

Recommendation Report for Planning Permission

REF NO: AL/52/12/

LOCATION: Nyton Stables & part of land at
Aldingbourne Farm Shop
Church Road Aldingbourne

PROPOSAL: Application for variation of condition 6 following grant of planning permission
AL/119/10/ relating to landscaping/tree planting

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to vary condition number 6 imposed on AL/119/10 which granted permission for the change of use of the land from agricultural land to provide 3 plots for the accomodation of travelling showpeople. Condition number 6 states that "No development shall take place until the approved landscaping plan as per condition number 5 has been agreed with the Council and the tree planting has taken place." The applicants have agreed a landscaping plan with the Council (as per condition and have implemented the tree planting as it applies to the road frontage. They would now like to move into the site and complete the remaining tree planting by the end of the next planting season that is by the end of March 2013.
SITE AREA	2.2 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat. The site is below level of Nyton Road.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front of the site now comprises a 1.2m high soil bund upon which a significant ammount of tree planting has taken place The side and rear of the site comprises 2m high close boarded wooden fence.
SITE CHARACTERISTICS	Agricultural field.
CHARACTER OF LOCALITY	Rural. The adjacent plot to the south comprises an agricultural business with an on site occupational dwelling.

RELEVANT SITE HISTORY

AL/119/10/	Change of use of land from agricultural land to provide 3 permanent plots for travelling showpeople & pony paddock - to include the landscaping of part of the frontage to the neighbouring site known as Aldingbourne Farm Shop (This is a departure from the development plan) - Resubmission of AL/92/10	Approve Conditionally 27-04-2011
AL/74/11/DOC	Application for approval of details reserved by conditions 5 & 6 in relation to AL/119/10.	DOC Part Approved 05-10-2011

REPRESENTATIONS

Representations received:

No comments received.

Comments on Representations received:

None to report on.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None to report on.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICIES

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

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 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

PRINCIPLE

The site enjoys planning permission for the change of use of the land to provide 3 plots to accommodate travelling showpeople under reference AL/11910. The issue to consider is whether if the use of the site commences before the full implementation of the agreed landscaping it would have an unacceptable impact on the visual amenity of the area.

VISUAL AMENITY

Views of the inside of the site from the road side are currently negligible due to the earth bund and tree planting that has taken place along the sites whole road frontage. For the use to commence before the implementation of the other boundary tree planting would therefore have limited impact from this viewpoint.

However, there will be a greater impact on the views emerging from the north and south of the site where tree planting is proposed but has not yet been implemented. It is considered that this will be for a temporary period only as this part of the landscaping will be expected to be completed by March 2013.

CONCLUSION

It is recommended to approve the application subject to the following condition.

HUMAN RIGHTS ACT

FOR APPROVAL

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 for 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 a neutral impact has 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 landscaping approved under plan number CTP/5153/LAND - KM REV2 and approved under application reference AL/74/11/DOC will be implemented in full by no later than 31st March 2013, that is the end of the next available planting season.