

Recommendation Report for Planning Permission

REF NO: A/56/21/PL

LOCATION: Arundel Acre
Arundel Road
Angmering
BN164EU

PROPOSAL: Change of Use of land from agricultural to storage site for up to 4 fairground rides, associated infrastructure (including MOT base) and erection of a storage shed

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the storage of up to 4 fairground rides operated by travelling show people. In addition the proposal includes retention and extension of an area for the occasional maintenance of the rides (MOT base) and the erection of one storage shed measuring 12m by 10m with a pitched roof with ridge at 4.5m finished in timber cladding and felt roof, to match the existing sheds on site. The area to be used for the storage of rides, MOT base and storage shed would cover approx. 1,206sqm. The application was stopped and restarted following the need to serve additional land ownership Notices.
TOPOGRAPHY	The site has a modest slope running downhill from east to west.
TREES	The site is enclosed by trees to the south and east. There are also some reasonably mature trees within the site, particularly separating the area for the storage of rides from the three caravan pitches. The main tree to be impacted is a semi-mature tree in the roadside hedge which it is proposed to remove and replace as it is sited in the visibility splay.
BOUNDARY TREATMENT	The northern & western boundary is a hedge/fence with the occasional tree separating the site from the A27 trunk road verge and the adjoining county road. On the other sides the site is essentially enclosed by woodland.
SITE CHARACTERISTICS	The site comprises a small paddock. Whilst, immediately adjacent to the A27 the site is not very visible when travelling westwards. However views are more prolonged when travelling in the opposite direction. The area has been partly hard surfaced. The site is currently used for the storage of fair rides, but not in the position indicated in the proposal.
CHARACTER OF LOCALITY	Predominantly rural. To the east is land covered by mature trees whilst to the south is a camp site ('Acorns Camp Site'), screened from the application site by mature trees. To the west is Arundel Road with two detached residential dwellings

on the opposite side of the road, and further beyond is a two-storey detached building (Hammerpot Garage) which is a used car sales business.

RELEVANT SITE HISTORY

A/100/19/PL	Change of use of land from agriculture for 3 No. travelling showpeople plots (Sui Generis) with associated storage barn, maintenance area, landscaping & infrastructure and creations of new access with associated visibility splays.	Refused 23-12-19
A/3/18/PL	Change of use of land to storage (B8 Storage or Distribution), erection of barn & hardstanding (resubmission following A/111/17/PL).	Refused 27-07-18 Appeal: Dismissed 11-03-19
A/106/96	Wooden agricultural building	ApproveConditionally 18-11-96

The two sheds existing sheds on the site are covered by permission reference A/106/96.

The 2019 appeal decision (A/3/18/PL) is relevant to this application and is discussed in the conclusions section. The only reason for refusal in respect of the application was with regard to highway issues. The proposal offered no opportunity to significantly improve visibility to the south and the LHA concluded that an increased use of the substandard access would cause a detriment to the safe operation of the public road network. However that proposal was for unrestricted B8 storage and this proposal is significantly reduced in terms of the likely traffic flows generated. The proposal now relates to the provision of storage of 4 fairground rides only with no increase in activity levels so the proposal is not comparable with that previously refused on visibility grounds.

A/100/19/PL sought the use of the site for travelling showpeople including the provision of 3 caravans associated storage barn, maintenance area, landscaping & infrastructure and creation of new access with associated visibility splays. The proposal was refused on the inadequacy of the access road, in particular regarding visibility splays, and the increase on activity to/from the site. Additional reasons for refusal included the lack of information regarding air quality and noise and the potential impact on future occupiers.

The applicant has sought to address the reasons for refusal by reducing the size of the site, deleting the 3 caravan pitches, re- locating the barn and discussing the visibility issues with County Highways prior to re-submission and retaining the existing access and trees.

REPRESENTATIONS

Angmering Parish Council - No Objection

3 Objections

- Notice not served on landowner.
- Access at this entrance is shared by owner of the agricultural land holding who is the primary land holder. The applicant has failed to include information regarding the shared access within the highway report and therefore the WSCC assumption that the trip rate will reduce from 1512 for agricultural use to just 60 trips is incorrect.
- Speed limit is 60mph in this area not 30mph.

COMMENTS ON REPRESENTATIONS RECEIVED:

The points raised are discussed in the conclusions section and highway comments.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Highways England - No Objection.

The current proposals do not seek to amend the existing access from Arundel Road despite the Pre-App information to the contrary which was supplied to Highways England for comment. Having reviewed the supporting Transport Statement provided by consultants RPS we do not agree with their position with regard to the potential trips generated by the extant agricultural use or indeed the advice they were provided with by the Local Highway Authority at Pre-App in that regard. There is no evidence that under the extant use the field ever generated up to 6 trips per day or that there is a prospective occupier of the site under that extant use that would generate that level of trips. The trip generation to the site to be compared to that of the proposed change of use should be the historic use. We suspect that this would have been significantly less than the suggested 6 trips per day and in all probability would have only been 1 or 2 trips per week. However, that is a matter for the Local Highway Authority to consider in their determination of this application.

