

Recommendation Report for Planning Permission

REF NO: PO/9/21/PL

LOCATION: Priory Cottage
Poling Street
Poling
BN18 9PS

PROPOSAL: Proposed new shepherd hut, wash room shed and decking to be used as a holiday let. This site is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The shepherds hut would be on wheels and measure 4.67m in width, 2.4m in depth and have a curved roof with a maximum height of 3m. The proposed materials are natural cedar cladding, reclaimed corrugated iron sheet roof, reclaimed stable door and hardwood window frames. The wash room shed would be 2.47m in width, 1.2m in depth and have a dual pitched roof with a height of 2.45m. The proposed materials are shiplap cladding, felt roof and a reclaimed stable door. The structures would be sited in the north-east corner of the garden to Priory Cottage. The proposals include a new path to the structures, some decking between the structures and an extended 1.8m high wooden lattice fence to separate it from the main garden area. The proposed use of the shepherds hut with washroom is for short-term holiday lets.
TOPOGRAPHY	Predominantly flat.
TREES	Large mature oak tree (T1 on plan) in north-east corner of garden. No Tree Preservation Order.
BOUNDARY TREATMENT	1.8m high wooden lattice fencing to southern and western boundaries of development area, 3m high hedging to eastern boundary, and 2m high hedging to northern boundary (adjacent to garden of neighbouring property 'Fairplace').
SITE CHARACTERISTICS	Single storey detached historic cottage set in gardens, with hardstanding driveway, garages and garden outbuildings.
CHARACTER OF LOCALITY	Rural character. Country lane with detached dwellings set on large plots.

REPRESENTATIONS

Poling Parish Council - no comments received.

No other representations received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health Officer:

No adverse comments, recommend standard construction hours condition.

COMMENTS ON CONSULTATION RESPONSES:

Noted. Condition for construction hours considered not necessary, given scale and nature of development.

POLICY CONTEXT

Designation applicable to site:

Countryside

Area of Special Control (Adverts)

Area prone to groundwater flooding

CIL Zone 3

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
QEDM2	QE DM2 Light pollution
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management
ENVDM4	ENV DM4 Protection of trees
ENVSP1	ENV SP1 Natural Environment
ENVDM5	ENV DM5 Development and biodiversity

PLANNING POLICY GUIDANCE:

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 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.

Poling does not have a Neighbourhood Plan.

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 relate to small-scale visitor accommodation outside the Built-Up Area Boundary for the quiet informal recreation and enjoyment of the countryside, have an acceptable visual impact on the character of the Countryside, residential amenity and parking/highways.

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 in this case to be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES:

The key issues in the determination of this application are as follows:

- Principle of development, use
- Impact on visual amenity
- Impact on residential amenity
- Highways impact and parking provision
- Waste provision
- Other matters: drainage and trees

PRINCIPLE/HOLIDAY ACCOMMODATION USE:

The site is located outside the Built-Up Area Boundary, within the designated Countryside. Policy C SP1 of the Arun Local Plan (ALP) seeks to resist countryside development unless it meets certain exception

tests. This includes (f) in accordance with other policies in the Plan which refer to a specific use or type of development. Tourism policy TOU DM1 is one such policy which refers to a specific use/type of development. Part 2 of TOU DM1 states that "proposals for visitor...accommodation outside of the Built-Up Area Boundary these will generally be expected to be small-scale and relate to quiet, informal recreation and enjoyment of the Arun's countryside". It also states "In all cases, development in the countryside will demonstrate that it is required and is compatible with its countryside location and is sensitively designed to minimise potential impact on the countryside." Policy TOU SP1 supports sustainable tourism development in the District.

In this case, the proposed accommodation (one shepherd's hut with washroom shed) would be suitably small-scale, relate to the quiet informal recreation and enjoyment of the surrounding countryside and is of a design and materiality which would be sensitive to its countryside setting. In conclusion, the proposals would accord with ALP policies C SP1 (f) and TOU DM1 and is promoted by policy TOU SP1, and this proposed use is acceptable in principle.

