

Ms M Tomalova
Planning Officer
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Our Reference: 243001

12 March 2021

Dear Ms Tomalova

**Plum Pudding Barn, Hoe Lane, Flansham, Bognor Regis, West Sussex
PO22 8NS**

On behalf of our client, Mrs Sarah Bennett, we are pleased to submit a full planning application to Arun District Council for the conversion of the existing barn known as Plum Pudding Barn to residential use.

The planning application proposes to convert the existing building into a two-bedroom bungalow for occupation by the applicant and her family. It also includes two parking spaces and associated cycle and refuse storage within a limited residential curtilage of 927 sqm.

The application follows the withdrawal of a recent application (reference Y/137/20/PL) for the change of use of the existing barn to a live/work unit along with the erection of horse stables and sand school on a larger site.

The comments made by local residents in respect of the earlier application have been carefully considered and, wherever possible, have been incorporated into this revised application for the barn conversion.

The planning application is supported by the following documentation in addition to this planning supporting letter:

- Completed and signed application forms and certificate;
- Completed CIL form;
- Planning application drawing pack, prepared by JJR Designs Ltd; and
- The application fee.

The Applicant

The applicant is a local resident, who was born and bred in the local area and has lived in the Felpham area for over fifty years. As a child, she played on the application site and surrounding fields. She has owned the application site since 2007 and has also kept horses on the adjoining land (owned by other family members) since that time. The adjoining land contains a collection of stables in the north eastern corner, to the rear of Rose Cottage.

The applicant is looking to live in the converted barn with her family, to enable her to be on site on a 24-hour basis to care for her horses.

Application Site and Surroundings

The application site is located on the north eastern side of Hoe Lane, west of the junction with Stanover Lane. It comprises an area of approximately 927 sqm which contains a modern agricultural barn with associated hard standing and is therefore designated as 'brownfield or previously developed land'.

The existing building footprint measures 14m x 10m and is 4 m high. It is a timber framed structure, faced in horizontal boarding above a brick plinth, with a slate roof. It is currently being used for the storage of equipment and a few tools in connection with the maintenance of the land and the grazing of horses.

Vehicular access into the site is off Hoe Lane, just under 1km from the A259 roundabout. The A259 is the main South Coast route passing through the counties of Hampshire, West Sussex, East Sussex, and Kent and connecting the towns of Brighton, Eastbourne, Hastings Rye and Folkstone.

The south western and north western boundaries of the application site (adjacent to Hoe Lane) are defined by mature hedging and trees, as illustrated in Appendix 1. The extent of the applicant's land ownership is shown by the blue line on the site location plan, with the north eastern and south eastern boundaries defined by an existing post and rail fence.

Whilst the land is classified as Grade 1 agricultural land (within the Yapton Neighborhood Plan), the Council have acknowledged in various officer reports that the use of the land has been limited to the rearing of pigs (up until circa 2013) and for the keeping of horses (since 1987), and not for agricultural cultivation. The site is not subject to any other landscape designations.

The site is not within or located adjacent to a Conservation Area or an Area of Special Character and there are no Tree Preservation Orders on or close to the site.

The site lies within Flood Zone 1 on the Government's Flood Map for Planning, which means that the land and building have a low probability of flooding.

Hoe Lane comprises a ribbon of development located to the north of the built-up area. It contains a mix of farmland, paddocks, and housing, including a number of converted buildings, most notably North Open Barn, Westwood Hoe and Barley Cottage. In addition, it is the main footpath and cycle route linking the five villages of Yapton, Barnham, Westergate, Eastergate and Felpham, all of which are within 25 mins travel distance of the application site.

Whilst physically the site falls just outside of the development boundary for the built-up area and within a countryside setting, functionally it is very much part of both Flansham and Felpham villages.

In particular, Stanover Lane provides a direct pedestrian and cycle route into the built-up area approximately 400m to the south (a circa 5-minute walk) with its wide range of amenities and services. These include a pub, village hall, healthcare facilities, three schools and extensive playing fields, all of which are accessible by foot/cycle.

