

Recommendation Report for Planning Permission

REF NO: WA/70/17/PL

LOCATION: Stable Cottage
Brookfield Farm
Eastergate Lane
Walberton

PROPOSAL: Application for continuance of use without compliance with condition 3-occupancy imposed under WA/101/04/.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The premises comprise a 3 bedroom, L shaped single storey structure used for holiday accommodation.
SITE AREA	95sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	10 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Premises is located adjacent to the road frontage
SITE CHARACTERISTICS	Detached single storey pitched roof holiday conversion with rendered walls and a slate roof. The accommodation comprises 3 bedrooms.
CHARACTER OF LOCALITY	The site is located on the western edge of Walberton village and is located within a former farm yard area where other farm buildings have been converted to tourism use. There is farmland further to the north

RELEVANT SITE HISTORY

WA/101/04/	Change of use to holiday let accommodation/ dwelling	ApproveConditionally 16-02-05
WA/92/04/	Continued use of building as single family dwellinghouse. (Departure from the Development Plan)	Refused 20-12-04

Application WA/101/04 granted planning permission for the conversion of the building to holiday let accommodation/dwelling. It was subject to condition 3 which stated 'The holiday accommodation hereby permitted shall be solely ancillary holiday/recreation accommodation shall not be used as a separate

residential unit of accommodation'. This application seeks to remove this condition and use the premises on an unrestricted residential basis.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Economic Development - No Objection

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

DEV2	Conversion of Rural Buildings for Residential Use
GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
H DM3A	Agricultural, Forestry & Horticultural Workers' Dwelling
TOU DM1	Tourism Related Development
SD SP2	Built -Up Area Boundary

[Walberton Neighbourhood Plan Policy 2017 HP1](#) Spatial Plan of the Parish

Walberton Neighbourhood Plan Policy 2017 VE9 Rural Buildings

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Policies VE9 and HP1 of Walberton Neighbourhood Plan are considered relevant.

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 not considered to comply with adopted Local Plan policy GEN7 (iii) which promotes sustainable development and particularly the reduction in the use of the private car to travel. However, the proposal does accord with Policy DEV2 of the adopted Local Plan in that evidence has been provided to demonstrate that the approved holiday use is not viable. It is also not considered that the proposal would have a materially adverse effect on the visual amenities of the locality, the residential amenities of the adjoining properties or an adverse impact on the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

The National Planning Policy Framework is an important material consideration and this is discussed below. Furthermore, policies TOU DM1 and H DM3 of the Arun Local Plan 2011-2031 Publication Version showing Modifications indicate that permission should be granted where sufficient evidence has been presented to demonstrate that the business/tourism use is no longer viable.

CONCLUSIONS

THE APPLICANT'S CASE:

The main points of the application supporting statement are that:

- * The Council is still unable to demonstrate that it has a 5-year supply;
- * The holiday use is no longer financially viable

PRINCIPLE:

The application site lies outside of the built up area boundary for which Local Plan Policy GEN3 states that development is generally unacceptable unless it falls into a certain category or is otherwise in accordance with a Local Plan policy which refers to a specific use or type of development (such as Policy DEV2). The loss of the tourism condition would not meet any of the five criteria in Policy GEN3 and it would lead to the provision of a new dwelling in the countryside.

It is accepted that the Council is currently unable to demonstrate a 5 year National Planning Policy Framework compliant supply of housing and has an out-of-date Local Plan. However, it is not considered that this automatically means that any applications for residential development in the countryside should be approved. Harm may arise from other issues which relate to the location of the site within the countryside.

Furthermore, the change of use of this holiday unit will not have a significant impact on the Council's Housing Land supply. It is also considered that the Council's housing land supply issues will be resolved through the allocation of additional strategic sites through the emerging Local Plan or by the development of large sites and not by the piecemeal development of the district.

It is not considered that the proposal complies with the definition of sustainable development within paragraph 7 of the NPPF. This is because the loss of the tourist accommodation has the potential to harm the local economy (the loss of tourist revenue balanced against the gain in Council Tax & spending

on the local economy by residential occupier). However whilst the position of the site would increase reliance on the private car, there is no car parking included in the proposal and it would be possible to walk into Walberton and access bus services. In terms of the social dimension, it is considered that the proposal would result in a slight social benefit from the building being occupied all year round and thus contributing to the local community.

Paragraph 8 of the NPPF states that the economic, social & environmental roles should not be undertaken in isolation, because they are mutually dependent and that therefore, to achieve sustainable development, economic, social & environmental gains should be sought jointly and simultaneously through the planning system.

It is also important to consider the following references from the National Planning Policy Framework (NPPF). Firstly, paragraph 28 states that:

"To promote a strong rural economy, local and neighbourhood plans should: (3) support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside."

