

**Recommendation Report for Planning Permission for Works or Extension to a Dwelling****REF NO:** Y/56/17/HH**LOCATION:** Wellow Barn  
Old Barn House  
Hoe Lane Flansham**PROPOSAL:** Detached carport. This application may affect the setting of listed buildings.**SITE AND SURROUNDINGS**

|                            |                                                                                                                                            |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | The proposal seeks to erect a detached carport within the rear garden, measuring approximately 3m in height, 5m in width and 6m in length. |
| SITE AREA                  | 0.03 hectares                                                                                                                              |
| TOPOGRAPHY                 | Predominantly flat.                                                                                                                        |
| TREES                      | None of any significance affected by the proposed development. Shrubs to be removed but not significantly.                                 |
| BOUNDARY TREATMENT         | None to front, property bounds the road. 1.6m flint wall to west side and rear (north), 1.8m fence to east side.                           |
| SITE CHARACTERISTICS       | Semi-detached grade 2 listed barn conversion with high hipped roof, used as a dwelling with driveway to side and garden to rear.           |
| CHARACTER OF LOCALITY      | Semi-rural village location, formed of some two storey listed buildings with some single storey properties and some commercial uses.       |

**RELEVANT SITE HISTORY**

|           |                                                                                                                                           |                                    |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| Y/52/99/  | Change of use of existing barn to class B1 use (manufacture of curtains & soft furnishings)                                               | ApproveConditionally<br>22-11-1999 |
| Y/53/99/L | Application for Listed Building Consent for change of use of existing barn to Class B1 Use (manufacture of curtains and soft furnishings) | ApproveConditionally<br>22-11-1999 |
| Y/81/02/  | Garden store                                                                                                                              | ApproveConditionally<br>31-01-2003 |
| Y/74/08/  | Change of use from B1 (Light Industrial) to                                                                                               | ApproveConditionally               |

D1 (Non-Residential Institution)

22-12-2008

|           |                                                                                                                       |                                    |
|-----------|-----------------------------------------------------------------------------------------------------------------------|------------------------------------|
| Y/54/10/  | Internal alterations and subdivision of existing barn to convert from D1 use to two self contained residential units. | ApproveConditionally<br>10-11-2010 |
| Y/57/17/L | Application for Listed Building Consent for a Detached carport                                                        | ApproveConditionally<br>16-11-2017 |

Conditional planning consent granted in 2010 to convert the barn into two residential dwellings. This property is one of the dwellings.

#### REPRESENTATIONS

##### Representations received:

Yapton Parish Council  
No objection.

No representations from nearby occupiers.

##### Comments on Representations received:

Noted.

#### CONSULTATIONS

Engineering Services Manager  
Engineers (Drainage)  
Southern Water Planning  
Conservation Officer  
Listed Building Officer

##### Consultations responses received:

Southern Water - No objection - See website for full response.

Conservation Officer - "It is considered that the development, constructed in the proposed material pallet would not represent substantial harm of the setting of a listed building"

Drainage Engineers - Request condition ENGD2A.

##### Comments on Consultation responses:

Comments noted, the relevant surface water drainage condition will not be applied as the car port will be constructed over an existing hard stone surface. It is not considered surface water run off will increase significantly.

#### POLICY CONTEXT

Designation applicable to site:  
Grade II Listed Building  
Outside built up area boundary

#### DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2  
GEN9  
GEN7

[Publication Version of the Local](#)

Built-up Area Boundary  
Foul and Surface Water Drainage  
The Form of New Development  
HER DM1 Listed Buildings

Plan (October 2014):

HER SP1 The Historic Environment  
QE SP1 Quality of the Environment  
W DM2 Flood Risk  
D DM1 Aspects of Form and Design  
Quality  
D SP1 Design  
SD SP2 Built-Up Area Boundary

Yapton neighbourhood plan 2014 Policy E11

Minimising the impact of flooding from  
development

## PLANNING POLICY GUIDANCE

NPPF  
NPPG

National Planning Policy Framework  
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 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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 does have a 'made' neighbourhood plan, Policies BB1 and E11 are deemed to be relevant to this application.

#### **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 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 where the principle of new development is unacceptable according to GEN2 of the Arun District Council Local Plan, and BB1 of the Yapton Neighbourhood Development Plan. However, the development is associated with an existing residential building and as such a minor householder development is acceptable in principle, subject to the proposal complying with relevant Development Plan Policies.

##### **DESIGN AND VISUAL AMENITY**

Due to the proposed location of the development, the carport will be visible from the street scene. However, given its modest size, rural design and it is not considered to have an unacceptably adverse impact on the street scene or the established spatial pattern of the locality. The development is not considered to harm the visual amenity of the street scene or host dwelling. Materials to match the main house and a plain clay tiles materials having been considered acceptable by the Conservation Officer.

In terms of design and visual amenity the development is deemed to conform with GEN7 of the Arun District Council Local Plan.

##### **NEIGHBOURING RESIDENTIAL AMENITY**

The development would be single storey, which is lower than the existing dwelling and is modest in size. It is not considered to be overbearing or visually intrusive to the residential amenities of nearby dwellings. The separation distance and modest size of the proposal is deemed to be sufficient to prevent any adverse overlooking or overshadowing.

Therefore the proposal is deemed to be sufficient to prevent any adverse overlooking or overshadowing, in accordance with GEN7(iv) of the Arun District Council Local Plan.

#### **SUMMARY**

The proposed development is deemed to accord with the 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**

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 permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Location Plan  
Site/Roof Plan  
Proposed Plot Plan  
Proposed ground floor plan Proposed cross section Rev A

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

- 3      **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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
  
- 4      A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).