

Recommendation Report for Planning Permission**REF NO:** AL/105/12/**LOCATION:** Greater Glebe
Brittens Lane
Fontwell Eastergate**PROPOSAL:** Erection of building for lorry storage and plant & machinery workshop on existing hardstanding - This application is a Departure of the Development Plan**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks consent for the erection of a building for lorry storage and plant machinery workshop.
SITE AREA	97 sq metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2 metre high fencing on the east boundary, 3 metre high gates and 2 metre high fencing on the west boundary, 15 metre high row of conifers on the north boundary and harris fencing on the southern boundary.
SITE CHARACTERISTICS	Concrete hardstanding located within an industrial yard. Access to the industrial yard is from Brittens Lane (Class C road).
CHARACTER OF LOCALITY	Rural. Industrial yard located outside the built-up area boundary in open countryside. Industrial yard consists of industrial units, mobile homes, portacabins, metal containerised storage units and concrete hardstanding. Gated access into the yard is from Brittens Lane. Low density linear residential development is located on the east side of Brittens Lane, with fields and open countryside surrounding the site.

RELEVANT SITE HISTORY

AL/54/93/CLE	Application for certificate of lawfulness for use of premises as Vine Commercial	Refused 25-10-1993
AL/32/94/CLE	Application for a Certificate of Lawfulness of existing use - use of premises for the purposes of a general dealer	Approve 20-12-1994

AL/1/99/	Siting of mobile home.	Approve Conditionally 02-03-1999
AL/75/99/	Replacement workshops	Refused 01-11-1999
AL/3/00/	Replacement workshops (resubmission of AL/75/99).	Approve Conditionally 17-03-2000
AL/42/01/	MOT bay extension.	Approve Conditionally 28-08-2001
AL/26/01/	Change of use of land for the retail sale of liquid petroleum gas.	Refused 29-08-2001
AL/13/06/A	1 no. non illuminated board sign	Refused 20-04-2006
AL/59/10/	Change of use from motor repairs garage to MOT testing station (B2)	Approve Conditionally 02-09-2010

REPRESENTATIONS**Representations received:**

Awaited.

Comments on Representations received:

Awaited.

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

County Highways: There are no changes proposed to the existing access to the site. Visibility appears acceptable from an inspection of the plans. With consideration for the operation of the site, the additional provision to store lorries would not be considered overprovision at this time. Further consideration would be needed if the business was to grow further and additional spaces are needed or the operation of the parking overspilling onto Brittens Lane.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside built-up area boundary
Class C road
Article 4 Direction
Class A road to the south

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [GEN3](#)
[GEN7](#)

Protection of the Countryside
The Form of New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 a departure from local plan policies, in that it is a use not normally permitted in open countryside. In this instance, there is compelling evidence to support such a commercial use in this location. Further, the proposal is considered to to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon highway safety.

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

PROPOSAL

The application seeks consent for the erection of a building to be used for lorry storage and as a

report

machinery workshop. The building will be sited on a flat, concrete hardstanding on the east side of the industrial yard which has previously been used for the storage of scaffolding. The building will have a shallow pitch roof, 6.3 metres in height to the pitch, and measure 12.3 metres in depth and 8.1 metres in width. It will be constructed from profile sheeting walls and roof with timber frame windows and roller shutter door on the east elevation. The building will store one parked lorry at any one time.

PRINCIPLE

The site is located outside the built-up area boundary where new development is strictly controlled, in order to protect the intrinsic character of the surrounding open countryside. In such locations, new development is only permitted if it meets the following criteria:

- i) it meets the operational needs of agriculture, forestry, extraction of minerals or deposit of waste;
- ii) quiet informal recreation; or
- iii) for the diversification of the rural economy; or
- iv) for essential road schemes.

The proposal does not comply with the above criteria and would therefore be judged to be unacceptable in principle.

Notwithstanding this, a certificate of lawfulness was granted in 1994 for the use of the land for the purchase and sale of agricultural plant and machinery, contractors plant and machinery and HGVs, and their repair and parking, together with storage of related scrap. The certificate of lawfulness permitted the use of part of the site for the parking of plant, machinery and vehicles, which have been purchased and are awaiting sale or repair. In addition, the use of the site for the storage of scrap metal awaiting collection is permitted. Part of the wider site therefore benefits from a commercial/industrial use not normally permitted in open countryside through a certificate of lawfulness.

It would appear that the application site is located outside the area of land benefitting from the CLE granted in 1994. It is clear from aerial photographic evidence dating from 2001, 2008 and 2012, that the application site forms part of the industrial yard and has been used for the storage of scaffolding, parking of HGVs etc for a period in excess of 10 years. There is evidence therefore of continuous commercial use on the site. The current proposal for the erection of a building for the storage of lorries and planting/machinery workshop is therefore considered to be compatible with the commercial use of the site, in the absence of any evidence to the contrary, the proposal is therefore judged to be acceptable in planning terms.

IMPACT ON RESIDENTIAL AMENITY

The site is located within an industrial yard complex and the nearest neighbouring residential properties are located 120-150 metres from the application site to the west. At this distance, combined with tree screening, the proposal is not considered to result in any disturbance or adverse impact on residential amenity.

IMPACT ON VISUAL AMENITY

The site is located on a hardstanding and is enclosed by high timber fencing and gates on the western boundary. There is a row of mature conifer trees on the north boundary and a containerised storage unit. To the east is a 1.8 metre high timber panel fencing, beyond which are several mobile caravans and to the south is open fields/pasture with the A27 beyond.

The building will be sited against a backdrop of mature conifer trees within the main complex of the industrial yard. It will not be visible from Brittens Lane and will have a limited visual impact from the A27 to the south at a distance of 230 metres. The visual impact of the building may be mitigated by conditioning the external elevations and roof to be painted dark green. The proposal is therefore not considered to have an adverse impact on landscape character.

IMPACT ON HIGHWAY SAFETY

The site is located on a Class C road, in proximity to the strategic highway network (A27). No changes are proposed to the existing access onto Brittens Lane and visibility splays are acceptable. The County Highways Authority is satisfied that the additional storage would not result in overprovision; however, any further growth of the business may impact on the highway network through additional parking or the operation overspilling onto Brittens Lane.

SUMMARY

The proposal is considered to comply with Development Plan policies in that it will have no adverse landscape impact or materially affect highway safety or residential amenity. The proposal does not comply with policy GEN3; however, given the CLE and the evidence that a commercial business has operated on the site for a period in excess of 10 years, the proposal is judged to be acceptable in planning terms. It is therefore recommended that consent is granted, subject to the conditions summarised below.

HUMAN RIGHTS ACT

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article (8 right to respect to private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts (Neutral) have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans : drawing no. 12119 site plan, block plan, proposed floorplan and elevations, received on 21 September 2012.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Notwithstanding the details hereby approved, prior to the first occupation of the development, the building hereby permitted shall be painted dark green or in another colour to be agreed in writing by the Local Planning Authority, and retained as such thereafter, unless first agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

The proposal is a departure from local plan policies, in that it is a use not normally permitted in open countryside. In this instance, there is compelling evidence to support such a commercial use in this location. Further, the proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon highway safety.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN3

NATIONAL POLICIES: National Planning Policy Framework (2012)

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.