As there are no changes to the proposed position of the access Highways England are content that the proposals will not adversely impact on the safe and efficient operation of the Strategic Road Network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and NPPF particularly paragraph 109).

WSCC Highways - No Objection.

The access point in which the new use will operated from will not be changed and swept path diagrams show that this can be used without any difficulty. Whilst it is acknowledged the existing access does not provide the standard visibility splays recommend for the road, the applicant has undertaken some vegetation cut back to improve visibility here. It is also acknowledged the overall number of trips will see a significant net reduction in trips per year, from 1,512 for the agricultural use, to just 60 for the fairground storage proposed.

Position and number of rides should be conditioned.

Comment 12-07-2021

The posted speed limit here is 60mph in both directions and was an error in our mapping records. Whilst visibility is not in accordance with the speed limit for the road, this is an existing problem.

WSCC has considered the location of the access and as it is so near to the junction of the A27, it is unlikely cars will be able to do 60 mph. This has been demonstrated with speed survey data of cars

travelling southbound from the A27. To the north, the applicant has also been able to make improvements that were in line with the approach speeds measured via a speed survey.

No speed survey data was ever presented for northbound flows applicable for considering the southern splay. However as the applicant does not have land ownership to the south, it is outside of the applicants control. Nevertheless WSCC has considered this point and has come to the conclusion the restricted use of the site, in terms of what can be stored on there, will create a lower number of trips than the existing use. As such WSCC were satisfied that this latest proposal will not result in a material intensification of use at the site access point. As such the inadequacies of the access point in terms of substandard visibility to the south, while not ideal are not material.

In addition, on balance we took into consideration the improvements being offered to visibility to the north, which are better than what is currently offered.

With regard to the on-street car parking which relates to a near-by children's home, this is not something we can control. Whilst we could ask the applicants to implement a TRO in the form of a double yellow line no waiting restriction, WSCC do not consider this to be 'reasonable' and 'proportionate' to the proposal given the low level of trips, which will be lower than the permitted existing use class.

The existing small holding use could also currently attract trips of cars towing trailers so the presence of on street car parking obstructing the tracking of access could be viewed as an existing situation. Use of the access will be seasonal and not an everyday occurrence, and parking can also have a traffic calming effect reducing vehicle speeds.

WSCC would hope that people would be considerate and not park opposite an access point that is clearly being used to store large towing vehicles.

SDNPA - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. The conditions requested by County Highways have been imposed.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
EMPDM1	EMP DM1 Employment Land: Development Management
LANDM1	LAN DM1 Protection of landscape character
ENVDM4	ENV DM4 Protection of trees
TSP1	T SP1 Transport and Development

[Angmering Neighbourhood Plan 2014 POLICY EH2](#) Protect the Landscape setting of the South Downs National Park

Angmering Neighbourhood Plan 2014 POLICY ER2 Local Employment

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, 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.

The relevant policies in the Angmering Neighbourhood Plan have been taken into account.

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 is considered to have an adverse effect on highway safety, visual amenity or the character of the area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Principle

The site is sustainably located adjoining the A27 trunk road to the north of Angmering and is outside the defined Built up area Boundary shown in the Arun Local Plan (ALP). Consequently, any proposal would fall to be considered principally under policy C SP1 of the ALP. This proposal meets the requirements of C SP1(f) in that it would accord with policy EMP DM1 which relates to a specific use.

Policy EMP DM1 of the Local Plan indicates that outside the defined settlement boundary, planning permission will be granted for employment generating uses provided that the proposal demonstrates that it is of an appropriate size; it would not intensify uses at the site to the detriment of existing public access routes and highways; appropriate accessibility through means other than the private car can be achieved. The proposal shows consideration of the landscape, habitat, built and historic environment contexts and a satisfactory relationship with neighbouring uses in order that the amenities of nearby residents are protected. The rides it is proposed to store at the site are employment generating. They are used as part of a travelling fairground business that operates at fairs, carnivals, music festivals and other

events across the south of England. The business was formed in 2006 and the applicants are members of the Association of Independent Showmen (AIS). The business is becoming well established and the associated rides are transported to various locations in the south of England, between London and the south coast. The fair usually attends from 20 to 30 events per year, and each of these events can involve several days.

Policy HD1 (Built up area Boundary) of Angmering Neighbourhood Plan identifies that most development should be diverted towards the built-up area boundary in order to avoid encroachment into open countryside. Proposals outside the defined built-up area must comply with other policies within the plan as is the case with this application.

Other policies applicable to determination of the application are LAN DM1 which ensures that the landscape character of the site is respected, D DM1, D SP1, QE DM1 & QE SP1 which seek that proposals are in keeping with the character and appearance of the area and acceptable in terms of impact on neighbouring residential amenity and TSP1 whose aim is to ensure the safety of the local highway network from development proposals.

