

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: AL/106/17/HH

LOCATION: Greenfields Farm
Fontwell Avenue
Eastergate
PO20 3RU

PROPOSAL: Siting of 1 No. mobile home.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Siting of a mobile home for permanent occupation by a worker of Southern Poultry Rearers. The application states that it will be occupied by the son of the business owner (the son having taken over the running of the business).
SITE AREA	0.2 hectares.
TOPOGRAPHY	Predominantly flat
TREES	Some existing trees but not mature and not visible from the main road.
BOUNDARY TREATMENT	Post & wire fencing and hedging.
SITE CHARACTERISTICS	Currently overgrown vegetable patch area of private residential garden. The dwelling itself is associated with the business/retail uses on the land to the immediate west.
CHARACTER OF LOCALITY	Rural but with mix of residential and commercial properties on the west side of the A29.

RELEVANT SITE HISTORY

AL/75/08/	Permission to station a mobile home on the site for occupation by a director of Southern Poultry Rearers. (Departure from the Development Plan)	Refused 23-09-08
AL/9/03/	Replacement of old building housing shop and store for Southern Poultry Rearers.	ApproveConditionally 07-04-03
AL/68/01/	Extension to existing building for storage purposes	ApproveConditionally 12-10-01
AL/103/99/	Demolition of existing buildings, proposed additions and	ApproveConditionally

alterations to ground and first (roof space) floors

17-01-00

AL/15/99/	Replacement of old hay and straw stores with new building for storage purposes.	ApproveConditionally 25-05-99
AL/9/92/A	1 No. Double sided board sign.	Apprvd/Cond ADV 07-10-92
AL/107/90	Change of Use of part of poultry house to use for storage and sale of animal feed and general equipment	ApproveConditionally 27-02-91
AL/103/87	Erection of agricultural dwelling	ApproveConditionally 10-05-88
AL/29/86	Outline Application For Agricultural Dwelling	ApproveConditionally 13-06-87

Planning application AL/75/08/ sought permission for a mobile home for permanent occupation by worker of Southern Poultry Rearers on agricultural land to the north west of the proposed site. This was refused for the following reason:

"The local planning authority is not satisfied in this instance that the requirements as set out in Annex A to PPS7 have been met and do not consider there is a demonstrable essential need for an agricultural worker to live on site to manage this small-scale enterprise, and the development would result in the undesirable introduction of a new dwelling into the open countryside which would be detrimental to the appearance and open character of the area. The proposal is therefore contrary to advice in PPS7 and to the provisions of Policies LOC2, DEV1 and CH1 of the West Sussex Structure Plan and Policies GEN2, GEN3 and GEN7 of the Arun District Local Plan."

It should be noted that PPS7 and the West Sussex Structure Plan are no longer in force. Also the previous application was for a mobile home not associated with an existing dwelling.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

The Council has not received any comments from Aldingbourne Parish Council but it is clear from the minutes of their October Planning Meeting that the application was debated with the agreed response being: "Comment - ancillary use only".

No local resident letters.

COMMENTS ON REPRESENTATIONS RECEIVED:

A condition will be imposed to restrict occupation of the home to purposes ancillary to the main dwelling.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Environmental Health

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - Note that a public foul sewer crosses the site and request that measures be taken to protect this sewer if any part of the development will affect it. Also ask for an informative regarding connections to the sewer network. Note that the site lies in a Source Water Protection Zone and advise that the EA should be consulted.

ADC ENVIRONMENTAL HEALTH - No pollution concerns. Request an informative to highlight the need for a caravan site licence.

ADC DRAINAGE ENGINEERS - No comments other than to request that Southern Water are consulted.

ADC ECONOMIC DEVELOPMENT - No comments.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. It is acknowledged that the site lies in a Source Water Protection Zone. However, the siting of a mobile home does not require any penetration into the ground (i.e. no foundations) and will instead be sited on a concrete base laid on top of the ground. It is not considered therefore that there will be any impact on the protection zone.

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;

Public Sewer on Site;

Water Source Protection Zone 0;

Within Area of Special Advertisement Control; and

Class A Road.

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design Quality

C SP1 Countryside

[Aldingbourne Neighbourhood Plan 2016 POLICY EH1](#)

Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY EH6

Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2016 POLICY GA3

Parking and new development

Aldingbourne Neighbourhood Plan 2016 POLICY H1

New housing or altering dwellings

Quality of Design

Aldingbourne Neighbourhood Plan 2016 POLICY H7

No support development near noisy business

Development in the vicinity of business

Aldingbourne Neighbourhood Plan 2016 POLICY H8

Dwellings must have adequate private or shared amenity.

Outdoor space

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and then subject to public consultation. The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector then wrote to the Council to set out his 'Interim Views following the Hearings'. The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these were subject to public consultation between 12 January 2018 and 23 February 2018.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a

material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The relevant policies within the Aldingbourne Neighbourhood Development Plan have been considered in the preparation of this report.

