

Parish: Earnley	Ward: East Wittering
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E/16/03235/FUL

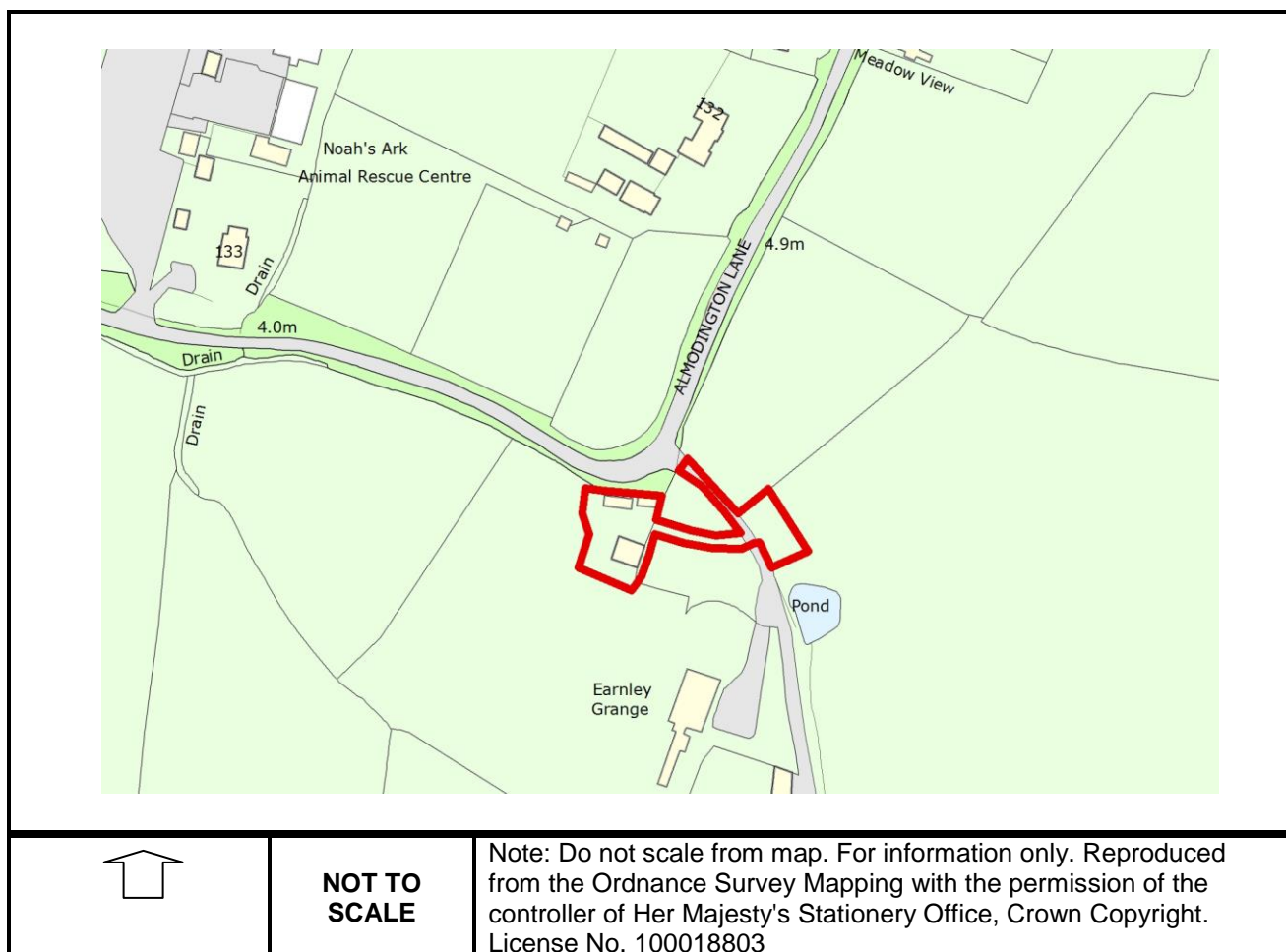
Proposal Retrospective application for conversion of redundant agricultural building to A3 cafe. Existing shed rebuilt to house toilet and proposed shed to be used as a shop.

