

Recommendation Report for Planning Permission

REF NO: P/149/25/PL

LOCATION: 4 Canterbury Close
Pagham
PO21 3QX

PROPOSAL: Change of use of existing hobbies/fitness room to a holiday let (resubmission following P/93/25/PL). This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	The site is a detached outbuilding currently used as a hobbies/fitness room within the curtilage of an existing dwelling.
CHARACTER OF LOCALITY	The site is in a residential area.

RELEVANT SITE HISTORY

P/88/23/HH	Replacement garden structure to provide a hobbies/fitness room.	ApproveConditionally 08-09-23
P/10/21/HH	Replacement garden structure to provide a hobbies/fitness room	ApproveConditionally 29-03-21

Planning history noted.

REPRESENTATIONS

Pagham Parish Council - No objection.

No responses were received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH - No objection.

NATURAL ENGLAND - Further information required.

- Pagham Harbour Contribution should be sought to mitigate impacts of increased recreational pressure.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Pagham Harbour Zone B

2km Buffer for SSSI

Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
QEDM1	QE DM1 Noise Pollution
TOUDM1	TOU DM1 Tourism related development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

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 does not

demonstrably harm the character of the surrounding area or residential amenity.

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The application seeks a change of use of an existing building within the built up area boundary, and is acceptable in principle, subject to compliance with other development plan policies.

TOURISM

Arun Local Plan (ALP) policy TOU DM1 states that proposals for tourism related development will be supported where they are in accessible locations, are accompanied by workable and realistic travel plans, address visitor management issues and achieve good design. The proposed holiday accommodation is in an accessible location within walking distance of local amenities. Given the scale of the proposed development, a travel plan is not required and the proposal would not result in visitor management issues. No alterations are proposed to the external appearance of the building. The proposals are in accordance with ALP policy TOU DM1.

CHARACTER AND VISUAL AMENITY

The application does not propose any physical alterations to the exterior of the building, and the proposals will not harm the visual amenity of the property or the wider area.

The change of use to a holiday property, rather than an ancillary building will result in change to the character of the use. This will include an increase in comings and goings, vehicular movements, and an increase in the intensity of the use of the site. As the holiday accommodation would likely be occupied by a maximum of two people, the level of increased activity would not be so significant as to be harmful to the surrounding area, and the impact on the character of the area is acceptable in accordance with ALP policy D DM1.

INTERNAL SPACE STANDARDS

The internal area of the unit is 23 sqm which falls well short of the nationally described space standard of 39 sqm. If it is also unclear from the plans whether the unit will benefit from outdoor amenity space, although there is some reference to a terrace in the Design and Access Statement. The application is for holiday accommodation and there are no specified standards for this type of accommodation in the development plan. Given that occupiers will only be staying for a short period of time, and the unit will not permanent accommodation, the size of unit is considered acceptable in this instance. A condition has been applied to ensure that the unit is used a short-term holiday let accommodation only, and that the development complies with ALP policy D DM2.

NEIGHBOURING RESIDENTIAL AMENITY

No building works are proposed as a result of the change of use, and the existing windows are located

on the front elevation and do not result in overlooking impacts. The site is located within close proximity of 4 Canterbury Close, and of properties to the north at Oakland Court. Given its size, the holiday accommodation would be occupied by a maximum of two people. Use of the unit as holiday accommodation by two people is unlikely to generate significant noise or disturbance, and would not demonstrably impact neighbouring occupiers. There may be some additional noise through discussion between the parties and movement going to and from the holiday unit. However, that would be similar in nature to the residential nature of the building in its current use.

The proposal would not result in harmful impacts on neighbouring occupiers, in accordance with ALP policies D DM1 and QE DM2.

TRANSPORT AND PARKING

There is existing parking to the front of 4 Canterbury Close which serves the existing dwelling. A parking plan has been submitted which shows the parking to the front of the property, and identifies a parking space which would be allocated for use by occupiers of the holiday let. The plan shows that three parking spaces would remain, although it is not clear how feasible it would be for all of these spaces to be in use at the same time. There is a good availability of on-street parking within the area. The recommended number of spaces for a residential dwelling in this area is 2 spaces, and so there would be sufficient off-road parking for both the holiday let and the host dwelling on the site.

The existing access arrangements would not be altered, and the proposal make sufficient provision for off street parking, on accordance with ALP policy T SP1.

ECOLOGY

ALP policy ENV DM2 requires residential developments within 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. For the purposes of the financial contribution, holiday homes are treated as the same as residential units. The contribution for the proposal is £962. This contribution has been secured by the signed Section 106 legal agreement, and on this basis, there is no conflict with ALP policy ENV DM2.

SUMMARY

The development is in accordance with relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

- 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
- Proposed Floor Plan 43/21/03 REVA
- Proposed Elevations 43/23/04
- Existing and Proposed Roof Plans 43/23/07
- Parking Arrangements 43/23/07

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

- 3 Notwithstanding the provisions of Part C, Class C3 Dwelling House to the Schedule of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order, without the prior permission of the Local Planning Authority. The property shall not be occupied by any persons for a total period exceeding 28 days in any calendar year. The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

Reason: The application has been assessed on the basis that the unit would not be used for permanent occupation. Use of the building as a permanent residence may not provide an acceptable standard of residential amenity, and the condition is attached to ensure the development complies with Arun Local Plan policy D DM2.

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority

habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.