

Parish: West Wittering	Ward: West Wittering
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WW/17/03316/OUT

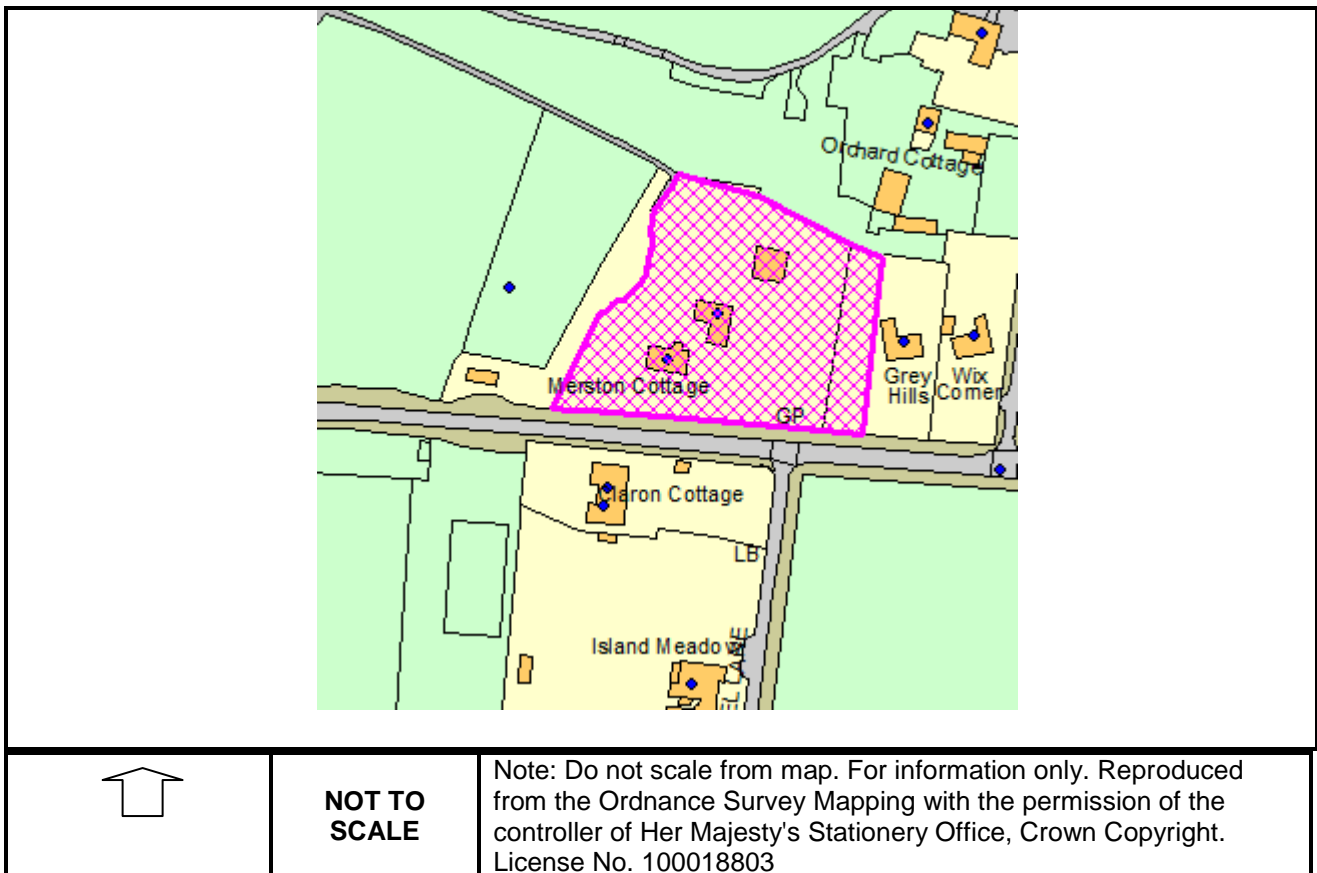
Proposal Construction of traditional style barn for storage of own chattels - Removal of Condition 5 of planning permission WW/93/01197/OUT - to allow guests, friends and family members to be able to stay in the barn overnight.

