

Parish: Sidlesham	Ward: Sidlesham
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SI/17/01148/FUL

Proposal Erection of 1 no. custom/self build dwelling - Alternative to dwelling permitted by virtue of Class Q Prior Approval for Change of Use from Agriculture to Class C3 (Dwelling house) under SI/16/04026/PA3Q.


Site 79 Fletchers Lane Sidlesham PO20 7QG

Map Ref (E) 484598 (N) 99402

Applicant Mr & Mrs C Wade

PERMIT WITH S106



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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located to the west of Fletchers Lane, Sidlesham, outside any settlement boundary. The application site is surrounded by Land Share Association (LSA) plots that were established in the early 1950's and generally comprise a dwellinghouse with outbuildings and associated horticultural land; forming a small holding. Some of the LSA plots have changed over time; however the rural and horticultural character of the area remains strong in the locality.
- 2.2 The application site is set back from Fletchers Lane behind an area of planting. There is open space to the north of the building and a nursery to the east. The building lies directly north of the nursery access track, whilst to the south of the track there is a residential property. The nearest dwellings are some 25m distant to the south and 80m distant to the north.
- 2.3 The existing range of buildings on the site (which are adjoined) are timber and blockwork buildings constructed for use as a piggery and battery with an attached tractor store and plant room containing water pumps. The building, including all of these elements, currently measures 26.5m in width with a depth ranging from 5m at its eastern end to 6m at the western end of the building. The existing eaves height ranges from 2.2m to 2.35m and the ridge height ranges from 3.35m to 4m. The building benefits from a 'prior approval' to convert the buildings (except the tractor store and plant room) to a dwelling with a floor area of 130 sqm. The prior approval (SI/16/00281/COUPMB) has not been implemented.

3.0 The Proposal

- 3.1 The application seeks planning permission to erect a 3 bed dwelling with 2 bathrooms and an open plan kitchen/living space. A covered carport would adjoin the western end of the dwelling. The form of the main part of the building would reflect the existing buildings on the site, however the building would be moved back from the nursery access track and with the demolition of the existing tractor store the plant room would become a separate building retained within the nursery.
- 3.2 The proposed dwelling to replace the existing buildings would be 23.4m in length with a depth ranging from 5m to 6.2 m, and a ridge height ranging from 3.4m to 4m with the eaves at between 2.2m and 2.35m in height. The proposed dwelling would have a floor area of 130m to match the floor area granted by the prior approval.

4.0 History

16/04026/PA3Q	YESPAP	Part 3 (Class Q) Application for Prior Approval - Change of Use from Agriculture to 1 no. dwelling (C3 Use Class).
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5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 **Representations and Consultations**

6.1 Sidlesham Parish Council

Sidlesham Parish Council discussed the above Application at its Planning Committee Meeting on 17th May 2017. The Council object to this Planning Application. The Council's view, expressed in December 2016, that the building is inappropriate for conversion, is borne out by this rebuild. This is not a conversion but a complete demolition of the original building and its replacement by a new building. The drawing shows a new, separate entrance to the road and the 1m fence outlining the curtilage, as shown on the drawing, is not in keeping with an agricultural/horticultural property and would turn a field into a garden. The PC referred to the recent High Court judgement defining the convertibility of a building. The ruling defined convertibility by the work required and restricted what is necessary for the building to function as a dwelling. Partial demolition and reconstruction must be limited to the extent reasonably necessary to carry out the permitted building operations.

6.2 CDC Environment Officer (summarised)

Due to the location of the site, the proposed demolition works and the records of bats within close proximity there is a moderate likelihood of bats roosting with the building. A bat survey must be undertaken prior to determination of the application.

Any lighting scheme will need to take into consideration the presence of bats in the local area and should minimise potential impacts to any bats by avoiding unnecessary artificial light spill.

Any clearance of vegetation shall not take place during bird nesting season.

6.3 No third party letters of support or objection have been received.

6.4 Applicant/Agent's Supporting Information

In support of the application, the agent has advised:

- The proposed new dwellings have been designed to mirror as closely as possible the design established under the PNO approvals but improve with additional detailing,
- Proposal follows the principle established on other agricultural conversions that have been allowed - principally with the use of Cedar boarding for cladding the external walls and slate for the roofs.
- The overall scale is identical to that permitted under the PNO procedure.
- This proposed dwelling has exactly the same footprint and is identical to the fall-back position.
- insulation levels; will provide full disabled access and will meet 'Build of Life' criteria.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Sidlesham at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Parish Housing Sites 2012- 2029

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 45: Development in the Countryside

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

National Policy and Guidance

- 7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

- 7.4 Consideration should also be given to paragraph 17 (Core Planning Principles) and sections 5, 7 and 11 generally.

- 7.5 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

- 7.6 The following Supplementary Planning Documents are material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance

7.7 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Support communities to meet their own housing needs
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Impact upon character of the surrounding area
- iii. Impact upon the amenity of neighbouring properties
- iv. Ecological Considerations
- v. Highway safety

Assessment

i. Principle of Development

8.2 The application site is located outside of any defined settlement boundary and is within the open countryside where new development is usually restricted in accordance with policy 1 and 2 of the CLP, unless otherwise permitted within policies contained in the plan. The development plan seeks to ensure that new development is directed to the most sustainable locations. Although the site lies in a rural area where new dwellings are not usually permitted, regard must be had to the 'fall-back position' for the site, which is that the existing building could be converted to a residential property under the prior approval which has been granted.

