Recommendation Report for

REF NO: **Y/108/14/PD**

LOCATION: Stakers Farm
North End Road
Yapton

PROPOSAL: Prior notification under Class MB for change of use of agricultural building to 2 No. dwellings (Use Class C3)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	In addition to the change of use, the following building operations are to take place: * The walls and roof will be replaced (they currently contain asbestos) but the steel frame will remain; and * Various new doors & windows on all elevations, on both storeys and on the roof. The proposal also involves the demolition of two existing adjacent buildings partly to ensure separation from the adjacent grain store. An existing rear outdoor space will provide garden to the 2 new dwellings. Each dwelling will have 4 bedrooms and 2 parking spaces. The parking spaces will be enclosed by a new front 1.2m high flint wall.
SITE AREA	The gross floor area of the building amounts to 348m2. Including the external space, the curtilage is 696m2.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 28.7 dph.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The building forms part of an open agricultural/farm complex. There is a 1.8-1.9m high flint/stone wall to the front of the wider Stakers Farm site with 2m high black metal gates providing access from North End Road. The actual building is open to the front and has a low ranch style fence to the boundary of the rear outdoor area.
SITE CHARACTERISTICS	Part of an existing farm compound. The

	building is around 1.5 storeys in height and is clad with Grade 1 Asbestos sheets. It shares a wall with an adjacent agricultural building (which will be demolished). There is an external part hardstanding, part grassed area to the rear containing a small lean to store. This area borders with a field on which horses graze. The front of the building is open to a hardstanding forecourt and then the shared farm access route. Beyond this is an external storage area containing a lorry trailer, some large reels of tubing/hose and a silo.
CHARACTER OF LOCALITY	Stakers Farm is located within the Yapton Main Road/Church Road Conservation Area (but the building itself falls within a part of the site that is outside of but adjacent to the Conservation Area). The site is accessed from a road of predominantly residential properties. There are fields to the southwest, west and north.

RELEVANT SITE HISTORY

Y/77/13/PD	Prior Notification for change of use of agricultural building to Use Class B1 (Business)	No Objection 23-12-2013
Y/77/14/PD	Prior notification under Class MB for change of use from agricultural to 2 No.dwellinghouses (Use Class C3)	Objection 03-11-2014
Y/69/14/PL	Construction of outdoor riding arena. This application affects the setting of a Listed Building.	ApproveConditionally 10-11-2014

Application Y/77/13/PD concerns the same building and was granted consent in late December 2013 for a change from agricultural building to a B1 (Business) use. It is clear that this permission has not been implemented. Application Y/77/14/PD was refused in November 2014 for the following reason:

"Having regard to the location of the building within a working farm including being adjacent to a grain storage building, fronting onto a main farm throughfare and close to storage tanks, it is considered that the proposed use of the former agricultural building as two residential dwellings would be undesirable on the grounds that future occupiers of the dwelling would suffer from a poor outlook, from amenity issues (such as noise & smells), that there may be safety issues and that future conflict will occur between the occupants of the dwellings and the farm owners/workers in conflict with paragraphs 17 and 69 of the National Planning Policy Framework."

This application differs from the previous in that the front parking area is now a slightly different

shape (but still the same size) and will now be enclosed by a new low wall.

REPRESENTATIONS

Representations received:

Three letters of objection. Issues as follows:

* Highway movements on North End Road are frequent and this section of the road becomes more congested and dangerous when children are being transported to and from the local school;
* Any increase in traffic will further exacerbate the existing problem;
* Health & safety issues from the asbestos in the building;
* Setting a precedent for more houses;
* Location is unsuitable due to Stakers Farm being a fully operational farm & equestrian centre which is subject to horse related traffic movements;
* The houses will face an existing muck heap and will be next door to an existing grain store which has associated large vehicle movements;
* Impact on the setting of the nearby listed building;
* Design would be out of character and there is a low amount of amenity space; and
* Access to the site during construction.

