

Recommendation Report for Planning Permission

REF NO: Y/77/15/PL

LOCATION: Hoe Barn Cottage
Hoe Lane
Flansham

PROPOSAL: Change of use to convert existing barn to a residential dwelling. Single storey extension to east & north facing elevations. Patio & car parking

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Conversion of existing barn to a residential dwelling including a roughly square shaped 4.5m by 4.5m extension on the north eastern corner. The dwelling would have 3 double bedrooms and space is allocated externally for a decked patio and for car parking.

SITE AREA

Approx. 0.06 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 17 dph.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

There is a 2-3m high hedge atop a 1m high grassed bund to the road boundary. A 2m high fence separates the land from the neighbouring dwelling (Hoe Farm Cottage) and there is a 1m high ranch style fence to the adjacent field. There is gated access from the main road and from the garden of Hoe Barn Cottage.

SITE CHARACTERISTICS

Existing single storey barn building sited west of the existing dwelling close to the Hoe Lane boundary. The barn sits within the ownership of Hoe Barn Cottage but is not considered to be within the residential curtilage and instead is considered to be agricultural land. The barn is constructed from a mix of timber and block work with a metal corrugated roof. It is currently used for the storage of domestic paraphernalia. The area surrounding the barn is part grassed and part hardstanding.

CHARACTER OF LOCALITY

The area is rural in character with only a few neighbouring properties which are all in a tight group adjacent to the site.

RELEVANT SITE HISTORY

Y/66/98/	Conservatory to rear elevation	ApproveConditionally 12-01-1999
Y/20/10/	New dwelling (this application is a departure from the development plan)	Withdrawn 22-04-2010
PAA/49/15/	Change of use of existing barn to residential dwelling	Refuse Pre App 02-06-2015

It is noted that a previous application (ref Y/20/10) sought to erect a dwelling on site but was withdrawn due to the need to investigate the route of the Southern Water rising main. As noted below, Southern Water have identified the route of a rising main but do not object to the current application.

REPRESENTATIONS**Representations received:**

Yapton Parish Council

Yapton Parish Council - No Objection.

1 letter of objection. Grounds as follows:

- * Sewage: Vague plan for sewage treatment. Existing septic tank fails when ground water level high;
- * Fresh water supply: Shared supply by 4 interested parties. Converting barn to a dwelling would add a 5 user, with the consequent reduction in water pressure to all users; and
- * Increased traffic on access lane: There are regular conflicts between pedestrians, animals, cyclists and cars.

1 letter of support: "Having seen the plans as proposed I feel it would enhance that part of the hamlet of Flansham greatly and almost complete the on-going process in tidying up the eyesore the previous occupier imposed on the community!"

Comments on Representations received:

The applicant has made the following comments in respect of the objection:

1 Sewage and the vague plan for sewage treatment. I have already told the objector that the proposed development will have a new septic tank arrangement that will be linked to not only the new property but our current house (Hoe Barn Cottage) and another neighbour. The objector, whose house was previously linked to Hoe Barn Cottage's septic tank, has recently had a new tank installed to serve just his property so this should not be a concern to him.

2 Fresh Water Supply. We have lived here for 10 years and there has never been a problem with water pressure. As far as we know there will be only three people living in the objector's house when and if he ever moves in. The previous owner of the house had a large family and there was never an issue with the water pressure. So, as only two people will be occupying the proposed new property we do not believe there should be any concern.

3 Increased traffic in access lane and conflicts between pedestrians, animals, cyclists and cars. As stated above we have lived here for nearly ten years and have never had any problems relating to his concerns. In view of the fact that Mr Staite bought his property over

a year ago, has yet to move in and only visits at irregular intervals, we are confused by his comments.

These issues will be discussed in the Conclusions section.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
Engineers (structural)

Consultations responses received:

Southern Water - State that the barn lies close to an existing public foul rising main and require an investigation of the sewer to determine whether an easement is required.