8.3 The Parish Council has raised concerns regarding the convertibility of the existing building and this matter has been carefully considered by officers. Part Q of the GPDO allows for the installation of replacement windows, doors, roofs, exterior walls and the provision of services, however these must only be works that are reasonably required for the building to function as a dwellinghouse. There have been cases where the works exceeded those permitted by the GPDO because the building was not capable of being converted. For example in the case of *Hibbit v SSCLG (2016)* the judge agreed with a planning inspector that a barn could not be converted under Class Q of the GPDO because the works went beyond the parameters of a conversion, and instead constituted a rebuild to create a dwelling. The building was a Steel Framed Pole Barn, situated above a concrete slab, which was open on 3 sides and the closed side was not attached to the slab upon which the barn was sited. The poles were to be retained, however all other elements of the building would have been fresh building works. The court therefore agreed that the works necessary to create a dwelling on the site did not fall within the provisions of the GPDO to convert an existing building.

8.4 The building is structurally sound and capable of conversion without significant alteration, and there is no reason to conclude that the existing building could not be converted in situ to provide a dwelling on the site. The fall-back position of the possibility that a dwelling could be created on the site is a material consideration that carries significant weight in the determination of this application. As such, it would be unreasonable to resist the application to 'replace' the permitted dwelling despite the rural location of the site as a matter of principle.

ii. Impact upon character of surrounding area

8.5 The proposed dwelling would be of the same size and scale to the existing building on the site, and the use of dark boarding above a brick plinth combined with a slate roof would be in keeping with the local vernacular for rural buildings. The application site can be seen from Fletchers Lane, however due to the scale and appearance of the proposed dwellings it is considered that it would not represent a harmful form of development that would detract from the rural character of the locality.

8.6 The proposal to move the building back from the access track would allow space to provide a chestnut paling fence and native hedgerow along the front of the building, providing a degree of natural screening that would soften the appearance of the building. The proposal therefore complies with section 7 of the NPPF policy 33 that requires new development to respect the character of the site and its surroundings.

iii. Impact upon amenity of neighbouring properties

8.7 The proposed dwelling would be sufficiently distanced from the neighbouring dwellings to the south (approximately 25m) and north (in excess of 79m) from the existing buildings on the site, to ensure the proposal would not result in any significant impacts upon the amenity of neighbouring properties. The proposal therefore accords with the requirements of policy 33 that requires new development to safeguard the reasonable amenities of neighbouring properties.

iv. Ecological Considerations

8.8 The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area (SPA) and the 3.6km zone of influence of the Pagham Harbour SPA, where new development is likely to have significant environmental impacts on this internationally important designation. To mitigate against this, the applicant has provided a signed S106 Unilateral Undertaking and made a financial contribution of £871 to mitigate the harm of the development. It is therefore considered that the proposal complies with the provisions of Policies 50 and 51 of the CLP, and the proposal would not have an adverse impact upon the SPA's.

8.9 The Council's Environment Officer has requested that a bat survey be carried out prior to the determination of the application. The survey has been carried out and no evidence of bat activity or roosts was found within the building, there were also no notable habitats surrounding the building upon which the proposal would impact. The proposal would therefore be acceptable in respect of its impact upon biodiversity and protected species.

v. Highways Safety

- 8.10 The proposed development would not give rise to an increase in vehicle movements beyond the level which would be expected from the authorised use of the existing buildings, or its fall-back position should they be converted to a dwelling. It is therefore considered that the proposed development would not have a significant impact upon the highway network.
- 8.11 The proposed development includes 2 parking spaces, arranged in tandem, to the west of the proposed dwelling. There would be no on site turning provided, however the parking arrangements would be the same as those approved as part of the prior approval for the dwelling on the site. Turning space would be achievable using the access track to the front of the dwelling and therefore the proposal would not give rise to cars reversing out onto Fletchers Lane. It is considered that turning on the driveway would not cause significant detriment to highway safety given the visibility and likely slow speeds of vehicles entering and exiting the nursery.
- 8.12 It is therefore considered that the parking provision and turning arrangements would be sufficient to serve the proposed dwelling and to ensure vehicles to enter and exit the site in a forward gear. It is therefore considered that the proposed development would be afforded with adequate and safe access arrangements. For the reasons stated the proposal would meet the requirements of policy 39 of the CLP in respect of highway safety.

Conclusion

- 8.13 Based on the above it is considered the prior approval which has been granted to convert the existing building from an agricultural use to residential represents a fall-back position for the site which is a material consideration that carries weight. Given the fall-back position that means the site could be developed to provide a dwelling on the site, the proposed 'replacement' dwelling complies with the development plan, which would otherwise restrict the provision of new dwellings in this rural location. The proposal would be acceptable in respect of its impact upon the character of the area, the amenity of neighbouring properties, highway safety, drainage and ecology and therefore the proposal complies with development plan policies 1, 2, 33, 39, 49, 50 and 51 in addition to the NPPF and therefore the application is recommended for approval.

Human Rights

- 8.14 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT WITH S106 subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 1, 2 and 5A

Reason: To ensure the development complies with the planning permission.

3) **No development shall commence** until details of the proposed overall site-wide surface water drainage scheme has 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 as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water 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. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

4) **No part of the development hereby permitted shall be first occupied** until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

5) **No part of the development hereby permitted shall be first occupied** until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

6) Prior to first occupation of the dwelling(s) hereby permitted the associated boundary treatments shall be provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

- (a) scaled plans showing the location of the boundary treatments and elevations, and
- (b) details of the materials and finishes.

Thereafter the boundary treatments shall be maintained as approved in perpetuity.

Reason: In the interests of protecting the amenity of neighbours.

7) **No part of the development hereby permitted shall be occupied** until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

8) **The development hereby permitted shall not be first brought into use** until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme **shall be carried out in the first** planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

9) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

INFORMATIVES

1) 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.

2) S106

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

For further information on this application please contact Fjola Stevens on 01243 534734