Site Earnley Grange Almodington Lane Almodington Earnley PO20 7JS

Map Ref (E) 482569 (N) 97096

Applicant Mr Ian Parker

RECOMMENDATION TO REFUSE



1.0 Reason for Committee Referral

Red Card: Cllr Taylor - Exceptional level of public interest.

2.0 The Site and Surroundings

2.1 The application site lies within the rural area to the south of Almodington within the parish of Earnley. Almodington does not have a settlement boundary, it is a rural settlement with a dispersed pattern of development primarily associated with the nurseries on Land Settlement Association (LSA) plots.

2.2 The application site comprises a collection of former agricultural buildings to the north of Earnley Grange, a Grade II Listed Building with gardens, tennis court and swimming pool on the land separating the application site from the dwelling. Almodington Lane lies to the north of the site, and the site is accessed from a lane off Almodington Lane serving several properties including Earnley Grange and the surrounding farm land. There is a public footpath to the west of the site.

3.0 The Proposal

3.1 The application seeks retrospective planning permission for the conversion of a redundant agricultural building to a café (use class A3), the conversion of a shed into a shop and the provision of toilet facilities within a further shed which has been re-built.

4.0 History

04/01106/LBC	PER	Change of use of redundant garage building to 1 no. residential unit.
04/01112/FUL	PER	Change of use of redundant garage building to one residential unit.
90/00020/E	PERMIT	Replace outer slate clad slopes with old clay tiles, insertion of structural steelwork and replacement of attic flooring, raising centre well section and upgrading/replacing wood timbers to South roof and adjacent ceilings.
08/01637/DOM	WDN	Replacement ancillary building.
08/04697/DOM	PER	Replacement ancillary building.
09/01294/DOM	PER	3 no. loose horse boxes on existing hardstanding.

5.0 Constraints

Listed Building	No
Conservation Area	No
Rural Area	Yes
AONB	No
Strategic Gap	No
Tree Preservation Order	No
South Downs National Park	No
EA Flood Zone	
- Flood Zone 2	Yes
- Flood Zone 3	No
Historic Parks and Gardens	No

6.0 Representations and Consultations

6.1 Parish Council

Having reviewed this application Earnley Parish Council Planning Committee supports the application which respects and enhances the landscape character of the area, supports rural regeneration and has provided employment opportunities without significant alterations or extension to the building and will facilitate the economic and social wellbeing of the area.

6.2 WSCC Highways

No objection. Condition requiring the parking to be constructed in accordance with the site plan requested.

6.3 CDC Environmental Health

No objection.

6.4 CDC Historic Buildings Adviser

The proposed café building may be curtilage listed if it was within the same ownership as Earnley Grange at the time of listing in 1986. The information submitted does not detail the works undertaken to convert the buildings, however the café and shop buildings appear to be akin to garden structures due to fenestration, though it is not clear from the information available whether this has caused any harm.

6.5 5 letters of objection have been received from third parties on the following grounds:

- a) concern proposal would lead to further expansion
- b) abundance of protected species that frequent the field where car parking is proposed
- c) access to the café site and car park is located on a dangerous bend
- d) car park location shown is currently large enough for approximately 20 vehicles on agricultural land, adjoining land used for overflow parking

- e) signage on access is dangerous
- f) parking could be provided to the rear of the buildings on the gravel area
- g) opening times are less than requested (closing between 3pm and 6pm depending on season and day of the week)
- h) already a café at Butterfly Gardens nearby, there is no need for a cafe
- i) wedding receptions in the evening have causes noise and disturbance
- j) deliveries cause disturbance

6.6 7 letters of support have been received from third parties commenting on the following:

