



Appeal Decision

Site visit made on 21 July 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2020

Ref: APP/C3810/W/20/3245756

Kents Yard, Brookpit Lane, Climping, BN17 5QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Crowley against the decision of Arun District Council.
 - The application Ref CM/25/19/PL, dated 3 May 2019, was refused by notice dated 8 August 2019.
 - The development proposed is change of use of barns to 3no dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of barns to 3no dwellings at Kents Yard, Brookpit Lane, Climping, BN17 5QT, in accordance with the application ref CM/25/19/PL, dated 3 May 2019, and the plans submitted with it, but subject to the attached schedule of conditions.

Procedural Matters

2. There is another linked appeal for a very similar development¹ which is the subject of a separate decision letter. In that decision the Council raised concerns about the effect of the proposal on the setting of Kent's Farmhouse, which is a Grade II listed building. I have also considered this issue as part of this decision, along with the additional policies identified.
3. I refer to the units as numbers 1, 2 and 3 as denoted on the proposed site plan.

Main Issues

4. The effect of the development on
 - i) the character and appearance of the area, including the setting of the Grade II listed Kent's Farmhouse; and
 - ii) the living conditions of future residents, with particular regard to the level of external amenity space proposed for each residential unit.

Reasons

Character and Appearance

5. The building to the immediate east of the site, Kent's Farmhouse, is Grade II listed. The special character and significance of this designated heritage asset, which dates back to the eighteenth century, is derived from its agricultural

¹ APP/C3810/W/20/3245757

origins as part of a group of farm buildings. This is reflected in its external layout and elements of its well-preserved appearance. The listed building falls within a setting of mainly open countryside and agricultural buildings, which is reflective of the buildings origins and therefore contributes positively to its significance.

6. Within this context, the appeal site comprises low level, former agricultural buildings which appear unobtrusive in the landscape and visually subservient to the listed building. They complement the designated heritage asset but appear functionally separate from it, due to the well contained courtyard which benefits from a separate access from the adjacent road.
7. The proposal would largely maintain the external appearance of the host building, with no significant change to the existing proportions of the barn structure. The brick quoins and flint walls would to a large degree be preserved, and a traditional slate roof would partially replace the existing fibre cement corrugated roof. The existing open courtyard to the front of the building would also be retained. As such, whilst this is a residential conversion, the agricultural appearance of the building would be preserved, in views from the surrounding area.
8. The properties would otherwise fall within an established cluster of existing development including residential properties. They would benefit from their own vehicular access and off-street parking. There would be a large amount of visual space retained around the building in the courtyard area. The level of residential activity, including vehicular movements, would be consistent with the prevailing rural and spacious character of this small group of agricultural and residential buildings, which are surrounded by open countryside. The proposal would not be cramped or unduly intensive, and nor would it detract from the setting of the listed building.
9. Part of the area to the rear of the existing barns would be enclosed as amenity space, but this would occur close to the existing building. It would not represent a significant encroachment of residential curtilage in-to the surrounding countryside. Overall, the proposal would complement the rural character and appearance of the area and the setting of the listed building would be preserved. There is no conflict with policies D DM1, H DM4 or HER DM1 of the Arun Local Plan (2018), nor CPN 11 of the Clymping Neighbourhood Plan which seek, amongst other things, to ensure that proposed development is well designed whilst preserving the historic character of listed buildings.

Living Conditions

10. All 3 properties would have a private area of garden to its rear. Whilst these gardens are of different sizes, even the smallest garden area, that associated with unit 3 would comprise a well sized area that provides enough space for most activities typically carried out in such areas such as sitting or eating out, children's play or drying out clothes. The rear gardens for units 1 and 2 would be larger than this, and in all cases the shape would be appropriate for their intended function.
11. The large courtyard to the front of each unit would add to this space, providing opportunities for informal recreation. The lack of privacy would not detract from the functionality of this area, which would be similar to a shared front garden. Cumulatively, there would be a more than satisfactory level of external amenity

space provided for each of the 3 units proposed. The living conditions in the development would be acceptable and there is no conflict with either policy D DM1 or H DM4 of the Arun Local Plan, nor CPN11 of the Clymping Neighbourhood Plan, all of which seek, amongst other things, to ensure that development provides for sufficient external amenity space.