ADC Drainage Engineers - The applicant states that surface water will be discharged to soakaways

Please apply standard conditions ENGD2A. A rising main sewer is located close to the property. Southern Water should be consulted to confirm its location and what easement is required, as this will affect where any soakaway can be located.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;
PDF Restriction; and
Public Sewer on site.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) DEV2

GEN3

GEN7

GEN9

GEN12

GEN25

GEN29

Conversion of Rural Buildings for Residential Use

Protection of the Countryside

The Form of New Development

Foul and Surface Water Drainage

Parking in New Development

Water Resources

Nature and Conservation Across the District

C SP1 Countryside

D DM1 Aspects of Form and Design Quality

D DM2 Internal Space Standards

D DM3 External Space Standards

D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)

W DM1 Water Supply and Quality

ECC SP2 Energy and Climate Change

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

	Mitigation
	ENV DM5 Development and Biodiversity
	H DM3 Agricultural, Forestry &
	Horticultural Workers' Dwellings
	T SP1 Transport and Development
	W DM3 Sustainable Urban Drainage
	Systems
Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of
	development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential
	development

PLANNING POLICY 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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

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

THE PROPOSAL:

The proposal is to convert and part extend an existing rural building to provide a new 3 bedroom residential dwelling with new ancillary external deck/patio and provision for the off-street parking of 3-4 cars. The total site area is roughly 0.55 hectares and the building footprint is roughly a third of this area.

PRINCIPLE:

The application site lies outside of the built up area boundary where development is generally unacceptable unless it falls into a certain category or is otherwise in accordance with a Local Plan policy which refers to a specific use or type of development. In this case, the relevant policy is DEV2 which relates to conversion of rural buildings for residential use. All the criteria outlined by DEV2 need to be complied with unless acceptable justification for non-compliance is given.

It is also necessary to have regard to the National Planning Policy Framework (hereafter abbreviated to NPPF). Paragraph 55 states that: "Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: (3) where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting;".

Notwithstanding, regard has been had to a recent appeal decision concerning ref AL/5/13 which stated that Policy DEV2 is broadly in accordance with the NPPF and this decision did not suggest

it inappropriate to require evidence of marketing for commercial uses. On this basis, whilst the NPPF clearly supports the reuse of redundant rural buildings for residential purposes, it is still considered necessary to demonstrate compliance with Policy DEV2.

It is noted that Yapton Neighbourhood Plan Policy BB1 states that development outside of the built up area boundary will not be supported unless they are compliant with 4 criteria. None of these criteria refer to barn conversions or additional dwellings and therefore, the application is contrary to Policy BB1. However, Policy BB1 is not considered to be in accordance with countryside policy in either the adopted or emerging local plans or indeed the NPPF which allow for the conversion of rural buildings to dwellings.

POLICY DEV2:

DEV2 - First Criteria

The first criteria requires that evidence is submitted to demonstrate that reasonable attempts have been made to market and use the premises for business purposes and a statement of the efforts made is submitted in support of the application; or that residential conversion is a subordinate part of a scheme for business reuse. In this case, the proposal is not a subordinate part of a business scheme and the applicants marketing statement simply states that:

"The barn is currently used by the owners for the storage of tractors for maintaining their land and areas are allocated in the barn for storage of their belongings. It is considered that the barn is unsuitable for agricultural/business use due to the proximity of neighbouring residential properties to the site and its location in Hoe Lane."

However, it is considered that it would be inappropriate to insist on a commercial use in this location as the barn is sited close to existing dwellings and at the end of a narrow road which would be unsuitable for non-domestic vehicles. A residential use would be more neighbourly and generate less traffic than a business use.

DEV2 - Second Criteria

The second criteria is that the building should be structurally sound, of permanent construction and capable of conversion without rebuilding or significant alteration or extension.

A Structural Survey has been submitted which concludes that the conversion can take place without the need for substantial structural works. It is noted that an extension is proposed but this is only small scale and is not proposed in order to enable the conversion of the existing building.

DEV2 - Third Criteria

The third criteria states that the resultant building and use will not have an adverse effect on the rural character of the area and is sympathetic to its setting in terms of form, bulk and visual design. It also states that particular regard will be given to the impact of any residential curtilage on the character of the countryside.

The proposed single storey extension is on the eastern side of the building and essentially fills in an existing gap. It is not visible in the streetscene, is clearly subservient to the host building and

is not considered to affect the rural character of the building or the area. The proposal also includes several new window/door openings within the building. These do provide a more modern appearance to the building than currently but it is not considered that the design additions are harmful particularly given that the location does not have any historical designation.

Although the proposed curtilage is around three times the size of the building, it only relates to land which already surrounds and is associated with the current building. Therefore, no objections are raised.

DEV2 - Fourth Criteria

The fourth criteria requires the resultant building to be sympathetic to its setting in terms of form, bulk and visual design. Whilst the building is to be extended, this is discussed above in relation to criteria (iii) and the extensions are considered to be acceptable having regard to the character & appearance of the site. It is therefore considered that the proposal is sympathetic to its setting.

DEV2 - Fifth Criteria

The final criteria states that resultant traffic should be safely accommodated by the site access and the central road system.