- a) cafe is a welcome addition to an area with limited facilities
- b) property is screened by trees and shrubs
- c) provides a meeting place for residents, walkers and cyclists
- d) can see car park from property, no objection, it is a useful addition to the local community
- e) living a few hundred meters from the access not noticed any increase in volume of traffic or problems at the junction, only concern is parking for 300 cars as this is far larger than the café can justify
- f) it's a small business targeted at local residents, local holiday makers, people visiting the Medmerry site and passers-by avoiding busy main roads
- g) other than a large planned event only a small number of cars park regularly, the parking area is only visible from the road if looking for it, and is not a distraction to road users or detriment to the rural integrity of the area. It could be screened by hedge planting
- h) traffic is generally slow moving due to the bend in the road and due to level of traffic it only likely to 'back up' on a small number of occasions
- i) parking area is unlikely to affect wildlife
- j) not detrimental to the environment

Applicant/Agent's Supporting Information

6.7 The agent has provided supporting information to explain that they have contacted Heritage England regarding the listing status for the buildings, the thatched barn (which is not to be altered) has been re-built several times and the café building is 100m from the listed building and does not convincingly fall within the curtilage of Earnley Grange according to their maps. The agent has also confirmed that the late opening hours are proposed to allow for occasional evening events, such as charity events or private functions.

7.0 Planning Policy

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 Earnley at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 3: The Economy and Employment Provision

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 45: Development in the Countryside

Policy 46: Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside

Policy 47: Heritage and Design

Policy 48: Natural Environment

Policy 49: Biodiversity

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 3, 4, 7, 11 and 12 generally.

Other Local Policy and Guidance

7.5 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:

- Maintain low levels of unemployment in the district
- 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) the rural character of the area
- iii) the amenity of neighbouring properties
- iv) highway safety
- v) heritage assets
- vi) other matters

Assessment

i) Principle of development

8.2 The application seeks planning permission to convert 2 existing buildings to provide a shop and café, with a small shed building being re-built to provide associated toilet facilities. The application site lies in the rural area where policies 1, 2 and 45 of the Chichester Local Plan (CLP) restrict new development to development that requires a countryside location and meets an essential small scale and local need. However, policy 46 of the CLP allows for the conversion of existing buildings within the rural area to help build sustainable rural communities and aid economic diversification without the need for new buildings. This is in line with paragraph 28 of the National Planning Policy Framework (NPPF) which requires a positive approach to economic growth in the rural area in order to promote a strong rural economy. The proposed shop and café uses are of a small scale (39 and 68 sq.m.) however they would none the less benefit the local economy, provide services for local residents, tourists and provide employment for 3 part time workers. Although the site lies within the rural area, there are residents within walking distance of the site, and whilst it is acknowledged that many people visiting will travel by car it is considered that due to the scale of the proposed development, this would not result in such a material increase in vehicular movements to or from the site to warrant refusal on this basis.

8.3 The conversion of rural buildings would only be permitted generally where the buildings are capable of conversion without significant alteration or extension. The works to the buildings have been carried out and therefore it is not now possible to consider the extent to which the buildings were structurally sound or the extent of the works carried out. However, no comments have been received to suggest the café or shop building have been re-built to accommodate the proposed change of use and the buildings are modest in terms of scale and appearance. It is therefore considered that based on the development as carried out that the proposal is acceptable in this respect.

8.4 In conclusion, it is considered that whilst the site lies in the rural area and therefore is not within a sustainable location, the scale of the development, the character of the area with rural attractions such as the Medmerry site popular with walkers, and the economic benefits of the proposal indicates that on balance, the proposed café and shop use would constitute an appropriate form of rural diversification in this area that would help support the local rural economy.

8.5 Notwithstanding the proposed use being acceptable, the development as proposed would include an area of car parking on land adjacent to the café and shop on agricultural land. There are concerns regarding the impact of the proposed parking area upon the landscape and character of the area as set out below, and therefore whilst the proposed use would be acceptable it is not possible to support the principle of the development as a whole.

ii) Impact upon rural character of the area

8.6 The café and shop buildings are set within a small cluster of buildings to the south of Almodington Lane. Whilst the buildings are visible from Almodington Lane above a flint wall and fence on the northern boundary of the site, due to their traditional or agricultural form and their orientation within a courtyard area, the commercial use of the buildings and the associated

paraphernalia such as the seating areas would not have a significant impact upon the character and appearance of the surrounding area.

