PO/1/07

PLANNING APPLICATIONS REPORT

DESCRIPTION/ ADDRESS	-	Amendments to extension approved under planning permission PO/5/05. Use as separate unit. 235-236 Arundel Road, Poling.

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is retrospective. Proposed amendments include internal re-ordering to form one separate unit of accommodation, alterations to fenestration and erection of porch to east elevation.
SITE AREA	0.196 hectares approximately.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	15 dwellings per hectare approximately.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by this application.
BOUNDARY TREATMENT	1.8m high panel fencing to north dividing 235 and 236 from the rear unit. 1.2m high post and rail fencing to south and east and 1.5m high hedging runs down the centre of the whole plot.
SITE CHARACTERISTICS	The main dwelling is two storey with dormers to the front and rear with a single storey rear extension. The rear extension has been divided off to form a separate unit of accommodation with red brick elevations, half hipped roof with red tiles and porch to east side and oil tank to south.
CHARACTER OF LOCALITY	Rural location, adjacent to the A27, the site is one of a few properties sited to the south of the A27 in this location in a linear form of development. The properties are set back from the A27 to the south of an access road and grass verge.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
PO/6/81	A new access with garage in garden.	Approved conditionally 17-06-1981
PO/2/03	Extension and change of use of existing dwellings for retired farm workers accommodation.	Refused 18-03-2003
PO/5/05	Proposed extension and alterations.	Approved conditionally 26-08-2005

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Poling Parish Council	No objection
LOCAL GROUPS	None

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
OTHER	None

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Highways Agency	No objection
County Highways	No objection – suggested conditions regarding construction of new access.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Outside Built-up Area Boundary Trunk Road Class A Road

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : LOC2, DEV1, NE2
Arun District Local Plan : GEN3, GEN7, DEV7

PLANNING POLICY GUIDANCE

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPS7 - Sustainable Development in Rural Areas

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

COMMENT ON CONSULTATION RESPONSES

The access was approved under PO/5/05 and has subsequently been constructed.

COMMENT ON REPRESENTATIONS RECEIVED

None

ASSESSMENT OF PROPOSAL

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 conflict with relevant Development Plan policies in that has not been demonstrated within the application that an essential need for agricultural workers

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ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

dwellings exists which cannot be met by existing accommodation.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background because it is considered that there are extenuating circumstances as both occupiers of the flat are elderly and one has mobility difficulties due to illness. As such it is considered reasonable to issue a personal approval specific to the current occupiers.

CONCLUSIONS

The site is situated outside the built up area boundary to the south of the A27 within a low density group of dwellings. The main dwelling is a two storey property which has been sub-divided into two; a rear extension was approved to each unit under PO/5/05. Subsequently the rear extensions have been altered to form a separate unit of accommodation for which the application seeks retrospective planning permission.

The property was refused planning permission under PO/2/03 for extensions and change of use of existing dwellings for retired farm workers accommodation on the grounds that, 'the site lies in a rural area and the proposal, which would achieve the provision of new dwellings by substantial new building work, comprising an undesirable extension and new consolidation of residential development in ribbon form, would be prejudicial to the rural character of the area. The site lies outside the built up area as defined in the Arun District Local Plan, where permission for development unrelated to essential rural activity will not normally be granted. The proposal does not clearly demonstrate an essential need in relation to such an activity.'

The current application is for change of use only, however it is proposing a new dwelling in the countryside and the application does not demonstrate that an essential need exists, satisfying a functional test and, where appropriate a financial test, which cannot be met by existing accommodation in the area, and therefore does not accord with the criteria set out in Local Plan Policy DEV7. However, extenuating circumstances in this instance are considered to be a material consideration to warrant a decision otherwise than in accordance with the Development Plan. The current occupiers are elderly, retired agricultural workers and due to health requirements the tenant required single storey accommodation due to mobility issues.

It is considered reasonable to recommend a personal approval specifically for the use of the extension as a separate unit of accommodation until their occupation ceases. After that time the unit shall be returned to that approved under PO/5/05 and used as extensions to 235 and 236 Poling Street and not as a separate unit of accommodation.

It is therefore recommended that this application is approved, subject to the conditions set out overleaf.

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Amendments to extension approved under planning permission PO/5/05. Use as separate dwelling.

235-236 Arundel Road
Poling

RECOMMENDATION

Approve Conditions

1 This permission shall enure for the benefit of the current occupiers Mr and Mrs O Ayling only and shall not enure for the benefit of the land. Within six months of their occupancy of the building ceasing it shall be used as extensions to 235 and 236 Poling Street as approved under PO/5/05 not as a separate unit of accommodation.

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

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2 INFORMATIVE:

Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission was granted because, although the proposed development does not comply with Development Plan policy DEV7 listed below in that it has not been demonstrated within the application that an essential need for agricultural workers dwellings exists which cannot be met by existing accommodation, there are material considerations which indicate that it can be granted. These material considerations are that extenuating circumstances exist as both occupiers of the flat are elderly and one has mobility difficulties due to illness.

RELEVANT POLICIES

STRUCTURE PLAN: DEV1, LOC2, NE2

LOCAL PLAN: GEN3, GEN7, DEV7

NATIONAL POLICIES: PPS1, PPS3, PPS7

This paragraph is to comply with Article 22 General Development Procedure Order 1995