VISUAL AMENITY:

Para 130 of the National Planning Policy Framework (NPPF, 2021) requires that applications for developments (b) are visually attractive as a result of good architecture and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting. Para 134 of the NPPF states 'Development that is not well designed should be refused'.

Policy D SP1 of the Arun Local Plan (ALP) states development should reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. ALP policy D DM1 looks at aspects of form and design quality, including; character, appearance, layout, scale, density, adaptiveness, innovation, impact on neighbouring amenity, impact on trees, crime prevention and solar gain. Policy LAN DM1 states that "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas". Policy TOU DM1 states that in respect of tourism development "In all cases, development in the countryside will demonstrate that it is required and is compatible with its countryside location and is sensitively designed to minimise potential impact on the countryside."

The proposed shepherd's hut and washroom are single storey, small-scale structures and their design and materiality (cedar/shiplap cladding, timber stable doors, hardwood window frames) would be sympathetic and sensitive to the garden setting, visually unobtrusive within the countryside/landscape context and would respect the character of the countryside and landscape. The proposals would accord with the NPPF, ALP policies D SP1, D DM1, LAN DM1 and TOU DM1, in respect of design and visual impact.

RESIDENTIAL AMENITY:

NPPF para 127(f) requires decisions to create places with a high standard of amenity for existing and future users.

Policy QE SP1 of the Arun Local Plan requires that development contributes positively to the quality of the environment and ensures development does not have a significantly negative impact upon residential amenity. Policy D DM1(3) of the Arun Local Plan requires development has a minimal impact to users and occupiers of nearby property/land e.g. by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

The ADC Design SPD sets out amenity requirements, including the 25 and 45 degree tests for outlook/daylight loss and minimum separation distances to avoid overlooking and loss of privacy.

The new structures would be located in the north-east corner of the garden to Priory Cottage. The boundary screening would consist of a 2m high hedging to the northern boundary adjacent to garden of neighbouring property 'Fairplace' and extended 1.8m high timber lattice fencing to the southern boundary separating it from the garden of Priory Cottage. Given only 1 shepherds hut is proposed which is likely to be only occupied by a single person, couple or maximum 3 people (e.g. couple with small child), this would likely be a low intensity visitor use. There would be intermittent comings and goings of visitors parking in the driveway area and using the shepherds hut. However, this would be low intensity, and even with visitors potentially using the decked area to sit out/have dinner etc., the use would not be out of the ordinary in terms of potential noise and disturbance than what could occur from the residents of Priory Cottage using their driveway and garden etc. Given the scale of development proposed (only 1 shepherds hut i.e. low intensity use, single storey structures), the boundary screening and the distance to neighbouring properties, the proposals would not give rise to a loss of outlook/light, overlooking/loss of privacy or significant noise and disturbance to neighbouring occupiers. The proposals would protect neighbouring residential amenity in accordance with the NPPF, ALP policies QE SP1 and D DM1 and the ADC Design SPD.

HIGHWAYS IMPACTS AND PARKING PROVISION:

Para 110 of the NPPF states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Para 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. ALP policy T DM1 requires development to make provision for facilities for sustainable modes of transport such as cycling, to meet the parking standards, including cycle storage. The ADC Parking SPD (2020) sets out the parking standards for development in the District.

Given the proposal is for 1 shepherds hut only and as such will be a low intensity visitor use, it is concluded there would not be a material intensification of the existing site access by vehicles nor a harmful impact on the operation and safety of the local highways network.

The ADC Parking SPD does not provide specific car parking standards for a holiday accommodation (C1) use and states that parking provision for this type of use shall be determined on a case by case basis based on needs. This area is not a sustainable location in that the site is within the countryside, on a rural lane, and use of the private vehicle is likely to be the normal mode of transport for visitors staying at the shepherds hut. It is considered that it would typically generate demand and need for 1 car parking space (with maybe 2 in certain circumstances e.g. where 2 visitors are coming from different places or those staying have additional visitors). The site has an extensive area of hardstanding which would provide sufficient vehicle parking spaces for use of the occupants of Priory Cottage and visitors of the shepherds hut. Planning conditions are recommended that provision be made for Electric Vehicle Charging Point (EVCP) for visitors cars and for secure/undercover cycle parking provision so visitors are encouraged to use cycling as a sustainable mode of transport during their stay to explore the local countryside, coast and settlements.

