

Recommendation Report for Planning Permission

REF NO: WA/57/19/PL

LOCATION: Black Horse Inn
Binsted Lane
Arundel
BN18 0LP

PROPOSAL: Single storey rear extension and heating ventiation and air conditioning (HVAC) unit. This application may affect the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a single storey extension to the rear of the host building.
SITE AREA	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The application site is bordered by a mixture of fencing and foliage.
SITE CHARACTERISTICS	The site is populated by a two storey public house, with a large car park, and outdoor area.
CHARACTER OF LOCALITY	The area is primarily rural.

RELEVANT SITE HISTORY

WA/94/11/	Proposed two storey extension to rear of property to replace existing single storey structure & extension to car park area.	ApproveConditionally 19-01-12
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Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council
Parish Council - Support.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
SDSP2	SD SP2 Built-up Area Boundary

<u>Walberton Neighbourhood Plan Policy 2017 CL1</u>	Businesses
Walberton Neighbourhood Plan Policy 2017 VE13	Protection of Assets of Community Value
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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 relating to development outside the built up area boundaries. The proposal accords with policy C SP1 (f). on the basis that it is a proposal for economic growth outside the built up area boundary which conforms with policy EMP DM1 (6.) of the Arun District Local Plan 2018.

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

PRINCIPLE

The key policy considerations in the determination of this application are those contained within the Arun Local Plan and the Walberton Neighbourhood Development Plan. The application site is situated outside of the built up area boundary. Policy C SP1 of the Arun Local Plan will not permit development situated outside of the built up area boundary unless it is consistent with other Arun Local Plan policies. Policy C SP1 of the Arun Local Plan seeks to protect the countryside for its own sake and as such exerts strict control over development situated outside of the BUAB.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

In order to determine whether the proposals accord with development policies for proposals outside of the BUAB, the relevant Local Plan policy to assess the proposals against is Policy EMP DM1.

Policy EMP DM1 of the ADLP relates to circumstances in which economic growth outside the BUAB may be permitted. This policy states under (6) that planning permission will be granted on sites outside the built-up area, provided that it is satisfied the criteria in the policy. The proposal meets all of the other criteria set out in EMP DM1 (6.) in that it is an appropriately sized extension of an existing employment site. It is of a high standard of design, which is considered to be appropriate to the context and a sympathetic relationship to the surrounding area.

Policy HP13 of the Walberton Neighbourhood Development plan states that where new development would have an effect on the appearance or character of the surrounding area, it is to be of a high quality of design, and must contribute to local character.

Policy VE13 seeks to protect Assets of Community Value, of which the 'Black Horse Inn' is one. As the proposal is to extend the host building, it is considered to do as such.

Paragraphs 80 and 84 of the NPPF support economic growth through the planning system generally and in rural designated locations. It is therefore clear that the NPPF lends support to the development proposed. This is particularly the case since the proposal is not considered to give rise to unacceptable harm in respect of such matters as visual amenity, design and amenity in general and is considered to be in accord with the Development Plan.

DESIGN AND VISUAL AMENITY

The proposed extension is considered to be of an appropriate design, which appears subservient to, and well integrated with, the host building. The proposed extension is at ground floor level, and as a result of its siting, and boundary treatment within the area, it is considered to be in accordance with D DM1, D DM4(a) and (b) of the Arun Local Plan.

HERITAGE IMPACT ASSESSMENT

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas. Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets. In this instance, it is considered that the proposed development does not cause harm to the setting of the nearby Listed building, and as such, the proposal should be determined in accordance with the relevant sections of the Development Plan. This is as a result of the siting of the proposed development, and the boundary treatment within the locality.

NEIGHBOURING RESIDENTIAL DEVELOPMENT

The application is not considered to give rise to any significant overshadowing or overbearing impact upon occupiers of nearby buildings. This is as a result of the single storey nature of the proposed development, and its siting allowing for significant separation distance between the host building, and its neighbours. Therefore, the proposed development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions.

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.

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:

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Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls, roof, windows and doors of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.
- 4 **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.