

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

REF NO: AL/111/17/HH

LOCATION: Northfields Farm Herbarry
Fontwell Avenue
Eastergate

PROPOSAL: Erection of garage building (re-submission following AL/32/17/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above The proposed building measures 11m long, 6.6m wide and 4.6m high to ridge level. Materials would be timber clad walls and the roof is cement fibre sheets.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	The application form advises no trees will be removed.
BOUNDARY TREATMENT	Timber post and rail fence and mature trees and landscaping
SITE CHARACTERISTICS	Residential property set in open countryside location on a spacious plot with various outbuildings and mature landscaping. In addition on the site of the proposed building there are an old bus, a fire engine and other vehicles.
CHARACTER OF LOCALITY	Rural location just off the A29 with 3 residential properties off a lane. The adjacent barn has been converted to residential and farm unit.

RELEVANT SITE HISTORY

AL/43/94	Proposed glazed lean to	ApproveConditionally 13-07-1994
AL/42/94	Amendments to previous approval AL/29/91 for fenestration, conservatory entrance porch,wall finishes and roof.	ApproveConditionally 13-07-1994

AL/53/08/	Change of use from grazing to riding menage an area 20x40 meters	Inc Docs Ret'nd 19-06-2008
AL/85/08/	Change of use from grazing to a riding menage, an area 20 x 40 metres.	ApproveConditionally 23-10-2008
AL/32/17/HH	Garage/vehicle store	ApproveConditionally 19-07-2017

Planning permission was granted in 2017 for a garage building the current proposal is an amendment to this permission to provide a slightly larger building.

REPRESENTATIONS

Representations received:

Aldingbourne Parish Council comments not received to date.

No response to public consultation.

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Outside Built-up Area Boundary
Class A Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN3 GEN7	Protection of the Countryside The Form of New Development
Publication Version of the Local Plan (October 2014):		C SP1 Countryside D DM1 Aspects of Form and Design Quality D SP1 Design
Aldingbourne Neighbourhood Plan 2016 POLICY EH1		Resist development outside

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 consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 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 the established character of the surrounding area.

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

The site lies outside the built up area and is separated from the Northfields Farm in a separate unit containing 2 residential properties - one for the applicant and the other for her son. The site was previously used for the growing of herbs for a herbary business.

The proposed building is a relatively large structure with a footprint of approximately 72 sq.m however, planning permission for a building of 63 sq.m has recently been approved. The current proposal being longer approximately 1.6m longer than the approved scheme. The design of the building including proposed materials is not untypical of a rural location and in itself is acceptable. The proposed outbuilding is sited a significant distance from the main house approximately 75 m at its nearest point. The proposed location of the building is currently undeveloped with mature trees and vegetation it is accepted that there are currently some old vehicles stored on site some of which could be accommodated in the building but given the size it is not considered that all the vehicles could be stored inside and therefore remove the current open storage. The application also advises that there will be no removal of trees, notwithstanding the trees are not subject to preservation orders and given the retained landscaping and trees is considered acceptable.

Whilst, it is noted that adopted planning policy seeks to protect the natural environment by strictly controlling development in the countryside the building is proposed for a use ancillary to the residential property. It is also fairly well screened given the existing vegetation and as such is considered acceptable. The proposed development would be an ancillary use to the main house and as such its use could be controlled by a suitable planning condition. Furthermore, the proposal is only a marginal increase in size as compared to the approved scheme. Therefore, it is not considered that the proposed development would be harmful to the character and appearance of the wider area.

The proposal, due to its location, will not be harmful to the amenity of adjoining residential properties

There are no unacceptable parking implications arising from the proposed development.

In summary, the proposed development is not considered to be visually obtrusive/prominent nor would it have an unacceptable adverse impact on the visual amenity of the countryside location.

As such the proposed development is considered to comply to adopted planning policy in the Arun Local Plan 2003, the Aldingbourne Neighbourhood Plan and NPPF.

The proposed development is therefore recommended for approval subject to the following conditions.

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 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 plans 2017-04-01. 2017-04-02 & 2017-04-03

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 No development above damp proof course (DPC) level shall take place unless and until samples of such materials and finishes to be used for roof of the proposed building has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

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 The building hereby permitted shall be used solely for purposes ancillary to the occupation and enjoyment of Northfields Farm Herbary, and not used for any other purpose.

Reason: To accord with policy GEN7 of the Arun District Local Plan to define the terms of the permission and to prevent the use of the building for any commercial or business purpose.

- 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.