

Recommendation Report for Planning Permission

REF NO: Y/16/18/PL

LOCATION: Tryne Barn
Hobbs Court
Bilsham Road
Yapton

PROPOSAL: Variation of conditions 2 & 5 following a grant of planning permission Y/105/13 for substitute amended elevation plans and construction joinery details

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application follows the approval of details pursuant to condition 05 of Y/105/13 which could not be discharged in full under Y/78/17/DOC as some of the fenestration details shown did not form part of the approved drawings from Y/105/13. This application therefore seeks approval of the principle and details of the following additional features: (1) The timber shutter to window G9 (dimensions the same as window G9); and (2) The second roof light on the southern elevation marked R4 (dimensions the same as adjacent roof light R3). It should be noted that these features are already present on the building.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8m flint and brick wall to sides and front. Communal car park to rear.
SITE CHARACTERISTICS	Detached barn conversion with courtyard garden to rear, walled space to front and shared driveway with allocated parking to rear.
CHARACTER OF LOCALITY	Former farmhouse buildings which have now been converted now separate residential dwellings. The buildings vary in size and character and are mainly Grade II listed. The wider area is the hamlet of Bilsham with two density development surrounded by open fields.

RELEVANT SITE HISTORY

Y/17/18/L	Variation of conditions 2 & 5 following a grant of planning permission Y/106/13/L for substitute elevation plans and construction joinery details
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Y/78/17/DOC	Approval of details reserved by condition imposed under planning permission Y/105/13/ relating to condition No. 5 - Construction & materials of all new joinery (windows & doors)	DOC Approved 16-03-18
Y/79/17/DOC	Approval of details reserved by condition imposed under planning permission Y/106/13/L relating to condition No. 5 - Construction & materials of all new joinery (windows & doors)	DOC Approved 16-03-18
Y/42/17/L	Application for Listed Building Consent for new timber deck terrace in garden with trellis border on two sides.	ApproveConditionally 06-09-17
Y/41/17/HH	New timber deck terrace in garden with trellis border on two sides.	ApproveConditionally 07-09-17
Y/105/13/	Amendment to previous approvals Y/3/89 and Y/60/90 for conversion of farm buildings to 3No. residential dwellings (Resubmission following Y/59/13).	ApproveConditionally 21-05-14
Y/106/13/L	Application for Listed Building Consent for amendment to previous approvals Y/4/89/L for conversion of farm buildings to 3No. residential dwellings (Resubmission following Y/60/13/L).	ApproveConditionally 21-05-14

Condition 02 of Y/105/13 specified the approved plans. Meanwhile condition 05 sought approval of joinery details and stated that:

"The dwelling known as "Tryne Barn" shall not be occupied unless and until details of the construction and materials of all new joinery (windows & doors) have been submitted to and approved by the Local Planning Authority and the new joinery so approved shall be constructed in accordance with approved details."

This condition has been discharged under ref Y/78/17/DOC except in respect of roof light R4 and the shutter to window G9.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

"No objection"

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC CONSERVATION OFFICER - no response received.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;
Class B Road;
Special Control of Adverts
No Public Sewer; and
Grade II Listed Building.

DEVELOPMENT PLAN POLICES

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

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 DM4	Extensions & Alterations to Existing Buildings
HER DM1	Listed Buildings
HER SP1	The Historic Environment

[Yapton neighbourhood plan 2014 Policy BB1](#)

Yapton neighbourhood plan 2014 Policy E9

Built-up Area Boundary
Listed Buildings and Buildings or Structures of Character

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 then subject to public consultation. The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector then wrote to the Council to set out his 'Interim Views following the Hearings'. The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these were subject to public consultation between 12 January 2018 and 23 February 2018. 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 presubmission 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.

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).

Yapton Neighbourhood Development Plan Policies BB1 "Built Up Area Boundary" and E9 "Listed Buildings and Buildings or Structures of Character" are relevant to this determination. However, Policy E9 seeks only to prevent the loss of Listed Buildings and this proposal does not therefore conflict with this.

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 it would have no materially adverse effect on the visual amenities and historical character of the locality, or the residential amenities of the adjoining properties, nor would it have an adverse impact upon 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

PRINCIPLE:

The site is located outside of the built-up area boundary. Yapton Neighbourhood Development Plan policy BB1 directs new development towards the built up area and none of the exceptions apply to development concerning existing residential properties.

There is therefore an in-principle policy objection to the proposal. However, as the application does not seek to create any new buildings and simply seeks permission to retain two existing unauthorised alterations to an existing dwelling, it is not considered appropriate to rigidly apply this policy.

It is also noted that Arun Local Plan Policy GEN3 which seeks to protect the countryside provides an exception in respect of development in accordance with Policy DEV19 (Extensions to Existing Residential Buildings). The proposal seeks permission to retain one additional roof light and one existing shutter to an existing authorised window. Therefore, this policy applies.

Subject to compliance with policy DEV19, the general principle of the development would be acceptable subject to other policies within the Development Plan which would include policy GEN7 of the Arun District Local Plan relating to design & amenity of new development and policy HER DM1 of the emerging Arun District Local Plan 2011-2031.