Other Matters

12. I have considered the objections raised by interested parties. Noise and disturbance from 3 dwellings, including additional traffic movements, would be limited and would not result in harm to the living conditions of neighbouring residents. The proposed vehicular access would benefit from a reasonable level of visibility along the adjacent road. There would be more than adequate space for parking on the site and the proposal would not give rise to any significant additional congestion or on-street parking. There is ample space within the site to receive deliveries and for vehicles to turn. There would be no unacceptable risks to highway safety. The proposal will not impinge on the structural integrity of the neighbouring listed building. Adequate provision is made for drainage, and the protection of wildlife.
13. The proposals comply with the National Planning Policy Framework ("the Framework"), which seeks to achieve well-designed places which conserve and enhance the historic environment.

Conditions

14. I have had regard to all the suggested conditions from both the Council, including those in the officer report to planning committee and those suggested by consultees but only imposed these where it has been clearly demonstrated they meet the policy tests set out primarily in paragraph 55 of the Framework. On this occasion I consider that conditions are necessary in the interests of certainty and to comply with legislation relating to the commencement of development; to ensure a satisfactory standard of development with an appropriate appearance in relation to its surroundings; to make appropriate provision for protected species and ecological enhancement; and finally to ensure parking is provided and provision made for cycling, in the interests of the promotion of sustainable transport and highway safety.
15. Condition 5 removes permitted development rights in relation to future extensions. This is exceptionally necessary given the high sensitivity of the site in relation to the surrounding landscape and adjacent listed building which could be adversely affected by bulky extensions carried out under permitted development rights. Conditions relating to contamination are necessary to avoid the risk of pollution from previous uses associated with the site. This exceptionally requires work to occur prior to the commencement of development, to ensure a comprehensive risk assessment and site investigation has been carried out prior to any intrusive ground works.

Conclusion

16. The proposal complies with the development plan and there are no other considerations that outweigh this finding. The appeal should succeed.

Neil Holdsworth

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Block Plan 1169/SK02 Rev 01; Proposed Site Plan 1169/SK03 Rev 01; Proposed Floor Plan. 1169/SK05 Rev 01; Proposed Elevations 1169/SK06 Rev 01; Proposed South and East Elevations 1169/SK07 Rev 01; Proposed North and West Elevations 1169/SK08 Rev 01.
- 3) The development hereby approved shall not be occupied until details of the detailed design and layout of the courtyard within the development has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No works to the outside of the building shall be carried out until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls, doors, windows including joinery and the roof of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved under the terms of this condition.
- 5) 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 reenacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage of the approved development unless permission is granted by the Local Planning Authority on an application in that behalf.
- 6) Development shall proceed in accordance with the Bat Survey Report by Batbox limited (May 2016), though a Natural England Licence will not be needed. As a precautionary approach conversion works to the buildings should be undertaken by hand with careful stripping of the internal and external roof space in the presence of a suitably qualified ecologist. If a bat is found all works must stop and Natural England consulted. Temporary roosting opportunities must be made available by installing bat boxes within the trees onsite prior to any construction works. Roosting opportunities must also be incorporated within the conversion as detailed within paragraph 8.3 of the Bat Survey report including the use of bat tubes and such details shall be submitted to the Local Planning Authority for approval prior to conversion works beginning and the development shall proceed in accordance with the details so approved and retained in perpetuity.
- 7) Prior to occupation nesting cups shall be installed within the building to allow continued nesting opportunities for swallows in accordance with details to be submitted to and approved by the Local Planning Authority. The nesting cups as approved shall be retained in perpetuity.

- 8) No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
- 9) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan. This facility shall thereafter be retained at all times for its designated purpose.
- 10) Prior to the commencement of development (parts 1, 2) and prior to occupation (parts 3, 4) of the works approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. Following the site investigation results (1) and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.
- 11) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- 12) Prior to occupation of any part of the permitted development, a final verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation

shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall, if considered necessary, also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

END OF SCHEDULE