptable on sites outside the built-up area where no alternative location can be identified. Item 7 of the policy addresses the potential conversion of rural buildings, but only for industrial or business purposes, which would not encompass the proposed bar use.

Policy RET DM1 is concerned with retail development. Part 4 of the policy explains that a change from retail use of single units, as is proposed in this application, would only be permissible where retailing is demonstrated, through evidence of marketing, to be no longer viable. No evidence has been provided of any extensive marketing of the application premises as the policy requires. Nor is there any information on which a conclusion can be safely based that retail use as permitted by the previous planning permission is not now viable.

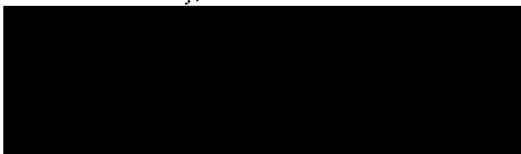
In addition to the development plan policy conflicts identified above, the location of the site, in a rural area, outside any defined centre or the built up area, and with poor access other than by private car, means that the development cannot be regarded as sustainable. There would thereby be conflict with important provisions of the National Planning Framework in this respect.

I note that other representations made in response to the application, including by the parish council and nearby local residents, draw attention to concerns in amenity terms and in respect of traffic safety. Those concerns are shared by Mrs Andrew, whose home lies immediately to the south of the application site.

For the reasons I have set out above, the proposed development would be in clear conflict with the provisions of the adopted or the emerging local plan. There are no considerations that indicate that a decision on the application could reasonably be taken other than in accordance with the development plan. The material considerations of national policy, as well as the amenity and traffic safety concerns which arise, all point in the same direction as the development plan conflicts. As a result, planning permission cannot reasonably be granted for the development proposed in the application.

I trust that the Council will therefore refuse to grant the planning permission applied for. I look forward to your confirmation that the application is to be decided in this way.

Yours sincerely,



Rob Huntley