

PLANNING, DESIGN AND ACCESS STATEMENT

Arundel Vinyards, Church Lane, Lyminster BN17 7QJ

Application for change of use from Vinery at Arundel Vineyard
to garden amenity area serving Arundel Vineyard, Church Lane,
Lyminster. Re-submission following application LY/ 19/17/PL

On Behalf of: Mr & Mrs Byrne

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Overview

1.0 Introduction and Background

- 1.1 Neame Sutton Limited, Chartered Town Planners, are instructed by Mr & Mrs Byrne ("the Applicant") to prepare and submit this full detailed resubmission planning application to change the use of the former vineyard to garden amenity area in association with Arundel Vineyard, Church Lane, Lyminster, West Sussex as a dwelling house. Resubmission of LY/19/17/PL
- 1.2 This retrospective application is made in reference to Arun District Local Plan in association with an application to remove a restricted agricultural workers occupancy condition from the dwelling as the occupants who have lived at the dwelling since 2000 have never been employed in agriculture nor used the land for any commercial use. This application accompanies the resubmission of application LY/20/17/PL.
- 1.5 The site was abandoned for the growing of vines commercially by 2000 when the site was left in a dilapidated state and the applicant purchased the site. Over 200 vines were added to try and develop a commercial enterprise but there was not the capacity to make the wine making a viable concern. A few vines were retained for personal use between 2003 and 2010 when the current owners had wine bottled off site.
- 1.6 The vines were removed from the site in October 2010 and the land laid out to garden area comprising of lawn and flower/shrub borders.
- 1.7 This application is a resubmission following refusal of application LY/19/17/PL. A recent appeal decision reference APP/L3815/W/17/3175066 has resulted in this resubmission as the appeal decision allowed a similar appeal concerning the removal of an agricultural occupancy restriction on the grounds that the market value of the property deemed the former agricultural dwelling no longer viable as an affordable dwelling.
- 1.8 The previous application did not provide any financial statement, this application includes a financial statement to demonstrate that the growing of vines for commercial wines is not viable on this site.

- 1.9 A comparison assessment has been made of a local successful commercial wine grower Tinwood Vineyard at Goodwood, and a general wine growing appraisal by Strutt Parker.

2.0 Description of the Site and Location

- 2.1 The site comprises 0.674 hectare in total.
- 2.2 Lyminster is a village that is the main settlement of Lyminster and Crossbush parish. It borders, to the south, the town of Littlehampton, which is 2 miles away.
- 2.3 The village of Lyminster is a small rural settlement clustered around the church of St Mary Magdalene.
- 2.4 The site abuts the Lyminster Conservation Area.

The Application Site:

- 2.5 The application site was once part of the Arundel Vineyard, and is accessed from Church Lane, Lyminster, via a sweeping drive through to the house. The site cannot be seen from the road.
- 2.6 The site consists of a large house and garden. The garden has been laid to mowed lawn with borders for shrubs and flowers. The vineyard is now disused and has been used as garden land since 2010. It was last used as a commercial vinery prior to 2000 when the Applicants purchased the site in a dilapidated state.
- 2.7 Also within the site is Parkgate Barn which was brought to the site from the A279 at Lower Beeding. This was used by the previous owners as a café without planning permission. The barn is currently used only for domestic use, for the dwelling house.

Site History & Description

3.0 Site History

3.1 The relevant site history is as follows:

Application Number	Description	Decision
LY/15/88	Change of use of barn for retail sale of English wine in accordance with license granted and vineyard tours. On-site parking for visitors cars.	Refused
LY/16/02	Replacement of existing agricultural dwelling.	Approved Conditionally
LY/33/03	Modifications to house type previously approved under LY/16/02.	Withdrawn
LY/3/04	Modifications to house type dwelling – amendment to planning permission LY/3/04.	Approved Conditionally
LY/25/04	Alterations to roof of proposed dwelling – amendment to planning permission LY/3/04.	Approved Conditionally
LY/15/05	Proposed demolition of existing wall and gate piers and construction of new wall, gate piers and new gate.	Approved Conditionally
LY/12/10	New conservatory extension.	Approved Conditionally
LY/19/17/PL	Change of Use from Vinery at Arundel Vineyard to garden amenity area serving Macushia House.	Refused
LY/20/17/PL	Application for Continuation of use without compliance with condition 2 occupation imposed under LY/16/02/, condition 3 occupation imposed under LY/25/04/.	Withdrawn

4.0 Description

4.1 This retrospective resubmission of LY/19/17/PL application seeks to change the use of the land previously used as a commercial vineyard for growing vines for wine, which was processed off site, to garden amenity land serving the dwelling. This application is made following Appeal Decision APP/L3815/W/17/3175066 which allowed the removal of an agricultural occupancy condition as due to the market value of the property, it could no longer serve the function of an affordable home. The value of the property is similar to Arundel Vineyard and this appeal decision is pertinent to this application. This has resulted in the re-submission of this application, which should be assessed in combination with the application to remove the agricultural restrictive condition from the dwelling. A financial statement has also been included in this application which was not in the previous application.