The nearest local convenience shop is just a 6-minute walk away along this direct footpath link. Furthermore, the recently constructed Lidl on the A29/Shripney Road is only a 17-minute walk from the site. The Lidl lies immediately to the north of the wider Bognor Regis Retail Park.

The nearest bus stop to the application site is on the A259, close to the junction with Hoe Lane, an 11-minute walk away. This provides a regular bus service to the whole of the south coast in an east and west direction, i.e. Brighton to Portsmouth, linking all of the local villages and towns (Yapton, Barnham, Eastergate, Westergate, Barnham, Felpham, Bognor Regis, Chichester, Ford and beyond).

Overall, considering its semi-rural location, the application site has good access to a wide range of facilities and services by sustainable transport options.

Relevant Planning History

Whilst there is an extensive planning history for the wider site known as 'Maggie's Meadow', the key decisions in relation to the Plumb Pudding Barn (the subject of this application) are referred to below.

The timber barn was granted planning permission by the Council in January 2011 under application Y/86/10. It was intended to be used for the secure storage of a light goods vehicle, farm machinery and animal feed.

This application followed an earlier application for a similar sized building located in the south east corner of the field which was refused planning permission under Y/43/09 and dismissed at appeal in September 2010. Whilst the Inspector considered that the size of the barn was reasonably necessary for the intended agricultural use associated with the keeping of pigs, he raised concerns about the location of the barn within the wider site.

In the revised approved application, the barn was shown to be sited in its current position in the north western corner of a larger site (as opposed to the south eastern corner), close to the existing access to benefit from greater screening. This addressed concerns raised by the earlier appeal Inspector.

Permission was also granted under Y/11/11 for the laying of an area of pervious concrete hard-standing measuring 10m x 5m immediately adjacent to the barn.

Work on the construction of the barn started in December 2011 but for financial reasons (and as a direct response to concerns being raised about the pig rearing business on the site), the owner was unable to proceed beyond the digging of foundations and the footings.

Construction work was recommenced during 2018, but was again forced to stop, following an investigation by the Council's Enforcement Officer, to enable the lawfulness of the building to be established through the submission of an application for a Certificate of Lawfulness.

A subsequent Certificate of Lawfulness was granted by the Council in February 2019 which determined that the commencement of works under planning permission ref Y/86/10 had lawfully taken place and it was therefore lawful to complete the construction of the timber barn in accordance with the application drawings. The barn, as now constructed, is therefore lawful for planning purposes.

Planning permission was also subsequently granted under Y/48/18/PL for the installation of a water treatment plant to the east end of the barn to provide sewage for a toilet and washing facilities within the barn. This treatment plant has been installed and is fully operational.

As referred to in the introduction, a recent application in relation to the change of use of the existing barn to provide a live-work unit, erection of horse stable and sand school was recently withdrawn, to give further consideration to the proposals in light of the representations received.

Proposed Development

The current application proposes the conversion of the existing building into a two-bedroom dwelling of approximately 126 sqms (GIA), set within a limited residential curtilage for occupation by the applicant and her family.

The resultant dwelling would far exceed the National Technical Standards for a two-bedroom property, thereby providing high quality accommodation and would offer an appropriate level of private amenity space for its future occupiers.

The proposed conversion has been sensitively designed to retain the agricultural appearance of the building by minimising the number and size of new openings.

In accordance with the Arun Parking Standards Guidance 2020, two parking spaces would be provided to serve the proposed dwelling to the north west of the main building. There is sufficient turning space to ensure that both ingress and egress from the site would be in a forward gear.

Secure cycle parking would also be provided for the property, along with sufficient refuse and recycling storage facilities to meet the needs of the building's occupants in a convenient and safe location, in accordance with the requirements of the Arun Design Guide.

The proposed dwelling would be 100 - 140m from the nearest residential properties to the south east (Barley Cottage, Holly Tree and Rose Cottage) and approximately 110m from Hoe Barn to the north.

The scheme has incorporated the following changes in direct response to the comments made by residents and officers in relation to the earlier application:

- Use of the building as a single family dwelling, in lieu of a live-work unit;
- Provision of cycle parking and refuse storage facilities;
- Significant reduction in the size of the residential curtilage; and
- Deletion of the previously proposed porch, along with other elevational changes, to retain the current appearance of the building.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

In preparing the current application, careful regard has been given to the relevant policies in the Development Plan for the area, which comprises of:

- The Arun Local Plan 2011-2031 (adopted July 2018); and
- The Yapton Neighbourhood Development Plan (made October 2014).

