

Recommendation Report for Planning Permission

REF NO: A/70/15/PL

LOCATION: Tall Trees
High Street
Angmering

PROPOSAL: Change of use of land to residential curtilage together with tennis court & playroom. This application affects the character & appearance of the Angmering Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the change of use of a piece of land 115m by 65m to the east side of the existing dwelling and the erection of a single storey timber clad playroom measuring 12m by 6m and a tennis court 36m by 18m enclosed by 3m high fencing.
SITE AREA	0.7 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front hedging trees to 2m. To east hedging/fencing to 3m. Rear fencing and hedging planting to 2-4m.
SITE CHARACTERISTICS	The large detached property has been re-built in accordance with plans approved under A/41/12. The former paddock area where the proposed building would be located lies to the east of the curtilage serving the proposed dwelling and now forms part of the garden and is laid to lawn. A stable was located in this area and has been removed.
CHARACTER OF LOCALITY	Predominantly residential. Construction works have started on the approved dwellings to the south. Whilst the surrounding area is fields it will eventually be enclosed by housing.

RELEVANT SITE HISTORY

A/24/10/	Construction of two storey and single storey extensions, roofing over of area between	ApproveConditionally
----------	---	----------------------

	existing bungalow and proposed extension, replacement of existing timber windows with PVCu windows (re-submission of planning application A/73/09/)	13-04-2010
A/141/11/	Proposed new fencing	ApproveConditionally 25-11-2011
A/41/12/	Demolition of existing 3 bed dwelling & attached 2 bed bungalow, double garage, stable & outbuildings. Erection of 1 no. 5 bed dwelling with indoor swimming pool, 6 attached garages, plant room & gardener's store & garage	ApproveConditionally 08-06-2012
A/4/13/	Tennis court and enclosure with chain link fencing.	Withdrawn 21-03-2013
A/81/77	Minor addition to guest accommodation	ApproveConditionally 01-06-1977

REPRESENTATIONS

Representations received:

Angmering Parish Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer - No Objection. The proposal will have a neutral impact on the Conservation Area

Conservation Area Advisory Committee - No Objections assuming that the land is residential curtilage the committee have no objections to the new structures

Comments on Consultation responses:

- comments noted. The application includes change of use of the land to residential curtilage so the structures will be located within the garden area.

POLICY CONTEXT

Designation applicable to site:

Outside built up area boundary

Conservation Area

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN3
GEN7

Built-up Area Boundary
Protection of the Countryside
The Form of New Development

Publication Version of the Local Plan (October 2014):	<u>AREA2</u>	Conservation Areas
		D DM1 Aspects of Form and Design Quality D SP1 Design HER DM3 Conservation Areas HER SP1 The Historic Environment SD SP2 Built-Up Area Boundary C SP1 Countryside
Angmering Neighbourhood Plan 2014 POLICY EH1		Development in the Conservation Area

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. Policy EH1 of Angmering Neighbourhood Plan is considered relevant.

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 proposed development conflicts with policy in that the development is located outside the built up area boundary, and represents incursion of residential curtilage into the countryside.

In considering whether to grant planning permission with respect to any buildings or other land in a conservation area, the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The NPPF also requires land abutting but not within a Conservation Area (Heritage Asset) to have an acceptable impact on the setting of those parts of the neighbouring Conservation Area.

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area or the setting of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. The site is surrounded by a strategic housing allocation and an exception could be justified on this basis. The impact on the countryside/surrounding area of the enclosing mesh fencing would be limited given the residential development which has been approved to the east and north.

CONCLUSIONS

The development would be located outside the current built up area boundary, but the site is surrounded by strategic housing allocation and an increase in residential curtilage in this location would be a justified exception on this basis. The land was formerly a paddock area and its use as an extended garden area would have no adverse visual impact. The character of the area in this location will no longer be rural once the strategic housing allocations have been implemented and the proposal would therefore be in keeping with its surroundings.

The impact on the countryside/surrounding area of the enclosing mesh fencing would be limited given the residential development which has been approved to the east and north and the height and depth of mature boundary screening which encloses the site. The log cabin would replace a stable block of similar footprint and appearance which would be acceptable in terms of its impact on visual amenity. Both structures would be located outside the boundary of the Conservation Area and would be set back from the site frontage and not readily visible from outside the site.

The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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 (the right to respect for 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 neutral 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).

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 2636:46a and 2636:47

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 **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.