Planning Policy Framework

5.0 Planning Policy Framework

- 5.1 The relevant policy framework is the National Planning Policy Framework (NPPF), the Arun District Local Plan, and the Emerging Local Plan Main Modification January 2018.

National Planning Policy Framework:

- 5.2 The overriding principle of this policy is the presumption in favour of sustainable development. Paragraph 14 states that local planning authorities should positively seek opportunities to meet the development needs of their area.
- 5.3 Paragraph 17 states that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives. It continues **that local planning authorities should take account of market signals such as land prices and housing affordability.**
- 5.4 It is considered that this application is in accordance with this policy in that it would be unreasonable to keep the land as a vineyard when the use is not viable and ceased being used as a vineyard before 2000. The land was left in a dilapidated state and the applicants have enhanced their immediate surroundings by creating a garden appropriate to the dwelling. The applicant intended to grow grapes for wine commercially but this was just not viable on this small site, as is demonstrated by the financial statement submitted with this application and the land agent assessments by both the local land agent and Strutt Parker more generally.

The Local Development Plan

- 5.5 The current Development Plan comprises the saved policies of Arun District Local Plan and the emerging Local Plan Main Modification January 2018.

Arun District Council Emerging Local Plan Publication Version October 2014

Policy SD SP1 Sustainable Development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

- 5.6 The previous use of the site as a vineyard was not sustainable, was run down and hence ceased. The most sustainable use of the land is as garden amenity to serve Arundel Vineyard as a dwelling.

Policy C SP1 Countryside

Outside the defined Built up Area Boundary the countryside will be safeguarded for its own sake. Development will not be permitted unless it is:

b. for quiet, informal recreation.

- 5.7 This proposal is for quiet informal recreation to use the land as garden amenity space for the benefit of the residents of Arundel Vineyard. This use has been taking place since 2010 and has not generated any complaints.

The Reason that Planning Approval should be granted

6.0 The Reason that Planning Approval should be granted

(i) The Principle of development

- 6.1 This is a resubmission of a previously refused application. No financial statement was produced with the previous application and has now been submitted to demonstrate that the land used as a vinery is not commercially viable.
- 6.2 The house is a large residential dwelling whose residents have never been employed in agriculture. The house was originally built to support an agricultural use that ceased operation over 18 years ago. An application to remove an agricultural workers dwelling condition accompanies this application.
- 6.3 The land was left in a dilapidated state prior to the current owners purchasing the site and has not been used for commercial growing since at least 2000.
- 6.4 The land is not of sufficient size to sustain any agricultural commercial venture as demonstrated below.

(ii) Economy of Scale

- 6.5 The site is a maximum of 0.672 hectare, or 1.66 acres, of which less than 1 acre is available for growing. This is a relatively small site, particularly for any successful commercial venture. The Strutt Parker paper concerning wine growing states that it is not commercially viable to grow wine on land less than 5 acres; this site is 1.66 acres. It was the intention of the Applicants to grow vines commercially and in good faith set about undertaking a wine growing course and removing all dead vines, and erecting new growing supports and 200 new vines. However, Mr Byrne, who was previously employed as an engineer in Littlehampton had been over optimistic in what could commercially be achieved. The estimated £35,000 per

annum as stated in the letter of Anthony Greenwood 13 January 2003 "our clients are **optimistic** that the vineyard can produce in the region of £35,000 income in its existing condition." What the statement did not provide was a fully costed projection of profit and loss. The size of the site is too small to produce sufficient quantity to be commercially viable. Taking stock, maintenance, labour, processing, bottling and marketing, the income did not surpass the outgoings and the venture would have been a loss making concern. The vines suffer from disease and mould and need constant restocking in order to produce any sufficient supply, this is labour intensive and to employ labour would significantly add to the costs. The evidence is provided in the financial statement.

- 6.6 This application follows an appeal decision reference APP/L3815/W/17/3175066 Idolsfold House, Balls Cross Road, Kirdford, Billingshurst which allowed an appeal to remove an agricultural occupancy condition, on the grounds that the property due to its market price could no longer be regarded as an Affordable unit and therefore the condition was no longer reasonable or necessary. The market value of the property was £1.5m to £1.6m, which is a similar value to this property. An application to remove the occupancy condition has been submitted with this application as the two applications are linked.
- 6.7 With reference to the appeal at Idolsfold House, (a copy of the appeal decision is attached to this application), the site was a small holding of 11 to 16 acres (4.452ha approx.) with the land used as garden, tennis courts, sand school, outbuildings and pasture. The site is significantly larger than the application site. The land is not used for any commercial activity, as is the case with the application site.
- 6.8 As a comparison of a local successful commercial wine growers is that at the Tinwood Vinyard, near Goodwood. They own 110 hectares and grow vines on 25 hectares. They also diversify with cabin lodges on site, tours and other activities. The site is significantly larger than the application site which demonstrates the economy of scale required for commercial

growing, with additional land to diversify to add value. This site is too small to produce sufficient vines, let alone diversify to add value to the product.