Site Merston Cottage Chichester Road West Wittering PO20 8QF

Map Ref (E) 479629 (N) 99287

Applicant Mr Jordan Swinscoe

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located to the north of Chichester Road (B2179), approximately 900m to the south-west of Shipton Green and 1.45km to the north-east of West Wittering. The site is located outside of any settlement boundary and within the rural area. It is bounded by the highway to the south, Wicks Farm Caravan Park to the north, a residential dwelling known as Grey Hills to the east and agricultural/paddock land to the west. The immediate surrounding area contains a number of large dwellings set within spacious curtilages, most of which are set back from the highway and screened by tall hedge/tree lines. The road therefore retains a spacious and informal rural character.
- 2.2 The building to which this application relates is located towards the northern end of the site, within part of the site that is separated from the main garden by stock fencing. The area shares the main access to the site with the host dwelling and its curtilage, but has a separate access within the site which appears to have been used for vehicular access to the barn.
- 2.3 The barn itself is a 2 storey structure with a pitched roof with slate roof tiles and black stained timber boarding above white rendered elevations. The building has full height openings within its north and south elevations and ground floor window openings within the side elevations to the east and west. The building measures 10.1m x 10.m, providing a footprint of 101sqm, although a mezzanine floor has been added that provides an additional 48.35sqm of floor space.

3.0 The Proposal

- 3.1 The application seeks to remove condition 5 of planning permission WW/93/01197/OUT, which states "the building hereby permitted shall not at any time be used as sleeping accommodation". The reason for this condition was "to comply with the terms of the application and to protect the amenities and character of the area". The building was originally approved for general domestic i.e. storage of chattels. No physical works are proposed to the outside of the building although the applicant has indicated that a ground floor bathroom would be installed.

4.0 History

93/01197/OUT	PER	Construction of traditional style barn for storage of own chattels
94/00062/REM	PER	Construction of traditional style barn (no animals).
94/00897/REM	REF	Construction of traditional style barn (no animals).
WW/00184/88	PER	New access and improvement of existing access

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 Parish Council

The Parish Council objects to the removal of Condition 5 to protect the amenity of surrounding dwellings. The site is outside the settlement area and in proximity of the AONB and the Condition was imposed to maintain the rural nature of the area.

6.2 Chichester Harbour Conservancy (summarised)

No objection subject to the LPA considering the barn falls within the curtilage of the dwelling and that conditions 3 and 6 of 93/01197/OUT continue to be observed

6.3 Third party comments

3 letters of objection have been received raising concerns in relation to the following;

- a) The change of use would impact upon the amenity of neighbouring occupiers; particularly in respect on noise impacts and activity.
- b) The proposal could lead to a subsequent application for a dwelling.
- c) The proposed change of use would not comply with the Village Design Statement and the Local Plan

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 West Wittering 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 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)

Policy 45: Development in the Countryside

National Policy and Guidance

- 7.3 Government planning policy 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.”*

Other Local Policy and Guidance

- 7.4 The following Supplementary Planning Documents and Planning Guidance are material to the determination of this planning application:
- Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document
 - Chichester Harbour Area of Outstanding Natural Beauty Management Plan 2014-2019
 - West Wittering Village Design Statement

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 development is restricted in accordance with Policy 1 and 2 of the Chichester Local Plan (CLP), unless otherwise permitted within policies contained in the plan which seek to ensure that new development is directed to the most sustainable locations. The proposed use of the building to provide additional accommodation for friends and family members ancillary to the use of the main house would not result in a new dwelling in the countryside, and as such there would be no conflict with policies 1, 2 or 45 of the CLP.

- 8.3 The applicant has confirmed that it is not the intention of the application to gain permission for a new dwelling; this can be controlled through the imposition of a condition requiring the building to be used for ancillary accommodation only, and not to be used independently of the main dwellinghouse. Based on an Officer visit of the site and an assessment of historical aerial photographs and supporting information submitted with the application, your Officer's are satisfied that the barn lies within the lawful curtilage of the dwellings and that the building has only ever previously been used in connection with the main dwelling. It is therefore considered that there is a physical and functional link to the main house.
- 8.4 The site also lies within the Chichester Harbour AONB and as such, in accordance with Policy 43 of the CLP, the proposal must not have a detrimental impact upon the character and appearance or distinctive features of the AONB, and must comply with the policy aims of the Chichester Harbour AONB Management Plan and Supplementary Planning Document. These documents establish that when determining applications, considerations should be given to both the proposal and its setting in the AONB landscape and how the scheme will contribute to the overall character of the area.
- 8.5 Bearing in mind the above policy considerations, it is considered that the principle of removing a condition to allow sleeping in the building is in itself acceptable subject to the use being tied to the main house and provided the proposals comply with local policy for the protection of the countryside and AONB, discussed in further detail below.