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 does not comply with Development Plan policies in respect of development in the countryside but is considered to comply with other Development Plan policies in respect of residential amenity, character, parking, trees and drainage.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These are as follows:

- * The National Planning Policy Framework (NPPF) and associated guidance;
- * The emerging Local Plan - "Arun Local Plan 2011-2031 Publication Version showing Modifications";
- * The lack of any harm arising from the proposed development; and
- * The potential for a condition to be imposed to ensure that the accommodation is ancillary to the existing residential dwelling.

CONCLUSIONS

PRINCIPLE:

The site is located outside of the built-up area boundary. Aldingbourne Neighbourhood Development Plan (ANDP) policy EH1 states that:

"Proposals for development outside of the built-up area boundary, that do not accord with development plan policies in respect of the countryside, will be resisted unless it is for essential utility infrastructure, where the benefits outweigh any harm, and it can be demonstrated that no reasonable alternative sites are available."

The proposal is not considered to comply with this policy. However, it is noted that the proposed mobile home will be sited in the curtilage of an existing residential property with limited harm to the amenity of the area and that its occupation can be restricted in such a way as to prevent it from ever being used as an independent dwelling. On this basis, it is considered appropriate to allow the development despite its countryside location.

CHARACTER, DESIGN, VISUAL AMENITY:

Arun Local Plan Policy GEN7 (ii) states that development should respond positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and that it should also enhance local distinctiveness. In addition to GEN7, it is also necessary to consider Aldingbourne Neighbourhood Development Plan (ANDP) Policy H1 which states that:

"Proposals for new housing or extending or altering existing dwellings should be of a high quality design that reflects the local character and reinforces local distinctiveness".

The proposal concerns a mobile home and it will therefore be of a standard size and design (meeting the statutory definition of a caravan as laid out in Section 29(1) of the "Caravan Sites and Control of Development Act" 1960 and Section 13(1) of the "Caravan Sites Act" 1968 (as amended)). However, the submitted plans do indicate that it will be a single unit model and it will be possible to restrict the planning permission to the dimensions provided by the drawings.

As such, the mobile home will be a single storey structure with a flat roof. It will be sited on a hardstanding of a suitable material. The submitted drawings indicate that including its feet, the roof of the mobile home will be 2.7m above the ground level.

The existing site is well screened from Fontwell Avenue through a combination of hedging and trees. Although these offer less screening during the winter months, the depth of the planting coupled with the set back of the home from the road will render the mobile home virtually invisible to any views into the site either from passing cars or users of the footpath on the opposite side of Fontwell Avenue. The mobile home will be more visible to view from within the adjacent commercial land site but this is private land and the mobile home would not be out of place with existing nearby development.

RESIDENTIAL AMENITY:

Arun Local Plan Policy GEN7 (iv) states that development should not have an unacceptable adverse impact on adjoining occupiers, land, uses or property. The mobile home will be sited within the garden of the adjacent house. However, the house is occupied by the applicants father and providing that the mobile home is occupied as ancillary accommodation to the house (this will be restricted by condition), there will be no harm to the amenity of the main house or vice versa. There are no other nearby residential properties to consider.

ANDP Policy H7 states that residential development in the vicinity of noisy businesses will not be supported. This is not considered to be a particularly noisy site and in at case, the applicant/occupier is connected to the business in question.

ANDP Policy H8 requires that new dwellings have plenty of amenity space. The occupiers of the mobile home will share the large residential garden with the main house and there is considered to be plenty of space to serve all occupiers.

PARKING PROVISION:

Policy GA3 of the Aldingbourne Neighbourhood Plan states that: "Proposals must provide adequate parking in accordance with the standards adopted at the time. Proposals that would result in a loss of parking spaces either on or off street will be resisted".

The mobile home will be serviced from the adjacent car park to the business premises in the same way as the existing house. As the accommodation will be occupied by an employee of the business itself who may already park there, it is not considered that there will be any loss of parking.

SUMMARY:

It is considered that the application complies with all development plan policies and it is therefore recommended that planning permission be granted subject to the following conditions.

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 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 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).

The proposal would have a neutral impact on the protected characteristics.

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 plan: Drawing 17133_01 (Location Plan, Proposed Site/Block Plans & Elevations).

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 The mobile home accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation & enjoyment of Greenfields Farmhouse as a dwelling, shall not be used as a separate unit of accommodation and shall be occupied by a person whose main employment is the oversight or day to day running of Southern Poultry Reavers Ltd (and the dependents of such a person residing with him or her).

Reason: To accord with policies GEN2, GEN3, GEN7 of the Arun District Local Plan and EH1 of the Aldingbourne Neighbourhood Development Plan to prevent the establishment of an additional independent unit of accommodation unconnected with the adjacent business premises within a countryside location.

- 4 Should any sewer be found during construction works then all development activities shall cease and not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

Reason: Southern Water records indicate that a public foul sewer crosses the site but its exact position is not known. This condition is therefore to ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy GEN9 of the Arun District Council Local Plan.

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 6 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 7 INFORMATIVE: The stationing and occupation of a residential mobile home on the site is not permitted until an application for a site licence under the Caravan Sites and Control of Development Act 1960 has been submitted to the Council.