(iii) Actual Production during the period 2005 - 2010 (Personal consumption only)

6.9 Wine Making at Plumpton College for domestic consumption only

The number of bottles of wine produces for the Arundel Vineyard from Plumpton are as follows below:

Year	Dry White Wine	Sparkling Wine
2005	164	311
2006	500	390
2007	120	85
2008	110	110
2009	400	440
2010	100	400

- 6.10 The fluctuations in quantities is due to weather conditions during the growing season. The average production is 232 bottles of dry and 290 of sparkling per annum. The Plumpton College costs for processing these was £2030 per annum. This was for domestic use only and not for any commercial sale. Commercial prices would be higher per bottle.

(iv) Addressing the Reasons for Refusal

- 6.11 Refusal reason 1 is that the garden is not necessary for agriculture or the quiet informal recreation. A garden is defined as "enclosed piece of ground devoted to the cultivation of flowers, fruit or vegetables" - quiet recreational use. The garden has been laid out and used as garden since 2010 when all the remaining vines were removed from the site. This has

not resulted in any complaints. Indeed, the use is significantly quieter than any commercial use of the site and therefore a benefit to neighbouring residential properties. This supports the argument that the garden is used for quiet recreation in accordance with local plan policy GEN3.

- 6.12 Reason number 2 states that the domestic nature and formalised appearance would give an urbanising and alien intrusion on the countryside. Again, the change took place in 2010 and has not given rise to any complaints. The reason for this is that the site cannot be seen from either Church Lane or Lymminster Road. The site entrance is set approximately 50m back from Church Lane and is behind a 2m high flint wall and mature vegetation. The garden area will remain significantly as it has been laid out and this does not affect the setting of the adjacent conservation area as it cannot be seen within the conservation area. Therefore the change of use of the land has not caused any significant harm to the environment. The reason should be justified by the facts, not on a generalised statement that it may cause an urbanising effect. The application should be determined on its merits and should identify precisely demonstrable harm, if any, that is caused. As the change of use took place 8 years ago, without complaints being generated, it is difficult to ascertain the exact harm that reason 2 implies.

- 6.13 The officer's report states that the Parkgate Barn operated as part of the previous vineyard and was commercially successful. The barn was used for refreshments, without the benefit of planning permission and the site was left in a very poor state by the previous owner, it is hard to imagine that the site was commercially viable. It is not the change in ownership that made the site unviable, it is the operation itself. Without the benefit of profit and loss accounts it is difficult to speculate on the success or otherwise of the previous concern which was abandoned by 2000. It was not a commercial operation when the applicants purchased the site.

Summary and Conclusions

7.0 Summary and Conclusions

- 7.1 This application is a resubmission following the refusal of the previous application, and in light of a recent appeal decision regarding a similar property to the Arundel Vineyard.
- 7.2 The use of the land as a commercial vinery ceased before 2000 and prior to the applicants purchase of the site. The applicant continued to grow wine for their own consumption until 2010 when they removed the last remaining vines and laid the land to garden.
- 7.3 The applicants had intended to grow wine commercially, however, they overestimated the costs and low yield involved in doing so when they submitted an estimated turn over to support a previous application for changes to the dwelling. There was no financial analysis to support the statement that they were optimistic that they could achieve a turnover of £35,000 and £70,000. As a comparison of the economy of scale that needs to be achieved to grow successfully commercially, we refer to the Tinwood Vineyard, Goodwood for sparkling English wine, on land significant larger than the application site and with other diversified activities supporting the concern and adding value that the application site cannot achieve due to the small site.
- 7.4 The Strutt Parker paper concerning the use of land for winegrowing state that a minimum of 5 acres of land is required to be viable commercially. This site is only 1.66 acres.
- 7.5 The applicants grew vines for their own use up until 2010. This is supported by Plumpton College statements which accompany this application. The vines were taken out and the land laid out as garden land, with lawns and shrub/flower borders at that time.

- 7.6 The garden area is that which supports the house, with the access drive sweeping up to the house passing alongside the former vinery/garden.
- 7.7 The change of use has not resulted in any detrimental effects on the locality or character of the area. Therefore there is no demonstrable harm caused by this change of use.
- 7.8 The changes have not resulted in any adverse visual effect on the surrounding countryside or Conservation Area, the garden area cannot be seen from the road.
- 7.9 Given the recent appeal decision it would be unreasonable to refuse the application and insist that the land be reinstated to a vineyard, as demonstrated it is not commercially viable to use the land for growing purposes.
- 7.10 To insist that the land is retained as a vinery is unenforceable as this commercial use has not taken place since at least 2000.
- 7.11 It has been demonstrated that no demonstrable harm has been caused by the removal of the vines and the use of the land as garden amenity land. The land has not been used as a commercial vinery since before 2000, eighteen years ago, therefore it is immune from enforcement. For these reasons the application should be approved.



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