Comments on Representations received:

The Local Planning Authority is only able to determine this application against the following issues:

(a) transport and highways impacts of the development;
(b) noise impacts of the development;
(c) contamination risks on the site;
(d) flooding risks on the site; or,
(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

It is not possible to raise any issues with items outside of this list. Otherwise, comments noted.

CONSULTATIONS

WSCC Strategic Planning
Environmental Health
Southern Water Planning

Consultations responses received:

Southern Water - No objection but request an informative regarding a connection to the public sewerage system.

WSCC Highways - No comments received to this application. However, their comments on the previous application would still stand:

"No objection subject to a condition securing cycle parking: "The application seeks approval for the conversion of an existing agricultural building to 2 x 4 bedroom dwelling houses. The site will utilise the existing access via North End Road which currently serves other properties/units and is acceptable to support this 2 dwelling development. With regards to parking, 2 allocated spaces per dwelling are provided, which would be acceptable for dwellings of this size in this area. A provision of secure and covered cycle parking should be included to mitigate the need

for a private car and promote sustainable transport. Turning within the site is achievable, allowing for a vehicle to exit on to North End Road in the forward gear. It is not anticipated a significant intensification of vehicular activity will occur through this change in use when compared to what currently exists."

Environmental Health - "Environmental Health Comments - Informative: The fabric of the building may contain asbestos and future occupants should be made aware of its presence as there is the potential for DIY to cause asbestos exposure."

Comments on Consultation responses:

It is noted that Environmental Health comments in regard to the previous Y/77/13/PD application did actually make reference to contamination issues. They stated that: "Historical maps indicate the site has always had an agricultural use and I am not aware of any fuel storage at the site."

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;
Listed Building Grade II;
Adjacent to Conservation Area;
Tree Preservation Order; and
Class B Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

This application falls to be determined under the provisions of Class MB of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in respect of:

(a) a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

This application falls to be determined under the provisions of Class MB of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in respect of:

(a) a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

The principle of the development is not in dispute. Class MB allows for the change of use (and limited building operations) provided that:

(1) the site was in an agricultural use on 20/03/13;
(2) that the cumulative floor space within the agricultural unit does not exceed 450m2;
(3) that the number of dwellings does not exceed 3;
(4) that the site is not occupied under an agricultural tenancy (unless the consent of both landowner and tenant has been obtained);
(5) that less than 1 year before development begins, an agricultural tenancy was terminated (unless both the landlord & tenant agreed that the site was no longer required for agricultural use);
(6) that there has been no recent permitted development in accordance with Part 6 of the GPDO;
(7) that the development would increase the existing footprint;
(8) that the building operations are limited to installation/replacement of windows, doors, roofs & walls and services (water, electricity, gas etc) or partial demolition to facilitate these works;
(9) that the site is not on article 1(5) land, does not form part of (a) a site of special scientific interest, (b) a safety hazard area or (c) a military explosives storage area;
(l0) that the is not or does not contain a scheduled monument and that the building is not a listed building.

The above criteria have been checked and are considered to have been met.

Class MB (paragraph MB.2 (1)) states that an application must be made to determine whether or not the prior approval of the Council will be required in respect of:

(a) transport and highways impacts of the development;
(b) noise impacts of the development;
(c) contamination risks on the site;
(d) flooding risks on the site; or,
(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

The Order also states that the provisions of Paragraph N shall apply in relation to any application and part (8) of paragraph N includes the following:

"(8) The local planning authority shall, when determining an application-

(a) take into account any representations made to them as a result of any consultation under paragraphs (3) or (4) and any notice given under paragraph (6); and, (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application."

This allows the local planning authority to have regard to any representations received and the NPPF but only in relation to the 4 issues stated above. Advice has been received from the DCLG which confirms that it is not possible to refuse prior approval on the basis of an issue/impact not

listed above. The Local Planning Authority has 56 days to provide its comments to the applicant's agent or it is deemed that they have no objection. This period expires on 12/02/15.

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

Transport & Highway Impacts:

The Highway Authority do not consider that the change to C3 would have an adverse impact on the local highway network. A condition requiring cycle parking could be added if the application were to be approved.