8.7 The proposed parking area would be located to the east of the cluster of buildings on the opposite side of the lane from which there would be access. The parking area would be clearly visible from Almodington Lane, and the main lane from which would be accessed, and across the fields which form part of a relatively flat and open landscape. It is considered that the proposed parking area which would measure approximately 23m x 18.5m, providing space for approximately 16-18 vehicles, would encroach out into the rural landscape and away from the cluster of buildings and Earnley Grange itself. A car park of this size within the open field would have a significant detrimental impact upon the character and appearance of the rural area. Such an impact would be contrary to policies 47 and 48 of the CLP which seek to ensure that new development would not harm the local landscape character or the integrity of open and undeveloped areas.

8.8 It has been suggested that the visual harm could be mitigated by the planting of screening, however it is considered that such planting would be likely to appear incongruous within the open rural landscape given the proposed position of the car parking within an open field. Development should not be permitted if landscaping is required to obscure it, and in any event planting is unlikely to successfully screen all the vehicles parked when in use given the area would require an access for vehicles to enter and exit the area. In addition to the concerns about the visual impact of the proposal as submitted it is considered important to note that at present the parking area is not surfaced, however it is a concern that it would not be practical to park on a muddy field during the winter months, and the proposed arrangement to leave the parking area unsurfaced could result in mud being transported onto the highway, to the detriment of the safety of highway users. Although any hard surfacing proposed, which may be required to overcome these concerns, would be within the control of the Local Planning Authority it is considered that any form of surfacing would exacerbate the visual harm of the proposed development, it is therefore considered that it would not be appropriate to condition details of hard surfacing and it would also not be prudent to grant planning permission for a development which is likely to give rise to further harm.

8.9 For the reasons set out above it is considered that the proposed parking area associated with the proposed café and shop would cause significant harm to the landscape and the rural character of the surrounding area, contrary to national and local planning policies. During the course of the application officers have sought to negotiate amendments to the proposed parking arrangements to address the concerns identified.

For example, should the parking be re-sited to the land to the west of the proposed shop, or within a courtyard area between the shop and the café the impact upon the wider landscape would be much reduced. Alternatively, the combination of a car park alongside the buildings, with a small over-flow area in the form of a layby on the lane adjacent to the proposed access would also be likely to be acceptable, given that this would result in a small and contained area of parking that could be edged with a post and rail fence or hedgerow to separate it from the open field. The applicant has not provided any amended plans in line with the suggestions made.

iii) Impact upon the amenity of neighbouring properties

8.10 The Council's Environmental Health team were consulted with respect to any noise and odour implications from the proposed café use and the impact upon the amenity of neighbouring properties. The Environmental Health Officer has advised that due to the scale of the operation a domestic type extraction fan would be sufficient for the kitchen and there would be no requirement for a commercial extraction system and the proposed refrigeration would be via self-contained units, thereby ensuring that the kitchen equipment would not result in a source of noise and odour would be managed appropriately. In addition, the application site is well distanced from residential properties and the businesses operate primarily during the day with some evening activity, and as a result the proposal would not have an adverse impact in respect of noise and disturbance to residential properties. It is therefore considered that the proposal would be acceptable in this respect.

8.11 It is noted that objections have been received in relation to noise and disturbance caused by evening events. It appears that these events are not so much linked to the shop and café which is the subject of this application, and instead occasional events and functions such as charity events and weddings. Part of the concern also relates to the provision of parking for 300 cars. The application site is limited to the area surrounding the shop and café and the proposed parking area, which would not be of a size to accommodate 300 cars. If the applicant wishes to hold weddings or other events on a larger area in and around Earnley Grange then this would need to be the subject of a separate application, and therefore this cannot be assessed as part of this application. The proposed opening hours for the small shop and café would not lead to a significant impact upon the amenity of nearby properties due to the distance between the site and neighbouring properties and the scale of the proposed business. It is therefore considered that the proposal would not have an unacceptable impact upon the amenity of neighbouring properties.

iv) Impact upon Highways

8.12 The proposed development would include a car park on land to the east of the lane that serves Earnley Grange and approximately 5 other properties as well as the surrounding farmland. . The proposed parking area would be approximately 23m x 18.5m. No details have been submitted with respect to the proposed surfacing of the parking area. The application form indicates that parking would be provided for 300 cars. The area for parking as shown on the plans would not be of a size to accommodate such a large number of vehicles, and the application has been considered based on the area of parking shown on the plans rather than the 300 spaces noted on the form.

