

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

REF NO: Y/4/18/L

LOCATION: The Potting Barn Hobbs Court
Bilsham Road
Yapton
BN18 0JY

PROPOSAL: Listed Building Consent for retention of existing timber utility area, external air source heat pump & timber fence

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The retrospective proposal of developments which includes; 1) a utility extension at the northern end of the barn extension measuring 3 metres by 4 metres centrally located within the northern single storey gable end elevation with a pitched roof set 1 metre below the ridge of the main dwelling house roof. 2) An freestanding external air source heat pump in a white box case 40cm wide, 1.3 metres high by 1 metre wide set 30 cm from the east facing gable end elevation of the original Potting Barn building approximately 2.5 metres from a 1.8 metre boundary fence at the eastern end of the original building. 3) The following alterations to the approved boundary treatments (Y/19/15/DOC) a) 1.8 metre trellis fence on the southern boundary instead of the approved 1.8 metre wicker fence.(Note - the new trellis fence matches the 1.8 metre trellis fencing used at the listed building adjoining this southern boundary). b) A 1.8 metre close boarded timber fence and gate along part of the western boundary behind the immature boundary hedging approved under the original condition approval (Y/19/15/DOC). c) 1.8 timber trellis and 1.8 metre wicker fence on part of western boundary in place of a 900 mm timber cleft chestnut fencing.
SITE AREA	Approx. 0.07 hectares
BOUNDARY TREATMENT	Western boundary - 1.8 metre close boarded fence and hedging Southern boundary - 1.8 metre timber trellis fence Eastern Boundary - 1.8 metre timber trellis fence with a 1.8 metre wicker fence on the outside and 1.2 metre timber cleft

	chestnut fencing Northern boundary - 1.2 metre timber cleft chestnut fencing
SITE CHARACTERISTICS	A single storey brick built former piggery building with a pitched roof with added extensions doubling its size to form an L-shaped dwelling and associated garage now complete. The building is part of a wider development of 4 dwellings within the listed buildings at Hobbs Court and sits adjacent to the site car park which it shares with the other dwellings.
CHARACTER OF LOCALITY	With the exception of the site, the adjoining Hobbs Farmhouse and some dwellings & industrial buildings to the southeast, the character of the surrounding area is rural.

RELEVANT SITE HISTORY

Y/3/18/HH	Retention of existing timber utility area, external air source heat pump & timber fence	
PAA/12/18/	Demolition of existing unauthorised utility room extension and replacement with new larger extension on north side. New two storey treble garage/carport structure. Closure of existing vehicular access and new access from B2132 Bilsham Road. Retain external air source heat pump and existing timber fencing.	
ENF/367/17	Alleged unauthorised development	
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/19/15/DOC	Application for approval of matters reserved by condition imposed under Y/88/13 relating to conditions 4, 5, 6, 7 & 9 - Road & wall materials, boundary fences, joinery (windows & doors), drainage & bat survey	DOC Part Approved 07-04-15
Y/70/15/L	Application for Listed Building Consent for internal alterations to provide 3 x bedrooms & conversion & extension to existing carport to provide 5No. garages	ApproveConditionally 28-10-15
Y/65/15/PL	Convert outbuilding known as The Piggery to 1 No. single dwelling consisting of 3 bedrooms & the addition of	App Cond with S106 05-11-15

2 No. parking bays to existing car port & conversion of the total 5 No. car ports to garages by addition of doors to car ports to match the garages adjacent to Dovecote (amendment to Y/88/13/). This application affects the setting of a Listed Building.

Y/42/17/L granted listed building consent for trellis fence abutting the site identical to the trellis fence applied for here.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

No objection .

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No objection

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS B ROAD

OUTS BUILT AREA

SPEC CONT ADVTS

LB GRADE II

PD RESTRICTION

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICES

[Publication Version of the Local Plan \(October 2014\):](#)

HER DM1 Listed Buildings

[Yapton neighbourhood plan 2014 Policy E9](#)

Listed Buildings and Buildings or Structures of Character

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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 pre-submission 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.

Policy E9 Listed Buildings and Buildings or Structures of Character relates to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 16(1) of the Planning (Listed Buildings & 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 Hobbs Farmhouse.

CONCLUSIONS

The retrospective proposal concerns the addition of an utility room extension, the installation of a ground source heat pump and a number of alterations to the approved fencing under application Y/19/15/DOC. These developments are within the curtilage of a listed building and affect its setting.

LISTED BUILDING AND IMPACT ON THE SETTING OF LISTED BUILDINGS ADJACENT TO THE SITE

The trellis fence that replaced a wicker fence originally permitted forms the boundary of the listed building to the south and is within the grounds of the listed building and therefore subject to a separate listed building application. The timber trellis fence constructed matches timber trellis fences already constructed within the grounds of the listed building adjacent to the fence here applied for.

The other developments here applied for including the extension and air source heat pump do not have a significant impact on the setting of the listed buildings to the south.

The Council's Conservation Officer has recommended the application for approval despite some concerns about the extension to the dwellinghouse. It is considered that the proposal complies with those policies which exist to protect the setting of listed buildings and listed buildings themselves.

The proposed developments are considered to preserve and/or enhance the historic character of the listed building to the south and its settings and therefore the development complies with policy HER DM1 of the emerging local plan and policy E9 of the Yapton Neighbourhood Plan.

It is recommended that this Listed Building Consent be approved subject to the following conditions;

HUMAN RIGHTS ACT

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;

Dwg.no. 001 A - Site Location and Block Plan Existing dated July 2017

Dwg.no. 005 A - House Plan Existing dated July 2017

Dwg.no. 006A - House Elevations Existing dated July 2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy HER DM 1 of the Emerging Arun District Local Plan and the NPPF.