



Committee Manager : Carrie O'Connor (Ext 37614)

4 August 2014

## **SPECIAL DEVELOPMENT CONTROL COMMITTEE**

A Special meeting of this Committee will be held in the Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton, on **Tuesday 12 August 2014 at 10.30 am.** and you are requested to attend.

Members : Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Mrs Bower, Bower, Mrs Bowyer, Charles, Evans, Mrs Goad, Haymes, McDougall, Northeast, Mrs Pendleton, Mrs Smee, Mrs Stainton and Steward.

### **A G E N D A**

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating :

- a) the application you have the interest in
- b) whether it is a personal interest and the nature of the interest
- c) whether it is also a prejudicial/pecuniary interest
- d) if it is a prejudicial/pecuniary interest, whether you will be exercising your right to speak at the application

You then need to re-declare your prejudicial/pecuniary interest and the nature of the interest at the commencement of the application or when the interest becomes apparent.

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process Procedure as laid down in the Council's adopted Local Code of Conduct for Members/Officers dealing with planning matters.

A copy of the Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. ARTICLE 4 DIRECTION (A4D) – THE SHIP INN, ALDWICK.

There is a strong likelihood that The Ship Inn Public House will be converted to a retail shop using permitted development rights over which the public have no involvement. Due to strong local concern, consideration is to be given to the serving of an Article 4 Direction which will remove permitted development rights so that a formal planning application is required for a change of use allowing the public to participate in the process

Note: \*Indicates report is attached for Members of the Development Control Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via the website at [www.arun.gov.uk](http://www.arun.gov.uk).

Note: Members are reminded that if they have any detailed questions would they please inform the Chairman and/or the Head of Development Control, in advance of the meeting. This is to ensure that officers can provide the best possible advice to Members during the meeting.

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 12 AUGUST 2014

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Decision Paper

Subject : Article 4 Direction (A4D) – The Ship Inn, Aldwick

Report by : Nikolas Antoniou

Report date: 4 August 2014

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EXECUTIVE SUMMARY

Nick Gibb MP has requested that an Article 4 Direction (A4D) be served on The Ship Inn to remove permitted development rights namely the automatic right to change the use from the existing public house to a convenience store.

RECOMMENDATIONS

The case for serving an A4D is very much on balance and Members should weigh both the positives and the negatives set out in this report before coming to a decision.

**1.0 BACKGROUND:**

1.1 The Government has recently made several changes to The Town and Country Planning

(General Permitted Development) Order (1995) meaning that certain forms of development no longer require planning permission. Changing the use from a public house to a shop does not require planning permission for the reason set out below:

*“Part 3 Class A, Permitted development*

*Development consisting of a change of use of a building to a use falling within Class A1 (shops) of the Schedule to the Use Class Order from a use falling within Class A3 (restaurants and cafes), A4 (drinking establishments) or Class A5 (hot food takeaways) of the Schedule”*

- 1.2 It is Morrisons intention to convert The Ship Inn into a shop and at the time of writing the Council is in receipt of planning application (AW/211/14/PL) for an extension and other various physical works in association with the change of use.

The Council has received a letter from Nick Gibb MP requesting that an A4D be served immediately seeking to prevent the permitted change of use. Reference is made to a meeting with the Friends of the Ship Inn group who oppose the change of use and a petition signed by 400 local people. Officers have separately been approached by a representative acting on behalf of residents also seeking that an A4D be served.

## **2.0 PROPOSAL(S):**

- 2.1 The proposal is to serve an A4D. No mechanism exists to allow Officers of the Council to serve an A4D at the request of third parties and therefore if the Council is to do so approval is required by Members of the Development Control Committee.
- 2.2 Paragraph 38 of the National Planning Policy Guidance states that the use of Article 4 directions to remove national permitted development rights should be limited to situations where it is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified.
- 2.3 The purpose of serving an A4D would remove the rights granted by the general permitted development order meaning that the Morrisons would have to apply for planning permission for the change of use to a shop.

## **3. OPTIONS:**

- 3.1 It is clear from advice in the NPPG that the use of an A4D should be limited to situations where it is necessary to protect local amenity or the wellbeing of an area.

Set out below are some arguments for and against the serving of an A4D:

Arguments for serving an A4D:

- 1) Local petition against the loss of the public house demonstrating strength of feeling
- 2) The protection of the public house as a local amenity for the wellbeing of the area and residents
- 3) The A4D would require that a planning application be submitted allowing the public to participate in a democratic process
- 4) Since 1811 The Ship Inn has been an Inn and the loss of the existing use would represent a loss of local history

- 5) Physical works may be detrimental to the character of the building
- 6) The Ship Inn is registered as an Asset of Community Value
- 7) A number of public houses in the locality have been converted to shops.

Arguments against serving and A4D:

- 1) It is clearly the Governments intention to allow such changes of use
- 2) Arguably a local convenience store would serve the needs of a larger proportion of the population rather than a public house which caters for a specific market and so could be argued to be more inclusive
- 3) If the public house was trading well and had local support then it is unlikely the proposed change of use would have come forward.
- 4) Morrisons is well advanced in negotiations and it is likely that works will commence prior to the serving of any potential A4D  
(Paragraph 46 of the National Planning Policy Guidance states that A4D cannot be put in place once development has been commenced or carried out)
- 5) Morrisons has submitted a planning application for various alterations in line with the change of use.
- 6) Physical works/changes to the appearance of the building will be subject to planning applications which allow the public to comment and the Local Planning Authority to exercise control.
- 7) Compensation maybe payable (see section 6. Implications below)

#### **4.0 IMPLICATIONS:**

- 4.1 Should Members wish to make an A4D compensation may be payable if it were subsequently to refuse an application that would have been allowed without an application (NPPG paragraph 42) or grants planning permission subject to more restrictive conditions than imposed by the Town and Country (General Permitted Development) Order 1995 (as amended).

#### **5.0 REASON FOR THE DECISION:**

- 5.1 The case for serving an A4D on The Ship Inn is very much an on balance one. In favour of serving the A4D is that Morrisons will have to make a formal planning application for the change of use. This will allow the public to express their opinions and for Members to debate the merits of any future application democratically at the Council's Development Control Committee.

5.2 The case for not serving an A4D is that there is a risk that it will not be made before the development at the site commences. Given how advanced Morrisons is in acquiring the site and works are to start imminently there is a real risk of a compensation claim.

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**Background Papers:**

The Town and Country Planning (General Permitted Development) Order 1995 (as amended)

National Planning Policy Guidance (NPPG)

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