In so far as the Angmering Parish Council Neighbourhood Plan is concerned policy HD5 mirrors ADLP policy D SP1 to determine its acceptability in terms of impact on the areas character and appearance and policy TM1 which requires that development is acceptable in highway terms.

Landscape

The site sits adjacent to the National Park boundary, and when viewed from within the National Park, across the A27, the site contributes to the general undeveloped buffer between the National Park and Angmering, albeit that this land is not subject to any additional landscape designation. It is considered that the proposal would not be harmful to the protection of the countryside for its own sake, and therefore compliant with policies C SP1 and LAN DM1 of the ALP.

The site is gradually sloping but is screened by mature trees and vegetation on all sides with the majority of the site being covered by grass and hardstanding. Trees and a fence create two separate internal areas containing two existing sheds, access road and hard surfaced area. The area to the east is currently covered in grass with some fruit trees. This section of the site is well screened from neighbouring sites and the A27 by mature trees and greenery. The storage shed is relatively modest in size and would be located close to other buildings. It is located 3.5m from the north boundary of the site and materials, would not be an overly dominant and would replicate the proportions, finishes and design of two existing sheds. On this basis, this element of the proposal would not result in significant visual amenity impacts. The proposed area where the rides would be stationed will be screened from public views as a result of existing greenery and trees and will be afforded limited and short-lived views from the A27 to the north. Since the fairground rides proposed to be stored on site will be seen in the context of existing sheds on the site along with the built form of the general area, the proposal will not detract from the character and appearance of the area or long views from South Downs National Park.

The small hardstanding area to the front of the site is of the same design and siting as that applied for under planning permission ref. A/3/18/PL. In the assessment of this application regarding visual amenity the officer report concluded:

"The hardstanding applied for is in the north west corner of the site where the appearance of the site is hardened by the fact that it is abutting a slip road onto the busy A27. On this basis the character of the area is not unacceptably harmed from the existing MOT base"

Based on the assessment above, the proposal complies with the aims of the NPPF, Policy D SP1 of

Arun Local Plan and Policy HD4 of Angmering Neighbourhood Development Plan.

Highway Considerations

Policy T SP1 of Arun Local Plan is relevant in this respect. The appeal decision from 2019 identified the use of the site for storage would have an unacceptable impact upon highway safety. This current proposal is for a less intensive use of the land in terms of traffic generation and does not propose any alterations to the existing access. Vegetation has been removed at the site entrance to improve visibility. The previously refused application A/100/19/PL included relocation of the access 9m to the north and this has been deleted from this current application.

The highway authority is now satisfied that the use of the existing access is acceptable to support the reduced proposed use. The existing traffic generation levels have been considered against those proposed and the number of movements would be reduced. It is also important to note that although the fairground vehicles are slow moving they are more visible to road users.

The increase in use of the existing access to accommodate the storage of fairground rides is considered acceptable in terms of highway safety in compliance with policy T SP1 of Arun Local Plan and policy TM1 of Angmering Neighbourhood Plan.

Residential Amenity

Due to the distances involved from the neighbouring properties and the high ambient noise level from the A27 the proposal will not result in unacceptable harm to residential amenities in conflict with policy D DM1 (3) of the ADLP.

In terms of noise the proposal does have the potential to generate noise levels from comings and goings associated with the fairground rides. However, in this location close to the A27 and accompanying high ambient noise levels and the separating distance to neighbouring dwellings any increase will not be materially unacceptable.

Trees

The proposal would involve the removal of a small row of trees within the site in the area where the barn is to be sited. These trees are not as significant as those on the boundaries and it is proposed to impose a landscaping condition to ensure some additional planting is undertaken to assist in screening the new barn and to mitigate for their removal. The planting of replacement trees would ensure accordance with policy ENV DM4 of Arun Local Plan.

Whilst, the loss of the trees would be regrettable, their loss would not be regarded as sufficient to warrant the rejection of the application on this ground alone.

Overall conclusion

The proposal would provide storage associated with an established business and would be acceptable in terms of its impact on the character and visual amenities of the locality and the use of the access is acceptable in highway safety terms.

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.

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
Block
Proposed Barn
Proposed Barn South and West Elevations

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 The applicant shall during the next planting season following the felling of trees to facilitate the provision of the barn, plant replacement trees of a species and maturity and in positions approved by the Local Planning Authority and in the event that any such trees die within five years following such planting shall replace them by similar trees in similar positions during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policy D DM1 of the Arun Local Plan.

- 4 The rides shall only be stored in the position indicated on the block plan and no more than 4 fairground rides shall be stored within the site at any time.

Reason: To accord with policies TSP1 and D DM1 of the Arun Local Plan in respect of amenity and highway safety.

- 5 The barn hereby permitted shall be used solely for purposes associated with the repair and storage of the fairground rides stored on the land and for no other purpose.

Reason: To accord with policies TSP1 and D DM1 of the Arun Local Plan in respect of amenity and highway safety.

- 6 The land shall be used for storage and maintenance of fairground rides only and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenity and highway safety in accordance with Arun Local Plan policies T SP1 and D DM1.

- 7 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.