The application also has careful regard to other materials considerations, including:

- the National Planning Policy Framework (NPPF 2019) along with the National Planning Practice Guidance (NPPG);
- Arun District Design Guide SPD (January 2021); and
- Arun Parking Standards (January 2020).

The Planning Case

Presumption in favour of sustainable development

The Council cannot demonstrate a five-year housing land supply in accordance with the requirements of paragraph 73 of the NPPF 2019. At present, it can only provide 3.3 years' worth of housing land supply.

Arun is also one of the poorer performing local authorities in terms of meeting the Housing Delivery Test (HDT) targets. It only achieved 61% of its requirement as confirmed in the latest HDT figures issued by the Government in January of this year.

As confirmed by the Council in its Interim Housing Statement issued in February 2021, the policies which relate to the supply of housing set out in the Arun Local Plan and the Yapton Neighbourhood Plan (which is well over two years old) are therefore out of date.

Due to the Council's poor housing delivery and supply, the planning the application needs to be assessed in accordance with the 'presumption in favour of sustainable development' as set out in paragraph 11 of the NPPF.

The application site comprises 'previously developed' or brownfield land, along a ribbon of development, lying close to the built-up area and in proximity to other residential properties, including a number of residential conversions.

As described above, despite its semi-rural location, the site has good access to a range of facilities and services by foot, cycle and sustainable transport options and is therefore considered to be a sustainable location.

Residential development (through conversion) of this previously developed site to provide a much-needed, small family sized dwelling would, therefore, constitute sustainable development.

Re-use of a rural building.

The NPPF advises that planning decisions should support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively (paragraph 118d).

Furthermore, Policy H DM4 of the Adopted Local Plan allows for the conversion of buildings to residential use in rural areas outside of the built-up area, where the proposals meet a number of specified criteria. An assessment of the proposal against the relevant tests is set out below:

Criteria a

The requirement for marketing is outdated and not consistent with national planning guidance, set out in para 79 of the more recently published NPPF 2019. This allows the re-use of a redundant or disused building as an exception to the normal policy of restraint in countryside locations without the need for marketing.

Nevertheless, the site is located within a ribbon of residential development at the end of a narrow road. It is considered that the use of the building for residential purposes would be more neighbourly than the re-introduction of an intensive pig rearing use or similar, which local residents have previously complained about to the Council.

In granting planning permission for the conversion of Westwood Hoe in Hoe Lane to residential use in 2015, the Council considered that it would be inappropriate to insist on a commercial use in this location for the similar reasons. This same conclusion was reached in 2016 in relation to the change of use of the existing North Open Barn (also in Hoe Lane) to a dwelling in 2016.

Criteria b

The building is structurally sound, of permanent construction, and is eminently capable of conversion without any significant alteration. Furthermore, no extensions are proposed to the building. It is not considered that a structural survey and a conversion method statement would be required due to the age of the building.

Criteria c

The Council, in granting planning permission for the building in 2011, considered that the design and timber external cladding of the barn was appropriate for this rural location. Furthermore, it considered that its siting in the north western corner, by the existing farm entrance, beyond a sharp bend on the footpath and behind substantial screening made the barn's impact on this countryside location acceptable.

None of these circumstances would change with its use as a residential dwelling. The photos contained in **Appendix 1** demonstrate that the site benefits from substantial screening along the south western and north western boundaries, even during the winter months when these photos were taken, which limits views of the building from public vantage points along this road.

The applicant has sought to minimise the extent and size of new openings to ensure that the building maintains its traditional, rural appearance. The resultant form of the dwelling would be comparable to other dwellings in the locality, including the barn conversion referred to above.

The applicant has also considerably reduced the extent of the residential curtilage around the building (compared to the earlier withdrawn application) to limit the impact of the residential use on the character of the countryside.

