

Recommendation Report for Planning Permission

REF NO: WA/27/25/PL

LOCATION: Stoney Brook Farm
 Eastergate Lane
 Walberton
 BN18 0BA

PROPOSAL: Change of use and associated works to annexe to form 1 No. self-build, self contained dwelling. This application is in CIL zone 3 and is CIL liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the change of use of a residential annexe, alongside associated works, to form a self contained dwelling. No external changes are proposed.
SITE AREA	700 sqm (including access).
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Tall metal access gate with brick piers and side walls, fencing along northern boundary to Eastergate Lane.
SITE CHARACTERISTICS	Former agricultural building of black metal/render construction. The agricultural building is understood to have been in informal residential use as an annexe since late 2015. The red edged area of the site includes a southern, first-floor section of the building, alongside a small area of hardstanding to the east of the building, and a gravel driveway that runs toward the access and parking bay in the north of the site, and the second parking bay immediately south of the proposed flat.
CHARACTER OF LOCALITY	Eastergate Lane has a prevailing rural and agricultural character with a limited number of residential dwellings.

RELEVANT SITE HISTORY

WA/87/20/CLE	Lawful development certificate for the existing use of first floor of southern end of building as a single dwelling house.	Refused 13-01-21
WA/61/19/PD	Notification for Prior Approval under Part 3, Class O for change of use from an office (Class B1) to 1 No. dwelling (Class C3).	No Objection 19-08-19

WA/61/19/PD - This application granted prior approval for the conversion of the ground floor section of the building immediately below the proposed flat, into a self-contained residential flat.

WA/87/20/CLE - This Lawful Development Certificate sought to confirm that the first-floor area of the building subject that forms the subject of the current application had lawful use as an independent unit of residential accommodation. It found that whilst the section of the building in question had been in use as a 'residential annexe', it had not formed an independent unit of accommodation.

The site has, and is, subject to other planning applications, but they do not pertain to the section of the site in question and are not of direct relevance to this proposal.

REPRESENTATIONS

Walberton Parish Council - Objection:

- Outside Built-up Area Boundary.
- Loss of agricultural land and soils.
- Concerns regarding building on a greenfield site.
- Concerns for the number of applications for development along Eastergate Lane.
- Loss of rural character.
- Concerns for impacts on Chalk stream (biodiversity corridor) to the west and south of the site.
- Concerns that a bat emergence survey is necessary.
- Concerns for flood risk and viability of drainage.
- Concerns for lack of alternative transport connections along Eastergate Lane.
- Concerns for increased vehicular traffic along Eastergate Lane.
- Should the development be permitted, it should be subject to conditions that prevent occupation until drainage issues in the area have been resolved, and bat and environmental surveys should be provided.

1 Objection from nearby occupier:

- Noting multiple recent applications at Stoneybrook Farm and their determinations.
- Suggesting the full site should be considered when determining this application as they share access and drainage.
- The proposal does not show the proposed development on site being considered under WA/108/24/PL.
- Concerns the proposal is not 'Self-Build'.
- Noting WA/69/19/PD which pertains to the same ground floor area as this site.
- Noting WA/87/20/CLE and that the ground floor was converted to a flat, and that this application is therefore, a change from 2 one bed dwellings to one 2 storey dwelling and not a "self build".

COMMENTS ON REPRESENTATIONS RECEIVED:

All comments noted. All relevant planning matters are discussed in the conclusions section to this report. This application pertains only to the first-floor of the southern section of the building. It does not involve the ground floor flat permitted under WA/61/19/PD, nor does it involve any external changes to the building or any new buildings/extensions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

South Downs National Park - No comment.

Environmental Health - No objection:

- Unexpected contamination condition requested.

Southern Water:

- Incorrect consultation response received.

Ecologist - No objection:

- The site is within the Singleton and Cocking Special Area of Conservation 1200m Habitat Regulations Assessment (HRA) buffer. An appropriate assessment may be required but given the application is for conversion of a building, an Appropriate Assessment is unlikely to be required.
- The roost assessment found evidence of droppings in building B1, and a historical bat roost is present in this building. The bat emergence survey did not identify any bats emerging from the building.
- A bat licence is required as works are proposed to the roof which could cause disturbance.
- A little owl was recorded foraging in the vicinity of the buildings.
- The Preliminary Ecological Appraisal (PEA) has assessed the proposals for impacts to protected species.
- Conditions securing a bat roost cavity wall on 'the new dwelling', log piles or compost heaps, and a bat friendly lighting scheme suggested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

Southern Water responded with a consultation response that did not pertain to this application. The proposal is for a change of use with no additional built development and would repurpose an internal W/C to serve the new unit. Southern Water were notified of the incorrect response but no further correspondence was received. It is not necessary to seek further comment.

The PEA relates to multiple developments on site, and not all of the recommendations in the report are of pertinence to this application. The proposal does not involve any new built development and conditions suggested by the Ecologist must be reasonable and relevant to the development in question. This is discussed further in the conclusions section.

An unexpected contamination condition is not required. There are no significant groundworks or external developments proposed.