WASTE PROVISION:

ALP policy WM DM1 requires that appropriate waste storage provision and kerbside collection be provided for new (residential development). Whilst this proposal is not for a new dwelling, the visitor

accommodation is anticipated to generate waste similar to that of a new dwelling on a weekly basis. As such, a planning condition is recommended to ensure refuse and recycling storage provision is provided on site (quantum of 1 x 240l bin for refuse and 1 x 240l bin for recycling).

OTHER MATTERS:

Trees -

There is a large mature Oak tree (T1 on plan) within the development area. This is not subject to a TPO but is still worthy of protection given its significant landscape and visual amenity value. There is also hedging around the boundary to north and east. A new path and decking area is proposed. However, the proposals would involve no significant foundations or excavation and so there would be no significant (adverse) impact on this tree or hedgerows. The proposals would therefore accord with ALP policy ENV DM4 which seeks to protect trees and hedgerows of value.

SUMMARY:

In conclusion, the proposals would accord with the relevant policies in the NPPF and Development Plan, in that it would relate to small-scale visitor accommodation outside the Built-Up Area Boundary for the quiet informal recreation and enjoyment of the countryside, have an acceptable visual impact on the character of the Countryside, and an acceptable impact on residential amenity, parking/highways, drainage and trees.

The application is therefore recommended for approval, subject to the following planning conditions and informatives:

HUMAN RIGHTS ACT

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 CIL Liable as it is 'other' development.

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:

 - New Huts (drawing no. 0345/ 101 Rev A)
 - Location and Block Plan (drawing no. 0345/ 100 Rev A)
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies TOU DM1, D DM1, D SP1, LAN DM1, QE SP1, W DM3 and ENV DM4 of the Arun Local Plan.
- 3 No part of the development shall be first occupied until 2 car parking spaces on-site to serve the new visitor accommodation (shepherds hut) have been provided. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking spaces for the occupants and visitors of the new visitor accommodation, in accordance with policies T DM1 of the Arun Local Plan and the Arun Parking SPD.
- 4 No part of the development shall be first occupied until covered and secure cycle parking spaces (minimum of 2 spaces) on-site to serve the new visitor accommodation have been provided. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies including the National Planning Policy Framework, and policies T SP1 and T DM1 of the Arun Local Plan.
- 5 No part of the development shall be first occupied until 1 electric vehicle charging space (with EVCP provision) on-site to serve the new visitor accommodation has been provided. This space and charging facilities shall thereafter be retained and maintained in good working order at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies including the National Planning Policy Framework, and policies T SP1 and T DM1 of the Arun Local Plan, and to improve air quality in accordance with policy QE DM3 of the Arun Local Plan.
- 6 No part of the development shall be first occupied until bin storage (to consist a minimum of 1 x 240l refuse bin and 1 x 240l recycling bin) on-site to serve the visitor accommodation has been provided. This bin storage provision shall be retained thereafter.

Reason: To ensure the visitor accommodation is served by adequate waste storage provision, in accordance with policy WM DM1 of the Arun Local Plan.

- 7 No external lighting shall be installed until details of the external lighting scheme have been submitted to and approved in writing by the Local Planning Authority, prior to its installation. This submission shall include a layout plan with beam orientation and a schedule of light equipment (luminaire type, mounting height, aiming angles and luminaire profiles). The approved scheme shall be installed and fully assessed when operational to ensure no light creep/bleed by a competent individual and operated in accordance with the approved details unless the relevant planning authority gives its written consent to the variation.

Reason: To protect the appearance of the area, local wildlife including bats and local residents from light pollution, in accordance with policies D DM1, LAN DM1, ENV DM5, QE SP1 and QE DM2 of the Arun Local Plan.

- 8 Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

Reason: To protect local wildlife, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 9 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.