Any landscaping within the site and along the boundaries would be simple in nature and reflect the agricultural nature of the building and its immediate context. The driveway would be constructed from a grasscrete/mat to allow natural grasses and fauna to grow between the crete/mat. This would visually maintain a rural setting and also allowing surface water to drain directly into the ground. Full details of the landscape proposals can be secured by planning condition.

In view of the above factors, the resultant building and its associated residential use would not have an adverse effect on the rural character of the area. It would be sympathetic to its setting in terms of form, bulk, and visual design.

Criteria d

As the building is not of historic or architectural importance, this criteria is not relevant to the consideration of this application.

Criteria e

We note that the Highway Authority did not object to the earlier planning application in terms of access or parking arrangements. West Sussex CC confirmed that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, and that there are no transport grounds to resist the proposal.

In this application the number of vehicular movements would actually decrease, compared to the current level of activity, as the applicant would be

on site to maintain her horses, rather than visiting early morning, midday and late evening.

The proposed layout plans indicate that turning facilities would be provided to enable vehicles to enter and exit the site in a forward gear.

We trust the Council will agree that the traffic to be generated by the new use can therefore be safely accommodated by the site access and the local road system and there would be no highway grounds to refuse planning permission.

As explained above, the site is also close to local services via foot and cycle.

As demonstrated above, the proposed conversion of this existing building into residential use would comply with both NPPF advice and Policy H DM4 of the Adopted Local Plan.

Impact on Neighbouring Amenity

Policy D DM1 of the Adopted Local Plan seeks to ensure that new development has minimal impact to users and occupiers of nearby properties and land, for example by avoiding significant sunlight loss, privacy and outlook and unacceptable noise and disturbance.

The proposed dwelling would be located a substantial distance from the nearest neighbouring properties to the north and south east. Due to the separation distances and the sensitive design approach adopted (to this single storey building), the privacy and general amenity enjoyed by these neighbouring properties would not be materially impacted upon.

Further, it is not considered that the creation of one dwelling would cause any material harm to neighbouring properties in terms of noise or disturbance. Indeed, as referred to above, the use of the building for residential purposes would be more neighbourly than the re-introduction of an intensive agricultural use of the building and land.

As such the proposal complies with Policies D DM1 of the Local Plan.

Quality of Accommodation

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. In this case, the proposed dwelling would far exceed the National Technical Standards for a two-bedroom property, thereby providing high quality accommodation for its intended occupiers.

In accordance with the Arun Design Guide SPD, the conversion will also be accessible and compliant with Building Regulations.

The Planning Balance

Paragraph 11(d) of the NPPF states that where policies which are most important for determining the application are out of date, planning permission

should be granted unless other policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or when any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

The application site does not lie within any of the particular areas or contain assets listed in footnote 6 (of the NPPF) that require specific protection under paragraph 11(d) (i) of the NPPF. The proposal would therefore avoid impacts on any national, habitat, landscape, or heritage designation and as such the 'tilted balance' under paragraph 11 (d) (ii) would be engaged.

For all of the reasons set out in this letter, we do not consider that there would be any harm which would significantly and demonstrably outweigh the considerable planning benefits of the scheme. These benefits include:

- Making effective re-use of an existing building and land, as promoted by para 79 of the NPPF;
- Retaining the appearance of an agricultural barn as previously found acceptable by the Council;
- Improving the landscape quality of the immediate area;
- Helping support local services and facilities as advocated by paragraph 78 of the NPPF; and
- Providing a new two-bedroom house to meet the needs of a long established local family and provide a limited but valuable contribution to local housing supply (especially in light of the lack of a five-year housing land supply and the Council's poor Housing Delivery Test (HDT) figure).

In these circumstances, the planning balance weighs heavily in support of the application proposal.

Conclusion

The proposal would result in a much-needed, small family sized dwelling, through the sensitive conversion of an existing rural building, which would provide high quality living accommodation for a long-established local family on a sustainable site without harming the rural character of the area or neighbouring residential amenity and without having an unacceptable impact on highway safety. As such the proposal should be approved without delay.

We look forward to receiving confirmation of the validation of the planning application. In the meantime, please contact us if you have any questions.



Yours sincerely



Tania Tindale
Enc - Appendix 1 – photos
cc - Mrs Sarah Bennett