Paragraph 55 is also relevant as it can allow for homes in unsustainable locations within the countryside. However, none of the circumstances given in para. 55 apply to this case.

WALBERTON NEIGHBOURHOOD DEVELOPMENT PLAN:

Walberton Neighbourhood Development Plan policy HP1 "Spatial Plan of the Parish" is relevant. It states that proposals for development of new dwellings outside of the built-up area boundary, will be resisted unless the Plan has made specific provision for those proposals,. This is considered to apply in this case since the proposal represents conversion of a rural building and policy DEV2 of the Local Plan is relevant.

Notwithstanding that this application concerns an existing ' residential development', as discussed below, it is considered that the proposal does accord with development plan policies (namely DEV2) in that the conversion of rural buildings to permanent residential is acceptable subject to there being no demand for an alternative use.

POLICY DEV2 CONVERSION OF RURAL BUILDINGS FOR RESIDENTIAL USE:

Criteria (i) of Arun Local Plan Policy DEV2 and with emerging Local Plan Policies H DM3 (4 a) & TOU DM1 (a) are relevant. These policies state that the loss of tourist accommodation or rural business premises will only be allowed where evidence of sufficient marketing has been provided.

Although Policy DEV2 forms part of a 14 year old Local Plan, with reference to the NPPF at paragraph 14, the plan is not absent or silent in respect of this matter. Furthermore, the policy itself is not considered be out-of-date as although the Council cannot currently demonstrate an NPPF compliant 5 year housing land supply, Policy DEV2 does not seek to restrict the location of housing but rather allows the conversion of buildings into dwellings within the countryside. It is therefore considered that great weight should be attached to Policy DEV2 in the determination of this application

Policy DEV2 part (i) requires that either 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.

The applicant has sought to comply with Policy DEV2 (i) on the grounds of there being insufficient interest in the property for holiday use. The applicant has supplied evidence that shows that despite marketing the property on two different websites Holiday Cottages and The Cottage Guide and their own website, there have been no recent bookings and there has been a general decline in profits and booking levels over the last 3 years. This has been accepted by Council Economic Development/Tourism Officers do not raise any objection.

Therefore, the applicant has satisfied the requirements of Policy DEV2 (i) by providing evidence to demonstrate that reasonable attempts have been made to market and use the premises for business (tourism) purposes.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether it is suitable for use as a residential unit. Stable Cottage is considered to be a single storey, 3 bedroom, four person property and the required standard is therefore, 74m². The amount of space is 80m² and therefore falls within the standard. Further, this is an existing building which was originally used for non-domestic purposes and future residential occupiers will be well aware of the space limitations before deciding to move in.

In respect of external standards, it is necessary to have regard to Policy D DM3 of the Emerging Local Plan (publication version) which has been approved by the Council for development management purposes. This proposal has no external garden space and therefore does not comply with this policy requirement, but since the proposal is the conversion of rural building within a former farm yard area it is considered that the standard can be relaxed.

SUMMARY:

The starting point for this determination is the development plan. Adopted Arun Local Plan (2003) policy DEV2 allows for the conversion of rural buildings to a residential use subject to compliance with a set of criteria. This report considers that these criteria have been met. It is acknowledged that adopted Local Plan policy GEN7 part (iii) seeks to reduce car travel. However, it is considered that Policy DEV2 would attract more weight in this determination particularly as the proposal concerns an existing building in a holiday use. Walberton Neighbourhood Plan states that proposals for development outside the built up area boundary will be acceptable where they accord with other policies within the development plan (such as policy DEV2).

It is then necessary to consider whether material considerations indicate that this determination should not be made in accordance with the development plan. In this case, material considerations include policies H DM3 (4 a) & TOU DM1 (a) within the emerging Local Plan (which support the recommendation to approve) and the National Planning Policy Framework.

It is not considered that the site is in accordance with the National Planning Policy Framework in that (a) it lies in an unsustainable rural location and (b) it does benefit from any of the rural housing exemptions set out within Paragraph 55. However, it is recognised that the proposal concerns an existing building which already benefits from permission allowing all year round holiday use.

There is therefore an argument, that there would not be a material difference between the number of car trips undertaken by tourists (assuming the property was occupied by tourists all year round) versus the number made by a residential occupier. Furthermore, the loss of tourist revenue should be balanced against (a) the fact that the property has not attracted any tourists and so is not currently contributing to

the local economy, (b) the fact that a residential occupier will also generate spending on the local economy and (c) a residential use will generate Council Tax receipts.

It is therefore recommended that the application be determined in accordance with the adopted Local Plan and that permission be granted 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

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 Location Plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 3 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.