The proposal will involve only a slight increase in vehicular traffic to the site and it is not considered, given the low traffic speeds on Hoe Lane, that there are any issues in respect of highway safety. It is also noted that the proposal complies with the West Sussex Parking Demand Calculator in terms of meeting the anticipated demand for 3 car parking spaces. A condition will be imposed to require the provision of a small cycle store.

Neighbourhood Plan Policy PK1 requires 2 off-road car parking spaces for 3 bedroom houses and the proposal therefore complies with this policy

DEV2 - Other Matters

Policy DEV2 also states that: "the proposal will need to (a) minimise the amount of land to be used as residential curtilage; (b) provide a structural survey to demonstrate that the building is capable of conversion; (c) make provision for bats and owls."

The structural survey and curtilage issues are dealt with above. A bat/owl survey was submitted and this found no presence of protected species. A condition will be imposed to ensure that the proposed mitigation measures are carried out in full.

RESIDENTIAL AMENITY:

Arun District local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. One of the 'core planning principles' of the NPPF is to secure high quality design and a good standard of amenity (paragraph 17). Both the adopted Local Plan Policy GEN7 and the emerging Local Plan policy require that regard is had to the amenity & living conditions of neighbouring properties.

It is considered that the barn is sited sufficiently far enough away from Hoe Farm Cottage so as

not to have any impact on them. However, a condition is imposed to ensure that the east facing first floor bathroom window is obscure glazed.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) and also the external amenity standards, set out in Policy D DM3 of the Emerging Local Plan (publication version). A 3 bedroom detached property requires a garden area of 85m² but it is clear that there is sufficient space around the building to satisfy this requirement. The internal space requirement for a two storey, 3 bed, 6 person dwelling is 104.5m² but the total floor area is more than double this and therefore exceeds the standard.

WATER SUPPLY & SEWAGE:

A neighbour has raised concerns about the impact of the proposals on the availability of fresh water and the sewage system. Arun Local Plan Policy GEN9 requires that there is adequate foul drainage capacity to serve the development. Furthermore, Policy GEN25 requires that a development is served by adequate water resources. The neighbours concerns are noted. However, there is no suggestion made that the development will not have access to fresh water only that pressure will be affected. This is not considered to be a material planning consideration.

Furthermore, the applicant confirms that the sewage will be dealt with by a new septic tank system.

AFFORDABLE HOUSING:

The proposal generates a requirement for contributions towards affordable housing and a signed obligation to provide £6,123 in this regard has been submitted.

SUMMARY:

It is considered that the proposed conversion and small scale extension complies with Arun District Local Plan policy DEV2 and also with the relevant policies within the adopted/emerging Local Plans and also the Neighbourhood Plan. The application is therefore 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.

SECTION 106 DETAILS

This application is subject to a completed Section 106 legal agreement relating to £6,123 payable in lieu of onsite affordable housing.

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 Ref 100 Rev A;
Site Plan Ref 101 Rev A;
Existing Plans & Elevations Ref 102; and
Proposed Plans & Elevations Ref 103.

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 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and

Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 4 Development shall not commence until full details of the proposed measures to be undertaken to protect the two existing public sewers have been submitted and approved in writing by the local planning authority (in conjunction with Southern Water). The dwelling shall not be occupied until the measures in respect of protecting the sewers have been completed in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy GEN9 of the Arun District Council Local Plan.

- 5 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes (including details of the proposed rendering) to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the conversion of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 6 Details for the secure storage of bicycles within the application site curtilage shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling. The secure cycle storage so approved shall be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 7 Before the dwelling hereby permitted is occupied a refuse/recycling bin enclosure shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. The bin store shall thereafter be retained and maintained.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies GEN7 of the Arun District Local Plan.

- 8 The development must be carried out in accordance with the recommended mitigation measures set out in section 4 of the submitted "Ecological Scoping, Bat & Barn Owl Survey" report as dated 28/08/15.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 9 The WC/Shower window on the first floor eastern elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 10 This permission is for the in-situ conversion of the building with associated works and does not purport to permit the dismantling and re-erection of the building as a whole or any part therein, or its partial/total demolition, removal, rebuilding or reassembly, other than by any specific items which have been explicitly so described in the application documents.

Reason: In order to ensure that the proposal represents a conversion and not a rebuild which would be contrary to policy DEV2 of the Arun District Local Plan.

- 11 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the site in accordance with policy GEN7 of the Arun District Local Plan.

- 12 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 13 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to an affordable housing contribution of £6,123.

- 14 INFORMATIVE: The applicant is advised to contact Southern Water with regard to the existing public foul water rising main in the vicinity of the application site: Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.