8.13 West Sussex County Council as the local highway authority has advised that the proposed development would not have a severe impact upon the operation of the highway network and therefore the proposal would comply with the NPPF and there would be no transport grounds to resist the proposal. Specifically, the Highway Authority considers that the existing access onto Almodington Lane has adequate visibility splays and is of a sufficient geometry to accommodate the anticipated level of vehicular activity, the small increase in traffic movements would not be material when compared with the historic use of the site and small scale of the operation, the proposed parking area would be sufficient and would be of a size to accommodate on-site turning and so it would be unlikely that on-street parking would take place as a result of the proposal.

8.14 The Highway Authority acknowledges that given the lack of footway links between the site and bus stops or residential amenities the majority of visits would be via car, however this would not be materially different to the permitted or historic uses on the site. Given the proposal would meet the requirements of the Highway Authority it is considered that subject to conditions the proposal would benefit from safe and adequate access and parking arrangements in accordance with policy 39. Notwithstanding this, the landscape impact of the proposed parking area upon the locality, as set out in paragraphs 8.4-8.6 of this report would be such that the proposal would be unacceptable in respect of its parking arrangements.

v) Impact upon heritage assets

8.15 The proposed site lies to the north of Earnley Grange, a grade II listed building. The relationship of the buildings to the listed building has been queried by the Historic Buildings Advisor in order to establish whether any of the buildings to which the application relate would be curtilage listed buildings. It is accepted that the building in use as a shop is a modern agricultural building that would not be curtilage listed. The café building is an older structure, however mapping records indicate that the historic agricultural buildings on the site have changed over time, and there appears to be a mature planted boundary that has historically separated the dwelling from the wider agricultural land around the listed building. It is therefore not clear that the building would constitute a curtilage listed building, and it is considered that this would not warrant refusal of the application.

8.16 It is considered that due to the distance between the proposed development and the listed building and the sense of separation as a result of boundary treatments combined with the low key character and appearance of the buildings, the built form and the commercial use would not detract from the setting of the listed building.

8.17 The proposed parking area would be sited between Almodington Lane and the entrance to Earnley Grange. It is considered that whilst this parking area would be set away from the listed building, given its prominence within the landscape it would affect the setting of the listed building. The proposal would therefore not be acceptable in this respect.

vi) Other matters

8.18 A number of objections relate to the signage at the entrance to the access and on Almodington Lane. Signage does not form part of the proposal, and any signage required to support the use would be the subject of an application for advertisement consent. Therefore any concerns about signage would not warrant a reason for refusal.

8.19 A number of concerns have also been raised regarding the impact upon wildlife. There is no information to suggest that the works to the buildings caused harm to any protected species, and given the parking area would be on an area of grass and would not result in the loss of planting or other habitat it is considered that this would not be a reason to warrant refusal.

Conclusion

8.20 Based on the above it is considered the proposal is contrary to development plan policies 1, 45, 47 and 48 and therefore the application is recommended for refusal.

Human Rights

8.21 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 refuse is justified and proportionate.

RECOMMENDATION

REFUSE for the following reasons:-

1) The proposed development by reason of the siting and size of the proposed parking area in a prominent location on agricultural land would detract from the flat, open, rural character of the surrounding rural area and the setting of the Grade II listed building known as Earnley Grange, and therefore would have a significant adverse impact upon the local landscape and the adjacent heritage asset contrary to the Core Principles and sections 7 and 11 of the National Planning Policy Framework and Policies 1, 2, 45, 47 and 48 of the Chichester Local Plan: Key Policies 2014-2029. There are no material considerations that would outweigh the harm caused by the proposed development.

INFORMATIVES

1) This decision relates to the following plans: 16A_058 002A, 004B and 005

For further information on this application please contact Rachel Ballam