Contamination & Noise Risks:

ADC Environmental Health Officers have unfortunately not made any comments in respect of noise or contamination. However, the comments on the previous application did advise that there were not considered to be any contamination issues. The requested informative could be added if the application were to be approved.

Flood Risk:

The Environment Agency have not responded to the application as the site lies in Flood Zone 1 and therefore there are not considered to be any flood risk issues to consider. Southern Water request an informative and this could also be added if the application were to be approved.

Suitability of the Site:

Class MB (paragraph MB.2 (1)) also advises that these applications can be determined with regard to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a residential use.

The building in question is part of a row of three agricultural buildings all of which are separately owned but within an existing farm used for the stabling & grazing of horses. It is understood that the buildings are currently used to store grain and are filled once a year (but it is assumed that grain is collected from them on a regular basis). Indeed, anecdotal evidence from the neighbour suggests that due to a better harvest in the last year, there have been more frequent vehicle movements associated with the grain store.

Although Stakers Farm is no longer a working farm in the true sense of the word, it is used for the stabling and grazing of horses and as such the new dwellings will sit side by side with this activity (which will include the moving of feed, hay etc). Planning permission was recently granted for an outdoor riding arena on land north west of the farm buildings.

Furthermore, there is nothing to prevent the owners of Stakers Farm from undertaking more traditional farm activities either now or in the future. Finally, one of the three Langmead owned

buildings will remain as a grain store. It is not considered ideal to have a dwelling sited within what is effectively part of a farmyard. It is considered that this will lead to conflict between farm workers/farm owners and residential occupants and also that this environment might not be safe for children to grow up in.

It is acknowledged that the dwellings will have a rear garden, but this is not particularly large and it is considered inevitable that children may end up playing/running around to the front of the building where they will come into conflict with farming activities or on the land adjacent to the rear garden which is used for the grazing of horses. It is acknowledged that the applicants have proposed a wall around the front parking spaces and that this will keep children off the shared driveway. However, this does not in itself resolve all of the concerns previously raised with the application. Furthermore, it is considered that this may cause more problems in that it is not clear from the plans how cars will exit the parking spaces and drive forwards through the gate.

The National Planning Policy Framework (NPPF) is clear at paragraph 17 that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". It is considered that to allow this change of use would be to subject the future residents to an insufficient standard of amenity.

Furthermore paragraph 69 of the NPPF states that "Planning policies and decisions, in turn, should aim to achieve places which promote: (2) safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and (3) safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas. It is not considered that the environment at this site is particularly safe and that conflict will arise between future residents and existing land users. It is acknowledged that it is not unusual to have residential or holiday properties within farms but these are either within the ownership of the farm or are not located with agricultural or business uses either side.

It is therefore considered that the location/siting of the building makes it undesirable for the building to change from agricultural use to a C3 dwelling.

Representations from Local Residents:

Local residents have also commented that they do not consider the site's location to be ideal for a dwelling. However, their concerns regarding highway safety etc. are considered to have been overruled by the Highway Authority's response.

Summary:

It is therefore considered that the siting & location of the proposed dwelling is undesirable being as it is within an existing farm and that future residents may be subjected to amenity or safety issues and that there will be a high degree of potential for conflict between land users. The changes made on this new application do not resolve these concerns in their entirety. On this basis it is recommended that an objection be made for the following reason.

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), 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 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

OBJECTION

1 Having regard to the location of the building within a working farm including being adjacent to a grain storage building, fronting onto a main farm throughfare and close to storage tanks, it is considered that the proposed use of the former agricultural building as two residential dwellings would be undesirable on the grounds that future occupiers of the dwelling would suffer from a poor outlook, from amenity issues (such as noise & smells), that despite the proposed enclosed parking area, there may be safety issues and that future conflict will occur between the occupants of the dwellings and the farm owners/workers in conflict with paragraphs 17 and 69 of the National Planning Policy Framework.