

**Recommendation Report for Listed Building Consent for Alterations, Extension or Demolition of a
Listed Building**

REF NO: Y/38/21/L

LOCATION: Wellow Barn
Hoe Lane
Flansham
PO22 8NT

PROPOSAL: Two new side facing conservation roof lights. This application affects the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Installation of two conservation roof lights into eastern elevation.
SITE CHARACTERISTICS	Wellow Barn is a one half of a subdivided barn converted in 2010/11. The barn is built of flint with red brick quoins and has a hipped slate roof and located adjacent to the roadside with its amenity space to the rear.
CHARACTER OF LOCALITY	The hamlet of Flansham which has a very distinctive character which still maintains the feeling of entering a country lane. Some of the farm buildings have been converted to residential dwellings and commercial units, which in some cases have been altered and extended to suit current occupiers.

RELEVANT SITE HISTORY

Y/54/10/	Internal alterations and subdivision of existing barn to convert from D1 use to two self contained residential units.	ApproveConditionally 10-11-10
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History noted.

REPRESENTATIONS

Parish Council - No Objections

1 Objection from neighbour - not related to the insertion of roof lights but the conversion of building.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - Roof light very large presenting further residential element to the building which is considered out of character. They will be positioned in unaltered elevation with views from the road. Potential for removal of historic fabric.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Listed building

DEVELOPMENT PLAN POLICIES

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

HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
 "In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the

CONCLUSIONS

Principle

The property is a grade II listed building, converted from agricultural use to a dwelling house in 2010. Its southern elevation fronts the highway and the proposed conservation roof lights are to be located on the eastern elevation which is visible from the lane.

Policies HER DM1 relates to listed buildings and states that proposals must protect and if possible, enhance the setting of each.

Chapter 16 of the NPPF paragraphs 189, 192, 193 and 196 relates to identification and assessment of the significance of the heritage asset, the weight given to the conservation of the asset and the its weight against public benefits of the proposal.

Paragraph 189 of the NPPF requires the applicant to consider the significance of the proposed works on the heritage assets. The applicant has produced a heritage statement and considers the works to be sympathetic, compliment the weatherboard cladding and sit comfortably within the streetscape

Paragraph 192 states that the LPA should take account of the desirability of the development in making a positive contribution to the character of the building. The proposal interrupts a undeveloped roof plane and therefore has a slight negative impact on the character of the building.

Paragraph 193 states that the LPA must consider the impact the proposed development on the significance of the heritage asset. Following comments from the conservation officer it is considered that there will be a less than substantial harm on the significance of the heritage asset.

Paragraph 196 states that when there is less than substantial harm on the significance of the heritage asset, the harm should be weighed up against the public benefits of the development. Public benefits may include heritage benefits such as:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- Reducing or removing risk to a heritage asset
- Securing optimum viable use of a heritage asset in support of its long term conservation.

It is considered that the proposed works sustain the use of the building so that it protects the heritage asset in accordance with policy HER DM1 of the Arun Local Plan.

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval 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 works for which Listed Building Consent is hereby granted must be begun not later than the expiration of 3 years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 The development hereby approved shall be carried out in accordance with the following approved plans;

- Proposed Ground Floor Plan
- Proposed First Floor Plan
- Block Plan
- Heritage Statement

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy HER DM1 of the Arun Local Plan.

- 3 Upon completion of the work for which Listed Building Consent is hereby granted any damage caused to the fabric of the building shall be made good to the satisfaction of the Local Planning Authority.

Reason: To preserve the special character and appearance of the building for the future in accordance with HER DM1 of the Arun Local Plan and the NPPF .