

Recommendation Report for Planning Permission

REF NO: A/102/20/PL

LOCATION: Elm Lodge
Rectory Lane
Angmering
BN16 4JU

PROPOSAL: Change of use from agricultural land to garden land to include a close boarded fence. This application may affect a Listed Building, may affect the character & appearance of the Angmering Conservation Area & may affect a Public Right of Way. This application is in CIL Zones 2 & 3 (Zero Rated) as 'other development'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to change the use of agricultural land to garden land, and enclose with 2m high close board fencing.
SITE AREA	The area subject to the change of use is approximately 336.sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	The host dwelling is bordered by 2m high close board fencing along the existing garden boundaries, the area subject to the change of use is currently open plan.
SITE CHARACTERISTICS	The site is currently open agricultural land.
CHARACTER OF LOCALITY	The locality is on the edge of the Conservation Area.

REPRESENTATIONS

Angmering Parish Council - Objection. The re-routing of the path with WSCC needs addressing.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The issue of the footpath is dealt with in the conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

The Council's Conservation Officer - No objection.

The development is not considered to harm the character or appearance of the area, nor the setting of the Listed Building.

West Sussex County Council Highways Department - No objection.

The proposal is not considered to result in any unacceptable impact upon the local highway network.

West Sussex County Council Public Right of Way (P.R.O.W) Department - No objection. The 2m height of the fence should be lower.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside of built up area boundary

Within Conservation Area

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
ECCDM1	ECC DM1 Renewable Energy
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
SDSP2	SD SP2 Built-up Area Boundary
HERDM3	HER DM3 Conservation Areas

[Angmering Neighbourhood Plan 2014 POLICY HD4](#) Materials

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan, West Sussex County Council's Waste and Minerals Plans 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 conflict with Policy C SP1 of the Arun Local Plan, where development as proposed is not supported.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are material considerations to be weighed in the balance with the Development Plan. These are that the proposed change of use and erection of fence will not have an unacceptable impact upon the character and beauty of the area or surrounding countryside.

CONCLUSIONS

PRINCIPLE

The proposal is for an enlargement of the private garden by way of the change of use of an area of land to the rear of the host dwelling together with the erection of a 2m high fence. This is not considered to be in accordance with Policy C SP1 of the Arun Local Plan, in that the proposed change of use does not fall into any of the exceptions to the policy.

Policy C SP1 of the Arun Local Plan states that land outside of the Built-up boundaries will be defined as countryside, and recognised for its intrinsic character of beauty. There are then six caveats which allow development to be permitted.

Policy D SP1 states all development proposals should be of good quality and demonstrate a high standard of design. All development proposals must consider the efficient use of land, layout, landscape and its setting, density, mix, scale, massing, materials, finish, architectural details and nearby habitats.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy HD4 of the Angmering Neighbourhood Development plan seeks to ensure that development requiring permission which, by virtue of their materials, are inharmonious with the area, are refused.

DESIGN AND VISUAL AMENITY

The area to be bordered is sited to the rear of the host dwelling, therefore, there are limited views of the garden extension from the main part of Rectory Lane. As one continues along the road, there will be views of the new fencing across the open farmland, however, due to the matching materials and scale of the fencing, this is not considered to give rise to any significant impact upon the character of the host dwelling, or its locality.

The proposal is considered to be in accordance with D DM1 and D SP1 of the Arun Local Plan and HD 4 of the Angmering Neighbourhood Development Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The development is not considered to result in any harmful overbearing or overshadowing impact upon the occupiers of neighbouring dwellings. This is due to the scale and siting of the proposed fencing.

The development is considered to be in accordance with D DM1(3) of the Arun Local Plan.

HERITAGE IMPACT ASSESSMENT

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard for the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.

Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets.

In this instance, the development does not cause harm to the conservation area in which it is sited, or neighbouring listed buildings. This is due to the materials matching that existing at the site at current. As such, the proposal should be determined in accordance with the relevant sections of the Development Plan.

PUBLIC RIGHT OF WAY

The proposal is not considered to result in any harmful impact upon the adjacent Public Right of Way. Whilst the County Council PROW section has requested the fencing be lower than 2m high, this would mean that it would result in the area having an awkward appearance and would have a harmful impact on the privacy of those using the rear garden of the host dwelling.

Any re routing of the PROW would require separate consent and is therefore not within the remit of this application.

SUMMARY

The development is deemed to accord with relevant development plan policies and as such is recommended for approval 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

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:

- Site Plan - 15/07/2020 - Rev: 0
- Elevation - 15/07/2020 - Rev: 0

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

- 3 INFORMATIVE: The erection of any new boundary or fence must be on the line of the existing boundary with the PROW and there must be no unlawful encroachment onto the footpath.

If the PROW's surface is considered damaged as a result of these works then the applicant will be required to make the surface good to a standard satisfactory to the WSCC PROW Team.

Should any of the works encroach upon the PROW then a Temporary Path Closure Order may be required, for which an application must be made to the WSCC PROW Team. Should planning consent be approved by the Local Planning Authority this would not confer consent for such a closure, which would require a separate application to the WSCC PROW Team.

- 4 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.

- 5 INFORMATIVE:
The erection of any new boundary or fence must be on the line of the existing boundary with the PROW and there must be no unlawful encroachment onto the footpath.

If the PROW's surface is considered damaged as a result of these works then the applicant will be required to make the surface good to a standard satisfactory to the WSCC PROW Team.

Should any of the works encroach upon the PROW then a Temporary Path Closure Order may be required, for which an application must be made to the WSCC PROW Team.

This planning consent does not confer consent for such a closure, which would require a separate application to the WSCC PROW Team.