

Recommendation Report for Planning Permission

REF NO: Y/12/26/PL

LOCATION: Spring Cottage
Burndell Road
Yapton
BN18 0HP

PROPOSAL: Retention of the change of use from residential dwellinghouse to short term holiday let. This application is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks the retention of the change of use of the property from a residential dwelling to a short term holiday let.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site has a 1m flint wall with a brick piers and wooden gates to the northern elevation, with fencing to the rear northern garden wrapping around the side boundaries.
SITE CHARACTERISTICS	The site is occupied by a two storey detached Grade II listed property, which has a thatched and cat slide roof. the site has a large parking area to the east with vehicular access off Burndell Road and a garden to the west.
CHARACTER OF LOCALITY	The area is predominantly residential.

RELEVANT SITE HISTORY

Y/65/21/HH	Drop kerb	ApproveConditionally 06-08-21
Y/124/21/L	Listed building consent to remove old thatch and pitch-based membrane from existing roof structure, treat as necessary for woodworm. Cut and pitch new roof rafters alongside existing and install collar ties between alternating rafter ties. Rethatch in Norfolk reed with straw block patterned ridge. Wood fibreboard and lime plaster finish to underside of new collar-ties to leave old ceiling joists exposed. Alter the roof to the single storey extension including the removal of existing roof covering and form a small parapet wall, install new rubberised roof covering. Refurbish dormers & side roof. Install heritage style rainwater goods. Remove existing rotten windows and replace with hardwood single glazed Georgian bar casement windows. Remove modern concrete & screed	ApproveConditionally 15-10-21

floor to ground floor and install under floor heating and a natural hydraulic lime, aggregate & screed fibre mix.

REPRESENTATIONS

Yapton Parish Council have not responded.

1 letter of no objection received from a nearby occupier.

- The change of use does not provide social benefit through the provision of housing to meet the needs of the area.
- The outdoor area is more likely to be used in a holiday let and windows have had to be closed due to noise.
- External socialisation area will be detrimental to nearby residents.
- Adequate respect and care of the listed building might not be a priority for short term guests.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and addressed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Southern Water - No objection.

Environmental Health - No comment to make.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary
Grade II Listed Building

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
QEDM1	QE DM1 Noise Pollution
TOUDM1	TOU DM1 Tourism related development
TSP1	T SP1 Transport and Development

[Yapton Neighbourhood Development Plan 2011-2031 Policy BB1](#) Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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.

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 in that the proposal would not result in adverse harm upon the character of the area nor upon residential amenity, parking in the area or upon the heritage asset.

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.

BIODIVERSITY NET GAIN

This application is exempt from mandatory BNG as the development is solely for a change of use.

CONCLUSIONS**PRINCIPLE**

The site is in the Built-up Area Boundary as set out in the Arun Local Plan (ALP). The proposal is acceptable in principle subject to compliance with other policy considerations.

Policy BB1 of the Yapton Neighbourhood Plan (YNDP) supports development in the built up area

boundary.

DESIGN AND VISUAL AMENITY

ALP policy D DM1 primarily concerns character and visual impact.

No internal or external works are required to enable the proposal and the appearance of the dwelling would remain as existing. The use of the building as a holiday let would not be distinguishable in physical terms from neighbouring residential dwellings.

The change of use would likely result in an increase in movements to and from the property by visitors however this would not be significant in which it resulted in a harmful impact upon the character of the area.

The proposals will not have an adverse impact in terms of impact to visual amenity and character of the area, and the proposal is in accordance with ALP policy D DM1(1).

RESIDENTIAL AMENITY

ALP policy D DM1(3) requires the consideration of impacts on neighbouring amenity such as loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

The proposal would result in a change to the use of the property as visitors would stay for short periods of time and the general coming and goings at the property would likely increase which would result in additional noise and disturbance. However, this is not considered to be significant with the level of occupation remaining consistent with that expected of a typical family dwelling. The nature of the proposed use will remain residential in character.

A letter of representation has referred to the outdoor area being noisy however the garden would still be available for use should the house be a residential property and noise is still likely to be experienced. Environmental Health have raised no concerns. An informative is included with regards to potential noise in the future.

The proposal would not result in a significant increase in noise or disturbance than that experienced at a residential property and as such would not result in adverse harm to neighbouring residential amenity in accordance with ALP policies D DM1 and QE DM1.

TOURISM RELATED DEVELOPMENT

ALP policy TOU DM1 supports development that would likely attract visitors provided they are in accessible locations, are accompanied by workable and realistic travel plans and address visitor management issues, and achieve good design.

The proposal involves no alterations to the built form and would provide a 4 bed property. The site has sufficient parking for around 6 cars and it is in a sustainable location within walking distance to necessary facilities to cater for the needs of short term stay visitors. Given the scale of the development and the parking on site, it is not reasonable to expect a Travel Plan.

The proposal complies with ALP policy TOU DM1.

HERITAGE ASSETS

Para. 207 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 208 requires Local Planning Authorities (LPAs) to identify and assess the particular significance of the heritage asset that is affected by a proposal. The LPA must consider the level of harm associated with the proposal.

The property is Grade II listed. The property was previously at severe risk due to its deteriorating condition, being empty for some time and has undergone extensive renovations.

The property derives its significance primarily from its architectural and historic interest, including its traditional form, materials, and its contribution to the historic character of the area. The proposal does not seek any physical changes to the building and it solely relates to a change of use. The property as a holiday let will have a slightly different character than a C3 dwelling by way of more coming and goings however this would be minor and the change in its use would not result in harm to the character of the building.

The proposals would not harm the significance of the heritage asset, and is in accordance with ALP policies HER SP1 and HER DM1 and the NPPF.

PARKING, ACCESS AND HIGHWAYS

ALP policy T SP1 seeks to ensure that development provides safe access on to the highway network, contributes to highway improvements (where appropriate) and promotes sustainable transport. Arun District Council has an adopted Parking Standards SPD (Jan 2020). Paragraph 2.12 stresses that parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimizing adverse effects on road safety, and avoiding increased on-street parking demand.

The development seeks retention of the change of use for a holiday let; and there are no specific requirements for parking set by the Arun Parking Standards. Parking provision will be judged using the minimum requirements for residential dwellings. For a 4-bed property in this location (Parking Zone 1), 3 parking spaces are required. The site plan provided shows a large parking area which would be available for use by visitors, and adequate parking would serve the property. An EV charger is already installed to the parking area.

The proposal is in accordance with ALP policy T SP1 and the Arun Parking SPD.

SUMMARY

The council cannot meet its housing land supply requirement and the change of use for tourism will result in the loss of one residential unit and it is regrettable that a unit would be lost. However, the loss of a unit is minor and would not have such a material impact upon housing supply in which a refusal would be justified.

The development is in accordance with relevant development plan policies and is recommended for approval.

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 approved shall be carried out in accordance with the following approved plans:

- Location Plan
- Block Plan
- Ground Floor Plan and Section - WAY/2021/05
- First Floor Plan and Section - WAY/2021/04

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D SP1.

- 2 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).

- 3 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Team: pollution@arun.gov.uk, 01903 737555.

- 4 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 NPPF.