POLICY CONTEXT

Designation applicable to site:
 Outside Built-up Area Boundary.
 Partially at risk of Surface Water Flooding.
 Lidsey Treatment Catchment Area.
 Lidsey Local Flood Risk Zone.
 Singleton and Cocking Tunnels (HRA Buffer).

DEVELOPMENT PLAN POLICIES

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

- | | |
|--------|--|
| CSP1 | C SP1 Countryside |
| DSP1 | D SP1 Design |
| DDM1 | D DM1 Aspects of form and design quality |
| DDM2 | D DM2 Internal space standards |
| ECCSP2 | ECC SP2 Energy and climate change mitigation |

ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

[Walberton Neighbourhood Plan Policy 2019-2031 HP1](#) Built up boundary (BUAB)

Walberton Neighbourhood Plan Policy 2019-2031 7 Biodiversity Corridors VE10

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, 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. All relevant policies from the Walberton Neighbourhood Development Plan have been considered.

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 compliant with relevant Development Plan policies in that it would not compromise the character or visual amenities of the area.

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 development is outside the Built-up Area Boundary in conflict with Policy SD SP2 of the Arun Local Plan (ALP), and Policy HP1 of the Walberton Neighbourhood Development Plan (WNDP). Development outside the Built-up Area is permitted by Policy C SP1 of the ALP subject to specified criteria, The proposal does not meet any of the criteria specified within this policy and it is also in conflict with Policy C SP1.

The NPPF is an important material consideration in determining applications. As the council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered. Paragraph 11(d) of the NPPF states 'where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless... (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 14 of the NPPF states where the presumption in favour of sustainable development applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the Plan is less than 5 years old and contains policies and allocations to meet its identified housing requirement. The WNDP was made in 2021 and includes policies/allocations for new housing in line with the indicative requirement at the time the NP was examined. On this basis where there is conflict with the plan, the NPPF directs that this will likely outweigh the benefits.

The principle of development on this site conflicts with both the ALP and the WNDP in respect of development in the countryside. It is material that the building in question is existing and is currently in residential use.

CHARACTER & DESIGN

The proposal is for the change of use alongside associated works to the first floor of the southern end of the existing building from a residential annexe, to a self-contained residential flat. The associated works do not involve external alterations or extensions of the building, nor any new buildings, and these primarily relate to minor internal works. There would be no visual change to the building, nor would there be any significant alteration of the character the building currently demonstrates.

Although the proposal has access to and from Eastergate Lane, the building is set well back in the plot and is not directly visible from the lane. The only notable resultant increase in residential character within the wider area of Eastergate Lane, may be a small increase in trips vehicles make to and from the site as a result of the proposal establishing a self-contained residential unit. The increase in trips would be limited in number and infrequent, nor would they necessarily be assumed by passers-by as being associated with a residential unit given the building has virtually no visual presence in the street.

Despite being predominantly rural in character, Eastergate Lane is not absent of residential elements. The proposal would not result in any significant intensification of the residential character such that it would be unacceptably harmful to the predominantly rural character of the area.

By virtue of being an existing building in residential use that is not to be altered externally and not resulting in any unacceptable impact on the predominantly rural character of the area, the proposal is in

accordance with policies D SP1 & D DM1 of the ALP.

NEIGHBOURING RESIDENTIAL AMENITY

Based on the existing use of the section of the building in question and the lack of external alterations, the proposal would not have any unacceptable overshadowing, overbearing, or overlooking impacts on neighbouring units.

The proposal is in accordance with policies QE SP1 & D DM1 of the ALP.

QUALITY OF ACCOMMODATION

The proposed unit features an internal floor area of approx. 64sqm, well above the minimum standards for a single bedroom residential unit of this type. The proposal also features sufficient openings for light accessibility.

A limited area of external hardstanding is proposed as amenity space. It would provide a limited standard of amenity, but the unit is surrounded by open green agricultural land and within a rural setting with access to public open greenspaces within Walberton Village a short walk to the east. The application is for the subdivision of a building with existing residential use. In the context of this application, this does not constitute sufficient harm for refusal.

The proposal benefits from a sufficient level of residential amenity in accordance with policies QE SP1 & D DM2 of the ALP.

TRANSPORT & PARKING

The proposal is for a one-bedroom flat and is in Parking Zone 1 which would require the provision of two parking spaces to accord with the Arun Parking Standards. The proposal would provide these spaces on two areas of existing hardstanding, with one such space including the provision of an EV Charging Point as also required by the Arun Parking Standards.

The proposal makes use of an existing access point onto Eastergate Lane that features an electric gate and sufficient space to park off of the highway whilst waiting for the gate to open. There is sufficient space on site to turn and manoeuvre for exiting the site in forward gear. WSCC Highways were not consulted on this application but provided comment on recent residential dwelling applications at the site that would have used the same access. No concerns around access safety have been raised.

The Arun Parking Standards also recommends the provision of a single cycle parking space per dwelling to ensure alternative transport options are provided. This has not been proposed by the development and so there is conflict with the Arun Parking Standards in this regard. A condition has been attached to secure the provision of a cycle parking space for the unit and the proposal is compliant in this regard.

