

Recommendation Report for Planning Permission**REF NO:** **WA/42/13/****LOCATION:** Slate Barn Farm
 Binsted Lane
 Binsted**PROPOSAL:** Conversion of redundant farm building into family guest accommodation.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal relates to conversion of an existing building used as a store/workshop to ancillary residential accommodation comprising 4 bedrooms, a shower room, kitchenette, sitting room and bathroom.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Timber boarding to road frontage to a height of approximately 1.8 metres in front of hedging and trees which include leylandii
SITE CHARACTERISTICS	Building is in a poor state of repair. It is located close to the front boundary in an overgrown area to the side of the defined garden area and forward of the dwelling to the south. It has a corrugated roof and brick and block work walls.
CHARACTER OF LOCALITY	Predominantly rural.

RELEVANT SITE HISTORY

WA/32/91	Change of Use from redundant agricultural building to domestic dwelling	ApproveConditionally 06-01-1992
WA/49/93	Change of Use from redundant agricultural building to domestic dwelling	ApproveConditionally 08-10-1993
WA/7/05/	Outline application for a detached two storey private dwelling with seperate entrance off highway. (Departure from the development plan)	Refused 22-03-2005

REPRESENTATIONS

Representations received:

Walberton Parish Council

No Objection. Request a condition is imposed to limit the use of the converted building to ancillary accommodation for the main house only.

Comments on Representations received:

None

CONSULTATIONS

Engineering Services Manager
Engineers (structural)

Consultations responses received:

Structural Engineer - In the absence of a structural engineers report suggest standard condition is imposed. Justification of the adequacy of the walls and foundations to support increased load from the new roof covering is needed.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN3](#)
[DEV2](#)

Built-up Area Boundary
Protection of the Countryside
Conversion of Rural Buildings for Residential Use

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 it would have a materially adverse effect on the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The proposal is to convert an existing rural building adjacent to the garden area of the farm house to ancillary guest accommodation. On this basis the application falls to be considered against Policy DEV2 of the Arun District Local Plan which relates to conversion of rural buildings for residential use. All the criteria outlined by DEV2 need to be complied with.

The first criteria requires that evidence is submitted to demonstrate that reasonable attempts have been made to market and use the premises for business purposes and a statement of the efforts made is submitted in support of the application; or that residential conversion is a subordinate part of a scheme for business reuse. No evidence has been submitted in this respect. However, given that the proposal would constitute ancillary accommodation to serve the farm house it is not considered that compliance with this part of the policy would be necessary.

The second criteria of Policy DEV2 is that the building should be structurally sound, of permanent construction and capable of conversion without rebuilding or significant alteration or extension. The building is in a poor state of repair and has not been maintained recently. No details have been submitted to confirm that the building is structurally sound or capable of conversion without significant re-building. The alterations to the elevations are considered unacceptable and the number and size of openings do not respect the character or simple and limited fenestration of this building.

With regard to Criteria (iii) the site is close to the farm house adjacent to residential dwellings. It is considered given the position of the building adjacent to another dwelling and its ancillary nature it would be unlikely to generate a significant increase in traffic levels or activity and the rural character would not be materially altered. The car parking area of the existing dwelling would be shared which would have no adverse effect the visual amenities and rural character of the locality. It is not clear where any items which may be stored in the barn would be stored and whether this would result in demand for an additional building in the countryside.

Criteria (iv) requires the resultant building to be sympathetic to its setting in terms of form, bulk and visual design. No extension of the building is proposed but the number of elevational changes are excessive. The proposal in its current form is therefore unsympathetic.

Criteria (v) states resultant traffic should be safely accommodated by the site access and the central road system. Given the ancillary nature of the accommodation it is not anticipated that the

traffic levels generated would harm the residential amenity or character of the area.

A bat and barn owl survey is required in compliance with Natural England standing advice and the policy also requires provision to be made for bats and owls and this has not been included within the proposal. The proposal therefore conflicts with this policy requirement.

Affordable Housing

The proposal does not generate a requirement for contributions towards affordable housing since it relates to ancillary residential accommodation.

In addition given the number of bedrooms, layout and nature of use of the rooms it is not considered that the accommodation would be ancillary to the use of the farm house. The farm house has 4 bedrooms and the proposed family accommodation has an additional 4 bedrooms and its own kitchen, sitting and bath/shower rooms. It would therefore have no reliance on the farm house for any shared facilities and would be capable of independent occupation in the countryside contrary to policies GEN2 and GEN3 of Arun District Local Plan.

The application is therefore recommended for refusal for the following reasons.

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 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 no negative 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).

RECOMMENDATION

REFUSE

- 1 The proposed conversion is unacceptable in that it has not been satisfactorily

demonstrated that the building is of sound construction and capable of conversion without significant rebuilding or alteration. It is also considered that the rural character and appearance of the building and locality would be adversely harmed by the number and size of the new openings. The proposal is therefore considered to conflict with policies GEN3, GEN7 and DEV2 of the Arun District Local Plan.

- 2 Given the extent and nature of the accommodation proposed the Local Planning Authority is not satisfied that the unit would be ancillary to the use of the farm house as a single residential dwelling. The proposal is therefore unacceptable to the Local Planning Authority which seeks to control very strictly all residential development outside the built-up areas and, in particular, requires that permission will not normally be granted for the extension of isolated groups of houses or the consolidation of linear or sporadic development, and therefore conflicts with policies GEN2, GEN3, GEN7 of the Arun District Local Plan for the countryside.
- 3 The proposal contains insufficient information in respect of the presence of bats and owls, impact on bats and owls and mitigation and it is therefore contrary to the National Planning Policy Framework and policy DEV2. In addition, it has not been satisfactorily demonstrated that such mitigation measures could be achieved without adversely affecting the design and appearance of the rural building in conflict with policy DEV2.
- 4 INFORMATIVE:Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.