CHARACTER, DESIGN, VISUAL AMENITY:

Arun Local Plan Policy GEN7 (ii) states that development should respond positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and that it should also enhance local distinctiveness.

Furthermore, Policy DEV19 requires that extensions/alterations be visually subservient to the existing building, reflect the existing street scene and be visually integrated with & sympathetically relate to the existing dwelling.

Policy HER DM1 of the emerging Local Plan states that:

"In determining any application the Local Planning Authority will take into account whether:

- * it will materially harm the significance of the heritage asset or its setting;
- * it will avoid detrimental fragmentation of management of the heritage asset;
- * it will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation;
- * it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid;
- * there is a source of funding that might support the heritage asset without the need for enabling development; and
- * the level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests.

Paragraph 132 of the NPPF states that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting."

The new roof light R4 matches in style & size with the adjacent authorised roof light R3. Furthermore, there are already a pair of roof lights on the northern elevation (R1 & R2) which are spaced apart the same as R3 & R4 and as such the retention of a pair of roof lights on the southern elevation has precedent elsewhere.

It is not considered that the items to be retained will adversely affect the character or appearance of the building, its setting or result in any harm to the street scene. It is not considered that the additions harm the significance of the asset.

RESIDENTIAL AMENITY:

Arun Local Plan Policy GEN7 (iv) states that development should not have an unacceptable adverse impact on adjoining occupiers, land, uses or property. Policy DEV19 requires that extensions do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

It is not considered that the new roof light will affect the amenity of the nearest residential property, "Sunflowers". It is noted that there is an existing roof light on the southern elevation which looks north towards other converted dwellings. Therefore, the proposal is in accordance with the relevant policies.

SUMMARY:

It is considered that the application complies with all development plan policies and it is therefore recommended that planning permission be granted subject to the following conditions.

It should be noted that conditions 02 and 05 have been varied from the original decision notice. Conditions 03 & 04 related to other properties within this Hobbs Court residential conversion scheme and are not relevant to Tryne Barn. Condition 06 required actions prior to occupation and these have been fulfilled. However, it is necessary to re-impose the second half of the condition in order to ensure that car parking is retained in the future. Condition 07 did not require the approval of details and therefore must be re-imposed on this decision. It has also been necessary to update some of reasons to reflect the current policy & legislative position.

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

LOCATION PLAN (1:1250) & SITE PLAN (1:500);
 PROPOSED SITE/LANDSCAPE PLAN BR 009;
 PROPOSED DRAINAGE PLAN BR 015;
 EXISTING & PROPOSED ROOF PLANS BR 013;
 PROPOSED BOUNDARY WALL DESIGN 01;
 PROPOSED BOUNDARY WALL DESIGN 02;
 PROPOSED BOUNDARY WALL DESIGN 03;
 EXISTING ELEVATIONS THE COTTARS BR 004;
 EXISTING FLOOR PLANS THE COTTARS BR 001;
 PROPOSED GROUND FLOOR THE COTTARS BR 003 (EASTERN HALF);
 PROPOSED GROUND FLOOR THE COTTARS BR 002 Rev A (WESTERN HALF);
 PROPOSED ELEVATIONS THE COTTARS BR 005 Rev A;
 EXISTING ELEVATIONS THE DOVE COTT BR 006;
 EXISTING ELEVATIONS THE DOVE COTT BR 005;
 EXISTING FLOOR PLANS THE DOVE COTT BR 001;
 PROPOSED ELEVATIONS THE DOVE COTT BR 008;
 PROPOSED ELEVATIONS THE DOVE COTT BR 007;
 PROPOSED FIRST FLOOR THE DOVE COTT BR 004;
 PROPOSED GROUND FLOOR THE DOVE COTT BR 003 (EASTERN HALF);
 PROPOSED GROUND FLOOR THE DOVE COTT BR 002 (WESTERN HALF);
 PROPOSED CAR PORTS THE DOVE COTT BR 010;
 METHOD STATEMENT SITE PLAN THE DOVE COTT 011;
 EXISTING ELEVATIONS TRYNE BARN BR 004;
 EXISTING FLOOR PLANS TRYNE BARN BR 001;
 ELEVATIONS AND WINDOW SECTIONS (TRYNE BARN) Drawing 0236/101 Rev A
 PROPOSED GROUND FLOOR TRYNE BARN BR 002 (WESTERN HALF);
 PROPOSED GROUND FLOOR TRYNE BARN BR 002 (EASTERN HALF); and
 PROPOSED FIRST FLOOR TRYNE BARN BR 003 Rev A.

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

- 2 The windows and doors to Tryne Barn shall be retained in accordance with the construction and material details shown on Drawing 0236/101 Rev A "Elevations and Window Sections".

Reason: To enable the Local Planning Authority to retain control of the property in the interests of amenity and the character and appearance of the Listed Building in accordance with the National Planning Policy Framework.

- 3 The approved parking spaces and turning facilities for Tryne Barn as shown on the approved plans shall not be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), none of the buildings on the site shall be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In order to control the development in the interests of the character and appearance of this building group which is outside the built-up area, as defined, where normally only that development essential in the interests of agriculture/forestry is permitted in accordance with policies GEN3 and GEN7 of the Arun District Local Plan.

- 5 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.