The proposal is in accordance with Policy T SP1 of the ALP and the Arun Parking Standards.

ENERGY EFFICIENCY

The proposal is to formalise the subdivision of an existing residential building. Policy ECC SP2 of the ALP requires all new residential development (including conversions and changes of use) to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards applicable, use design and layout to promote energy efficiency; and to incorporate decentralised, renewable, and low carbon energy supply systems, such as solar panels.

As a change of use/conversion the design and layout are not directly applicable to ensuring the proposal is energy efficient. It is likely that the unit would be subject to Building Regulation requirements for meeting the necessary energy efficiency targets to serve as a residential unit.

The use of decentralised and renewable/low carbon energy supply systems is to be secured by way of condition to ensure compliance with Policy ECC SP2 of the ALP.

ECOLOGY & BIODIVERSITY

The proposal has been supported by a Preliminary Ecological Appraisal (PEA) and a Bat Survey Report. These apply to the full site as there are, and have been, multiple projects being applied for at the site. The PEA and Report seek to cover all of these proposals, and not all recommendations/mitigations and enhancements within these documents are not relevant to this application.

The proposal does not involve any external lighting nor significant construction works. No external lighting condition is required.

The proposal does not include significant external works that would have any impact on the ecology of the site. An occasional summer day roost was identified in the roof of the building in question, just north of the access door. The PEA and Bat Survey Report identified that some internal retrofitting/upgrade works may be required within the proposed unit. Internal works do not require planning permission, but this remains of note as a bat license may still be required. The acquiring of a bat license cannot be controlled by this permission because that would result in the need of a bat license, do not require permission. An informative has been attached to notify the applicant that this may be a legal requirement under separate legislation.

The description of the application identifies the proposal as 'self-build'. This is included in descriptions of development as an identifier for where a proposal may meet the 'self-build' exemption with respects to statutory biodiversity net gain. Whether the proposal constitutes 'self-build' is irrelevant to the characteristics of the development, and in any case, the proposal remains exempt from statutory biodiversity net gain under the de-minimis exemption. The proposal is still required to achieve a biodiversity net gain in line with Policy ENV DM5 of the ALP. As such, a condition has been attached to secure the provision of an external bat box at high-level as it would be of relevance to the overall proposal.

As the proposal involves no significant external development, the proposal will have no bearing on the surrounding chalk streams identified by Policy VE10 of the WNDP, nor any impact on the Singleton and Cocking buffer zone in accordance with Policy ENV DM1 of the ALP.

FLOOD RISK & DRAINAGE

The site is in Flood Zone 1 and the proposed unit is at first floor and already in residential use. Updated EA flood maps for surface indicate there is a low risk of surface water flooding in the future along Eastergate Lane, and on part of the driveway. The proposal would not alter the vulnerability of the site, and the first-floor accommodations would be safe from flood risk.

The proposal would not increase the footprint of the building and does not require any surface water drainage arrangements. The section of the existing first-floor of the building in question already features a W/C which would be repurposed to function as an en-suite, and the existing foul drainage systems for the building and site will be used. Any alteration of services connecting to the existing W/C for it to function as an en-suite would be internal works and not require planning permission. The proposal would not have any impact on surface water drainage from the site, and would not have any unacceptable impact with respects to foul water.

The proposal is in accordance with Policy W DM2 of the ALP.

SUMMARY

In this case, although Paragraph 14 of the NPPF emphasises that it is likely that the adverse impact of allowing development that conflicts with the neighbourhood plan will significantly and demonstrably outweigh the benefits of the proposal, the harms of this particular proposal are very minimal due to the existing context. The limited harms do not outweigh the benefits of providing an additional residential dwelling to the Council's overall Housing Land Supply in this period of acute housing need. The proposal is in accordance with Paragraph 11d of the NPPF and as such, the proposal 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

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 CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

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:

- Site Location Plan 4470-07.

- Proposed Site Plan 4470-06 B.
- Proposed Floor Plan DWG 3 (Dated: 09/10/24).
- Proposed FF Flat Elevation DWG 4 (Dated: 09/10/24).

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 The dwelling hereby approved shall not be first occupied until a covered and secure cycle parking space has been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The spaces so provided shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 4 Prior to the occupation of the approved dwelling, 1 No. bat box shall be installed no more than 0.3m below the first-floor eaves along the external southern elevation of the unit.

Reason: To provide on-site ecological enhancement and a biodiversity net gain in accordance with Arun Local Plan policy ENV DM5.

- 5 Prior to the occupation of the approved dwelling, the applicant or developer shall provide the dwelling with an electric vehicle charge point in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The charge point shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge point shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

- 6 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and and Solar (Photovoltaic) Panels. Any physical features, such as solar panels, that are required as part of the works must be installed prior to the occupation of the dwelling and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and Arun Local Plan policy ECC SP2.

- 7 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).

- 8 **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 National Planning Policy Framework.