TOWN AND COUNTRY PLANNING ACT 1990

ARUN DISTRICT COUNCIL
Working in partnership with
South Downs National Park Authority

DECISION NOTICE

Application Ref: BE/81/10/

1 **To Addressee**

Douglas Briggs Partnership
Flint Barns
Ham Farm
Bosham
West Sussex
PO18 8EH

2 **Site Address**

Land South of Groves Farm
Bersted
PO20 2DX

3 **Description of Development**

Seasonal polytunnels for soft fruit production (this application is the subject of an Environmental Impact Assessment)

4 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 plan and subject to compliance with the conditions specified.

CONDITION 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).

CONDITION 2 The development hereby approved shall be carried out in accordance with the following approved plans holding plan 0810.10, site plan 0810.11 and elevations 0810.12.

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

CONDITION 3 The development hereby permitted shall not be carried on until details of landscape enhancements as proposed in the Landscape and Visual Impact Assessment are submitted to and approved by the Local Planning Authority and have been planted in accordance with the approved plans. In the event that any such trees or shrubs die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 4 In the event of the polytunnels for which permission is hereby granted ceasing to be used for agriculture or horticultural purposes, as defined by Section 336(1) of the Town and Country Planning Act 1990, they shall be demolished and removed from the site and the land restored to pasture or arable cultivation within 3 months of the cessation of such use or within such extended time as may be agreed in writing with the Local Planning Authority.

Reason: The site lies in a rural area where development unrelated to the essential needs of agriculture and/or forestry would not normally be permitted in accordance with GEN2, GEN3, DEV3 of the Arun District Local Plan.

CONDITION 5 Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the watercourses shall be submitted to and agreed in writitng by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include plans showing the extent and layour of the buffer zone and details of any footpaths, fencing or lighting.

The buffer zone needs to be a minimum of 3 metres wide measured from bank top for the whole extent of the site. Bank top is defined as the point at which the bank meets normal land levels. This zone should be without structures, hard standing, footpaths, fences or overhanging development such as balconies and should not include domestic gardens or formal landscaping. The buffer zone needs to be designed and managed to develop this natural character and left as a natural area for wildlife.

Reason: Development that encroaches on watercourse has a potentially severe impact on their ecological value. This is contrary to government policy in PPS1 and PPS9. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movemnt of species between suitable habitats and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

INFORMATIVE:
If it is proposed to culvert, infill, obstruct or divert a watercourse then under the terms of the 1991 Land Drainage Act (Sectuib23) the prior written consent of the Envrionment Agency will be required. It should be noted that there is a presumption against culverting unless it is required for access.

INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY
This planning permission is granted because it complies with the policies listed below in that

the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN3, GEN7, GEN12, AREA 10, DEV3

NATIONAL POLICIES: PPS1, PPS7, PPS9

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

Case Officer: Mrs S Leeson

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Date of Decision: **29th September 2011**

Date Decision Issued: **29th September 2011**



Karl Roberts
Assistant Director Planning Services &
Housing Strategy

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

NOTES RELATING TO PLANNING APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990

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 First 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, if you want to appeal against your local planning authority's decision on your application, 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 if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in case of a householder appeal) of the date of this notice, whichever period expires earlier.

If you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Secretary of State, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or on line at www.planningportal.gov.uk/pcs

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

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).