ii) Impact upon character of surrounding area

- 8.6 Policies LS1 and BD1 of the Chichester Harbour Management Plan require that proposals conserve and are appropriate for the special qualities and setting of the AONB, and the Chichester Harbour Joint Supplementary Planning Document has an overarching principle of protecting, conserving and enhancing the natural beauty and wildlife of the area. Both of these policies are re-enforced by Policy 43 of the CLP which establishes that the impact of individual proposals and their cumulative effect of the AONB and its setting will be carefully assessed, and that permission will be granted where it can be demonstrated that the proposal would meet the criteria of Policy 43.
- 8.7 The application site can be seen from Chichester Road, however the building would retain the existing height, dimensions and number of openings and no changes are proposed to external materials. Furthermore, the proposed use of the barn would be for purposes ancillary to the main dwelling and it is considered that the change of use from domestic storage and workshop to ancillary accommodation would not result in a level of noise and activity that would have a significant impact upon the rural character of the locality. The proposal would therefore not have a detrimental impact on character and appearance of the site or the surrounding AONB. The proposal would therefore comply with the above policies as well as Section 7 of the NPPF and Policy 33 of the Local Plan which requires that residential development proposals must respect and where possible enhance the character of the surrounding area.

iii) Impact upon amenity of neighbouring properties

- 8.8 The proposal does not seek any physical additions to the building and as such there are no concerns that it would result in loss of light, the creation of overlooking and the building would not impact upon the outlook of the neighbouring property. The removal of the condition would enable sleeping, which may attract more regular use and activity, but the building is located relatively close to the main house and some distance from the boundaries with neighbouring dwellings, the closest of which is Grey Hills - 22m away. 3 representations have been received raising concerns that the use of the building for ancillary accommodation will result in harm to the amenity of the occupiers of nearby buildings, particularly due to noise, however taking into account that the building is surrounded by a residential use that forms part of the garden to the main dwelling, it is likely that any increased activity would be commensurate with the typical residential use of that garden and any noise would not be discernible from the normal residential use of land, that already takes place.
- 8.9 It is recognised that Condition 5 of permission 93/01197/OUT prevents sleeping in order to protect the amenity and character of the area; however, the National Planning Policy Framework (NPPF) and the Chichester Local Plan (CLP) have been adopted since the granting of the original permission, which both establish (within Paragraph 14 of the NPPF and Policy 1 of the CLP) that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development. The removal of condition 5 would enable the applicant to increase accommodation space for their family without the need to erect a new extension/building. The current storage barn is no longer required for such purposes and as such bringing it into use as now proposed would be preferential to seeing it fall into a state of disrepair. Further to this, the conversion of barns historically related with dwellings, to ancillary accommodation is not an uncommon occurrence, and such forms of accommodation can often be found within the rural stock of dwellings. Conditions are often applied to such proposals which prevent barns from being converted to self-contained dwellings, which can result in increased associated nuisance such as additional vehicular movements. Such a condition is recommended should the application be approved.
- 8.10 For the above reasons, it is not considered that enabling the building to be slept in for ancillary purposes would be to the detriment of neighbouring amenity, and the proposal is therefore considered to accord with the requirements of Policy 33, which requires new development to protect the amenity of neighbouring properties.

iv) Ecological considerations

- 8.11 The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area (SPA) where new development is likely to have significant environmental impacts on this internationally important designation. However, as the application would not create a new self-contained residential unit no contributions would be sought towards the mitigation of disturbance impacts of new development. It is therefore considered that the proposal complies with the provisions of Policies 50 of the CLP, and the proposal would not have an adverse impact upon the SPA's.

v) Highway safety

8.12 The proposed development would not give rise to an increase in vehicle movements beyond the level which would be expected from the authorised storage use of the building. The removal of the condition to allow sleeping may increase instances of friends and family visiting the site, but there is sufficient space to accommodate several vehicles and allow for turning so that there is no need to reverse onto the highway. As such, it is considered that the proposal would not have a significant impact upon the highway network and therefore would meet the requirements of Policy 39 of the CLP in respect of highway safety.

Conclusion

8.13 Based on the above assessment, it is considered that removal of Condition 5 from permission 93/01197/OUT to allow the applicant's family and friends to sleep within the former storage barn would not create a situation that would result in harm to the character of the property or the surrounding landscape, or the amenity of the occupiers of neighbouring dwellings. It is considered, that fears of the building being used a self-contained unit of accommodation can be addressed by the imposition of a condition which would ensure that it could not be let or sold separately from the main house, and as such the residential use of the site would be maintained along with the condition of the existing building. As such, there are no amenity concerns, and no highway or ecological concerns. Therefore the proposal is deemed to comply with development plan policies 1, 2, 33, 39,40,43,45 and 50 in addition to the NPPF.

Approval is therefore recommended.

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 subject to the following conditions and informatives:-

- 1) There shall be no departure from the submitted plans without the prior written consent of the District Planning Authority.

Reason: To secure satisfactory development.

- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the accommodation hereby permitted shall be restricted to purposes ancillary to the existing dwelling at the site from which it shall not be let, sold separately, or severed thereafter.

Reason: The site is in an area where a new dwelling would not normally be permitted except the demonstrable needs of the case.

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.

For further information on this application please contact Luke Simpson