

PLANNING APPLICATION REPORT

REF NO: A/129/11/

LOCATION: Foschini's Nursery
Hangleton Lane
Ferring

PROPOSAL: New dwelling replacing mobile home. (This application is a Departure from the Development Plan)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal is for a permanent dwelling to replace an existing static caravan. The lawful use of the caravan as a residential dwelling was established under A/94/09/CLE where it was established that the caravan had been used as a residential dwelling for a period exceeding 10 years without a complaint being made to the Council.
SITE AREA	Approximately 360 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The northern and eastern site boundaries are marked by a mixture of hedging and fencing of approximately 1.8 metres in height.
SITE CHARACTERISTICS	The site is occupied by a static caravan which is positioned to the front of it. There is currently hardstanding behind the caravan which appears to be in use for storage of materials and parking.
CHARACTER OF LOCALITY	The site is located beside a rural road which is outside of the built-up area. The road is lined by horticultural and equine buildings with occasional residential dwellings and a drainage ditch and hedgerow borders its western side. Part of the curtilage of the site falls within a hardstanding yard area. There are metal and glass roofed nursery buildings to the south and west. Carol Anne House, which is a residential dwelling, is adjacent to the site to the north.

RELEVANT SITE HISTORY

A/15/95	One house	Approve Cond 28-06-1995
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A/94/09/CLE

Application for Certificate of Lawfulness for
an existing use - Siting of a residential mobile
home

Approve
24-11-2009

REPRESENTATIONS

Representations received:

Angmering Parish Council

No objection.

Two letters of objection: The application is contrary to the development plan, it is essential that Arun District Council hold the line that development outside built-up areas requires special justification. Any relaxation of this policy open the way for more development on the north side of Littlehampton Road. Hangleton Lane still retains its semi-rural character.

Comments on Representations received:

Noted. The principle of a residential dwelling at the site has already been regularised through the grant of a Certificate of Lawful Use under A/94/09/CLE.

CONSULTATIONS

WSCC Local Development Divis.

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:

Outside built-up area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN3](#)
[GEN7](#)

Protection of the Countryside
The Form of New Development

PLANNING POLICY GUIDANCE

PPS1
PPS3
PPS7

Delivering Sustainable Development
Housing
Sustainable development in rural areas

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 conflict with relevant Development Plan policies in that it would visually consolidate residential development to a degree that would undermine the rural character and appearance 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 is located outside of the built-up area where principle of development is unacceptable, unless it qualifies as an exception. When the application for a Certificate of Lawful Use for the site for a residential unit was submitted, the area of the curtilage was approximately 143 square metres, the caravan sited on it housing one bedroom. The current application has increased the size of the plot to approximately 360 square metres whilst the proposed dwelling, a two-storey house, will provide four bedrooms. The proposal is considered to be an unacceptable intensification given its rural location and the increase in both dwelling and plot size.

Given the planning history of the site and the fact that a modest mobile unit of extremely limited visual impact exists on the land, there is no justification to replace this with a permanent two-storey dwelling which would have a significant visual impact. Any proposed replacement dwelling should have regard to the limitations of a mobile home to ensure a minimal visual impact, namely a floor area that does not exceed the maximum achieved under the Caravan Sites Act 1968, Part III, Section 13, and a single storey height. Even then, strong consideration would have to be given to the principle of replacing a mobile structure with a permanent building and convincing reasons put forward to justify the permanence.

It is therefore recommended that the application is refused for the following reasons.

RECOMMENDATION

REFUSE

- 1 The proposed replacement two-storey dwelling, by reason of its permanence, scale, massing and height, would be harmful towards the visual amenities rural character and appearance of the surrounding area, in conflict with policies GEN3 and GEN7 of the Arun District Local Plan.
- 2 There is no justification for the increase in plot size which would cover twice the size of the existing curtilage and would represent an unacceptable encroachment into the surroundings, consolidating residential development in a rural location, in conflict with Arun District Local Plan Policy GEN3.