



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2015
Application for Planning Permission
DECISION NOTICE

Application Ref: A/142/17/PL

1 To Addressee

Murdoch Planning Ltd
 PO Box 71
 Ilminster
 Somerset
 TA19 0WF

2 Site Address

Land at Barn Farm
 Dappers Lane

BN16 4EN

3 Description of Development

Change of use of land from storage (B8 Storage or Distribution) to a car sales yard (Sui Generis).

In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to the following conditions

- 1 The use of land hereby permitted shall be discontinued permanently and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on 31 July 2021

Reason: The proposed development is considered to be in conflict with the policies of the Development Plan, however there are material considerations which have warranted the granting of a temporary permission in order to allow the Local Planning Authority to monitor passively the impact of the development in operation.

- 2 The development hereby approved shall be carried out in accordance with the following approved plans TDA.2315.01; TDA.2315.02; TDA.2315.03 REV D

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy QE SP1 of the Arun District Local Plan.

- 3 No external lighting shall be installed on the site without the written approval of the Local Planning Authority.
- Reason: To protect the residential amenities of the local environment in accordance with Arun District Local Plan 2018 policy QE DM2.
- 4 Any valeting of vehicles shall be incidental to the use of the land for the sale of motor vehicles only and shall be limited to those vehicles which are parked within the boundary of the site for sale.
- Reason: To prevent the establishment of an activity which is independent of the primary use and which would lead to the intensification of the use of the site to the detriment of the locality and the residential amenity of local residents contrary to Arun District Local Plan 2018 policy QE SP1.
- 5 The use hereby permitted shall not be operated at any time otherwise than between the hours of 9am to 6pm Monday to Friday, and 10am to 4pm at any other time, including Bank Holidays.
- Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan 2018 policy QE DM1 & QE SP1.
- 6 No car repairs shall be undertaken from the site, but servicing is permitted provided it is incidental to the use of the site for the sale of motor vehicles.
- Reason: To prevent the establishment of an activity which is independent of the primary use and which would lead to the intensification of the use of the site to the detriment of the locality and the residential amenity of local residents contrary to Arun District Local Plan 2018 policy QE SP1.
- 7 The junction between the public highway and the access serving the development shall be made good with either tarmac or concrete within three months of the date of this decision so that a safe means of access is provided and maintained.
- Reason: In the interests of Highway safety and the aims and intentions of policy T SP1 of the Arun District Plan 2018.
- 8 The surface of the site shall be retained as a permeable surface at all times.
- Reason: To make adequate provision for surface water disposal in accordance with policies EH3 of the Angmering Neighbourhood Plan and policy W DM3 of the Arun District Local Plan 2018.
- 9 The earth bank at the western edge of the site shall be retained at all times as per approved plan TDA.2315.03 REV D.
- Reason: In the interests of the visual amenities of the area in accordance with policy C SP1 & ENV DM4 of the of the Arun Local Plan 2018.

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No buildings or containers shall be placed within 10 metres of the tree at the southern end of the western boundary and no changes of existing ground levels as shown on approved plan TDA.2315.02 shall take place within the same radius of the tree within the application site and adjacent bank.

Reason: In order to protect the long term health of the tree in the interests of the visual amenities of the area in accordance with policies C SP1 and ENV DM4 of the Arun District Local Plan 2018.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Neil Crowther
Group Head of Planning

Case Officer: Mr K Roberts

Date of Decision:

8 August 2018

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated).

This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).