

Recommendation Report for

REF NO: Y/72/14/PD

LOCATION: Unit A Orchard Barn
Church Lane
Yapton West Sussex

PROPOSAL: Prior notification under Class J for change of use from Class B1(a) to Class C3 dwellinghouse

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application falls to be determined under the provisions of Class J of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in respect of a development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order from a use falling within Class B1 (a) (offices) of that schedule.

The principle of the development is not in dispute. Class J itself states that the consideration of the notification concerns only transport & highway impacts, contamination risks and flooding risks. However, the Order also states that the provisions of Paragraph N shall apply in relation to any application and part (8) of paragraph N includes the following:

"(8) The local planning authority shall, when determining an application-

(a) take into account any representations made to them as a result of any consultation under paragraphs (3) or (4) and any notice given under paragraph (6);

(b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application;"

This allows the local planning authority to have regard to any representations received and the NPPF but only in relation to the 3 issues stated above. Advice has been received from the

Department for Communities and Local Government (DCLG) which confirms that it is not possible to refuse prior approval on the basis of an issue/impact not listed above. The Local Planning Authority has 56 days to provide its comments to the applicant's agent or it is deemed that they have no objection. This period expires on 1st of October 2014.

The proposal involves the change of use of the existing building, from B1 office use to a single residential dwelling house. No floor plans or elevations have been included in the application. The agent has advised that no external changes are proposed.

SITE AREA	3000 square metres approx
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site is enclosed by brick walling to south and east. Open to adjacent unit to west which has walling on its western boundary.
SITE CHARACTERISTICS	Semi detached single storey structure with clad elevations and roof. Hard surfacing in front. Access from North End Road is gated adjacent to industrial units on west elevation
CHARACTER OF LOCALITY	Predominantly rural. Site is part of a former nursery unit. Industrial units to north west

RELEVANT SITE HISTORY

Y/49/93/CLE	Application for certificate of lawfulness for existing use of agricultural building as a single dwelling house	Approve 12-01-1994
Y/39/01/	Renewal of temporary permission Y/48/99 for the use of former agricultural buildings for B1 (business) and/or B8 storage use.	ApproveConditionally 19-11-2002

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

WSSC Strategic Planning

Environmental Health

Southern Water Planning

Consultations responses received:

COUNTY HIGHWAYS:

The site is situated in private land that is accessed via two existing private tracks that are sufficient to support this change of use. There is suitable parking and turning areas included within the proposals that are adequate to support the size of the unit in this location. No concerns from a highway perspective subject to cycle parking being conditioned.

ENVIRONMENTAL HEALTH:

No comments.

SOUTHERN WATER:

No Objection. Request an informative is added

Comments on Consultation responses:

Comments noted. Conditions and informatives cannot be added to this decision which is an assessment as to whether the works applied for constitute permitted development.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The application is determined under the provisions of Class J of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in respect of a development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order from a use falling within Class B1 (a) (offices) of that schedule

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Class J of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) states that the only aspects that can be considered with regard to this prior approval application are transport & highway impacts, contamination risks and flooding risks. The Act also states that the provisions of Paragraph N shall apply in relation to any application and part (8) of paragraph N includes the following:

"(8) The local planning authority shall, when determining an application-

- (a) take into account any representations made to them as a result of any consultation under paragraphs (3) or (4) and any notice given under paragraph (6);
- (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application;"

However, the local planning authority is only able to have regard to the NPPF and representations in terms of the 3 issues stated above.

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

TRANSPORT & HIGHWAY IMPACTS:

The proposed change of use from offices to a single residential dwelling would not lead to a material increase in traffic generation. Roadways are sufficient to support change of use.

CONTAMINATION RISKS:

The site is not contaminated land and the proposed conversion of the building would have no associated contamination risks.

FLOOD RISK:

The site is located in Flood Zone 1, defined as having a low probability of flooding by the NPPF, so the Environment Agency were not consulted and the risk is low.

REPRESENTATIONS FROM LOCAL RESIDENTS & ASSESSMENT AGAINST THE NPPF.

It is only possible to have regard to the NPPF with regard to the 3 stated issues. However, in this case, no letters have been received from local residents and therefore there is no requirement to assess the proposal against the NPPF.

Therefore, prior approval is required in respect of the above and it is recommended that it be granted.

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 (the right to respect for 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 neutral 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).

RECOMMENDATION

NO OBJECTION