PLANNING APPLICATIONS REPORT

DESCRIPTION/ ADDRESS	-	Change of use of land to residential and move existing fence to enclose new curtilage (Departure from Development Plan) 19 Oaks Close Westergate

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	Change of use from agricultural land to residential garden of rectangular parcel of land adjoining south side boundary of the residential garden of No. 19 Oaks Close Westergate
SITE AREA	88 square metres approximately
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominately flat
TREES	One small tree not worthy of a tree preservation order
BOUNDARY TREATMENT	South boundary kept by close boarded fencing approximately (at maximum) 1.8m in height.
SITE CHARACTERISTICS	Parcel of land situated between south boundary of No.19 Oaks Close and public footpath. At time of site visit, parcel of land enclosed by close boarded fencing and maintained as manicured lawn
CHARACTER OF LOCALITY	Predominately rural with open countryside to south and residential properties to north

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
None		

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Aldingbourne Parish Council	Objection to this application for the following reason: Departure from Development Plan.
LOCAL GROUPS	None
One letter of objection	The area of land beside the footpath/permissive cycle path that runs from the A29 Westergate Street to Ivy Lane has already been enclosed by the owner of 19 Oaks Close Westergate. This is at the junction with another footpath to the east and makes this a blind corner on the footpath/permissive cycle path.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE

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County Rights Of Way Officer	The path running south of 19 Oaks Close is in fact managed through the local highways office.
County Highways	I have not visited the site and therefore the following comments are based on a desktop analysis. If the footpath adjacent to the site is used by cyclists, then I would recommend that the proposed fence be splayed on the corner to achieve 2.4m x 2.4m slays in each direction
County Assistant Highway Superintendent	The footway to the rear of 10 Oaks Close is a footpath and a cycle path

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Outside Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan: LOC2, DEV1
Arun District Local Plan: GEN3, GEN7, GEN16

PLANNING POLICY GUIDANCE

PPS1: Delivering sustainable development
PPS7: Sustainable Development in Rural Areas
Town and Country Planning (General Permitted Development Order) 1995

POLICY COMMENTARY

The above policies combine to describe the criteria against which applications for extensions of the residential curtilage outside the built-up area boundary will be judged.

COMMENT ON CONSULTATION RESPONSES

Noted. West Sussex County Council has confirmed that right of way no.297 is a public footway that serves as a footpath and a cycle path.

The fencing erected as indicated in the application submitted is permitted development in accordance with the Town and Country Planning (General Permitted Development Order) 1995 (as amended)

COMMENT ON REPRESENTATIONS RECEIVED

Noted. The proposal is a departure from the Development Plan and conflicts with the relevant Development Plan policies and is recommended for refusal.

The fencing erected as indicated in the application submitted is less than 2m in height fronting a public highway not used by vehicular traffic. Therefore the fencing is permitted development in accordance with the Town and Country Planning (General Permitted

COMMENT ON REPRESENTATIONS RECEIVED

Development Order) 1995 (as amended)

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that an extension of the residential curtilage outside the built-up area boundary is an inappropriate change of use as it is not related to agriculture or forestry.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Policy GEN3 of the Arun District Local Plan states:-

"Outside the Built-Up Area, as defined on the Proposals Map, the countryside will be safeguarded for its own sake. Development will not be permitted unless:

(i) it meets the operational needs of agriculture, forestry, the extraction of minerals or the deposit of waste; or
(ii) for quiet, informal recreation; or
(iii) for the diversification of the rural economy; or
(iv) for essential road schemes; or
(v) it is in accordance with a policy in Sections 2 and 3 of the plan referring to a specific use or type of development.

The site is situated outside the defined Built-Up Area. Proposals for development (which includes changes of use) under such land designation will only be permitted if the proposal can demonstrate that it is necessary to meet the needs of, or is consistent with, the established policies for the protection of the countryside.

In this instance, no material considerations exist which would warrant a departure being made from the provision of the development plan, which would seek to protect the countryside. It is considered that this proposal would set an undesirable precedent as if it were permitted the Local Planning Authority would find it difficult to resist similar proposals in the countryside, the cumulative effect of which would be to detrimentally alter the character of the countryside.

In addition this proposal would adversely alter the character of this locality where there is a uniform pattern to this footway and no other residential incursions into it are apparent.

CONCLUSIONS

It is therefore considered the proposal clearly conflicts with development plan policies and it is recommended that the planning application should be refused, for the reasons set out overleaf.

ALDINGBOURNE AL/103/05/

Change of use of land to residential and move exisitng fence to enclose new curtilage. (Departure from the development plan)

19 Oaks Close
Westergate

RECOMMENDATION

Refuse

1 The site lies in a rural area and the proposal, which comprises an undesirable extension of residential development, would be prejudicial to the rural character of the area in which it is intended that permission for development unrelated to an essential rural activity will not normally be granted. The proposal is therefore contrary to policies LOC2 of the West Sussex Structure Plan and GEN3 of the Arun District Local Plan.

2 If this proposal were permitted the Local Planning Authority would find it difficult to resist similar proposals in the vicinity, the cumulative effect of which would be to alter the character of the locality to the serious detriment of the amenities of the area in conflict with policies LOC2, DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.