

**Recommendation Report for Planning Permission****REF NO:** AL/78/12/**LOCATION:** Nyton Stables & Land at Aldingbourne Far  
Church Road  
Aldingbourne**PROPOSAL:** Permission to retain earth bund.**SITE AND SURROUNDINGS**

|                             |                                                                                                                                                 |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION  | As above                                                                                                                                        |
| SITE AREA                   | 5.5 hectares                                                                                                                                    |
| RESIDENTIAL DEVELOPMENT DEN | N/A                                                                                                                                             |
| TOPOGRAPHY                  | Predominantly flat. The site is approximately 1 metre below the level of Nyton Road.                                                            |
| TREES                       | Row of mixed deciduous trees to south boundary.                                                                                                 |
| BOUNDARY TREATMENT          | Row of mixed deciduous trees on south boundary. Recessed gate and 1.5 metre brick wall on front (north) boundary. Timber panel fencing to west. |
| SITE CHARACTERISTICS        | Grazing land.                                                                                                                                   |
| CHARACTER OF LOCALITY       | Rural. Aldingbourne Farm Shop, Nurseries and Brethren's Gospel Hall are located to the southeast.                                               |

**RELEVANT SITE HISTORY**

|            |                                                                                                                                         |                                     |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| AL/66/08/  | Erection of agricultural barn comprising farm shop and machinery/feed store.                                                            | Refused<br>18-08-2008               |
| AL/90/08/  | Erection of agricultural barn (Resubmission of AL/66/08)                                                                                | Approve Conditionally<br>05-11-2008 |
| AL/101/08/ | Use of land for the siting of a caravan for agricultural worker for temporary period of 3 years.                                        | Refused<br>14-01-2009               |
| AL/126/09/ | Application for a variation of condition no.2 following grant of planning permission AL/90/08/ to change materials to external cladding | Approve Conditionally<br>17-02-2010 |

**REPRESENTATIONS****Representations received:**

Awaited.

**Comments on Representations received:**

Awaited.

**CONSULTATIONS**

Environment Agency

**Consultations responses received:**

Environment Agency: No comment.

**Comments on Consultation responses:**

Noted.

**POLICY CONTEXT**

Designation applicable to site:  
Outside built up area boundary  
Special control adverts  
PD restriction  
No public sewer  
Class B Road

**DEVELOPMENT PLAN POLICIES**

|                           |                      |                               |
|---------------------------|----------------------|-------------------------------|
| Arun District Local Plan: | <a href="#">GEN7</a> | The Form of New Development   |
|                           | <a href="#">GEN3</a> | Protection of the Countryside |

**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**

The application seeks retrospective consent to retain an earth bund located on the southern

boundary of a field currently used as grazing land at Nyton Stables, to the west of Aldingbourne Farm Shop.

The earth bund is an 'L' shape and measures 55 metres in length along the southern boundary, 18.2 metres in length south to east, at a depth of 4.5 metres, height 3 metres. The bund has been created through the implementation of planning permission AL/119/10, which granted consent for a change of use of the land to provide 3 permanent plots for travelling show people and a pony paddock.

#### **VISUAL IMPACT**

The National Planning Policy Framework is a material consideration. Paragraph 17 sets out the Core Planning Principles and states that planning should recognise the intrinsic character and beauty of the countryside and support thriving communities within it.

Paragraph 109 of the NPPF states that planning should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.

The earth bund has been in situ for a period of 6 months and is covered in vegetation and grass. The scheme approved under application AL/119/10/ included a landscape masterplan comprising 5-7 metre wide landscape buffer and 2 metre high close boarded perimeter fencing on the perimeter boundary on land immediately to the west of the earth bund. This included a 10 metre landscape buffer and 2 metre earth bund fronting Nyton Road. The earth bund the subject of this application, is excess top soil from the landscape scheme that has been deposited and the land levelled.

The site is not located within the South Downs National Park, or a designated Area of Outstanding Natural Beauty. The site and surrounding area is flat. The site contains grazing land for horses, a gravelled hardstanding, mobile caravan and detached dwelling, disused polytunnel, in addition to a detached green clad building, which is the farm shop. To the west are 3 mobile units approved under application AL/119/10.

The site itself is positioned slightly lower than road level by 1 metre and has a 67 metre frontage onto Nyton Road. The earth bund is set back approximately 200 metres from the road frontage along Nyton Road. It is visible from the main, gated entrance to Aldingbourne Farm Shop but is screened from the road by a 2 metre high earth bank fronting the boundary to Nyton Road. From the south, there is a tree screen of mature mixed native deciduous trees and from the west the earth bund is screened by 2 metre high fencing and mobile units, which form the approved scheme AL/119/10. From the east, the earth bund is screened by mature deciduous trees.

The earth bund is sited in close proximity to a tree screen of semi-mature deciduous non-evergreen trees on the south boundary that individually, are not of significant public amenity value. The Council's Arborist has advised that the trees are of a young age and should survive soil encroachment. The visual impact of the earth bund on the wider landscape is therefore considered to be limited.

#### **CONTAMINATION**

With regard to contaminated land, paragraph 109 of the National Planning Policy Framework states that planning should contribute to and enhance the natural and local environment by

remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate.

The earth bund is not known to contain contaminants. It is understood to be clean, top soil that has been deposited from within the site following the implementation of the landscape scheme permitted under application AL/119/10/. It is not known to be imported soil. Without any evidence to the contrary, there is not known to be any health risk from the deposit of soil to form the earth bund. The Environment Agency makes no comment.

#### **SUMMARY**

The earth bund has been in situ for a period of 6 months. It is not considered to harm the visual amenities or intrinsic character of the countryside. It is therefore recommended that retrospective consent is granted.

#### **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 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 approved shall be carried out in accordance with the following approved plans: drawing CTP/5153/ERT1 Elevations and Sections, received on 1 August 2012; drawing CTP/5153/EB(B) Site Location Plan and Earth Bund, received on 4 October 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.

2      **INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010**

**SUMMARY**

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

**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.