

Recommendation Report for Planning Permission

REF NO: AL/89/25/PL

LOCATION: Dell Cottage
Norton Lane
Aldingbourne
PO20 3NH

PROPOSAL: Installation of a gate at the junction of Dell Cottage Access Road and Norton Lane.
This application is in CIL Zone 3 (zero rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

TREES None of any significance affected by the development.

No relevant planning history.

REPRESENTATIONS

Aldingbourne Parish Council - No response received.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

West Sussex County Council Highways - This application is for the erection of a gate at the junction of Dell Cottage Access Road and Norton Lane. The site is on Dell Cottage Access Road, an un-classified road subject to a speed limit of 30mph.

It is important to note that Dell Cottage Access Road is currently subject to a Stopping Up Order application under ref: SUO4096057 which, if successful, would remove the highways rights over Dell Cottage Access Road.

The gate is set back well within the access road, providing sufficient space for a vehicle to wait clear of the public highway whilst the gate is operated. Would not raise any highway safety concern to the proposed gate, subject to the Stopping Up Order being successful.

The applicant should be aware that should the Stopping Up Order be unsuccessful, the installation of the proposed gates could be considered to obstruct public highway, and the applicant could be liable for enforcement action.

Conclusion

Does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

South Downs National Park - No comment.

Ecology Officer - No objection.

Natural England - No response received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Outside Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 the proposal would not result in harm to the visual amenity or character of the area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

DESIGN AND VISUAL AMENITY

The proposal seeks to install a gate at the junction between Norton Lane and the access to Dell Cottage. The gate would be a traditional five bar timber gate, reflecting the semi-rural character of the area. The proposed gate would be set back within the access road, and would not appear incongruous within the street scene of Norton Road. The gate is consistent with other agricultural style gates within the vicinity and would not appear out of character. The gate is therefore acceptable in accordance with policy D DM1 of the Arun Local Plan.

IMPACT ON NEIGHBOURING AMENITY

Given the siting and scale of the proposed gate, the gate would not result in any harm to neighbouring by way of overbearing, overshadowing or overlooking impacts.

HIGHWAYS

West Sussex County Council raise no objection to the proposal, subject to the Stopping Up Order which has been applied for, being successful. The applicant should be aware that should the Stopping Up Order be unsuccessful, the installation of the proposed gates could be considered to obstruct public highway, and the applicant could be liable for enforcement action. The gate would not result in harm to highway safety and is in accordance with policy T SP1 of the Arun Local Plan.

SUMMARY

The proposed gate would not result in harm to the character of the area, neighbouring amenity, or highway safety and the proposal is therefore in accordance with relevant Development Plan policies and is recommended for approval, subject to 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.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

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:

- Location Plan.
- Proposed Site Plan.
- Proposed North East Elevation.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.

- 5 INFORMATIVE: The applicant should read the comments of WSCC on this application with regards to a Stopping Up Order.