

Planning Statement

for

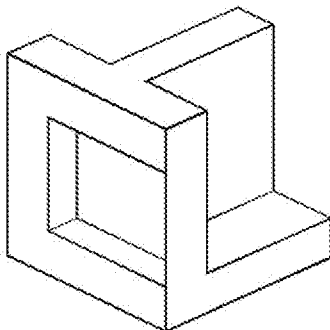
Site Entrance to Land Adjacent to
Birchwood House, Church Lane
Barnham
PO22 0DB

2142/ P10
Revision 01

Prepared by

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1 - Introduction

This document has been produced to inform and accompany an application for planning permission for the improvement of an historic access to land south and west of Birchwood House, Church Lane, Barnham.

The application site is occupied by donkeys and includes a small stable. The use of the land and the stable are well established.

The access as currently constructed was implemented in 2020, and has been the subject of two previous planning applications, as summarised below.

2 - Location

Church Lane is approximately 750m in length, travelling southwest from its junction with Yapton Road just south of Barnham Station, to the end of Church Lane at Saint Mary the Virgin church. Church Lane serves approximately 50 dwellings, the church, and a small number of farms, holiday lets and the like. Church Lane is effectively a dead-end road, although the private road of Hill Lane links back to Yapton Road, and there are a few public footpaths and permissive paths linking the south-west end of Church Lane with the wider vicinity.

The access is positioned just south of Birchwood House on the western side of Church Lane, approximately 300m from the junction with Yapton Road. The access as recently constructed is dimensionally similar to a number of existing private accesses onto Church Lane.

The site is within the Barnham Parish Council Church Lane Area of Special Character.

Approximately 18m northeast of the access is the access to Birchwood House and 30m southwest of the access, on the southern side of Church Lane, is a secondary access to Murrells Field, part of Barnham Community Hall facilities. (Although this access appears to be intended for event setting up and management access, rather than frequent use and general public access, and is normally locked shut).

The current access improvement was constructed in mid-2020.

3 - Previous Application BN/110/20/PL Summary

A planning application for 'Reinstatement of an Existing Site Entrance' was submitted in September 2020 (BN/110/20/PL). The following points were raised during the decision period;

- The Planning Officer raised a query regarding an anomaly of the site boundary line and ownership.
- WSCC Highways raised queries regarding evidence of the previous access, how the site was being accessed in the recent past, demonstration that appropriate vision splays can be achieved, and (although acknowledged as not strictly a planning matter) evidence of a crossover license.
- Barnham and Eastergate Parish Council objected to the application *'on the grounds that the creation of the entrance was a clear planning breach as it is not reinstatement of an existing entrance, as no evidence was brought forward to show that such an entrance existed in the recent past.'* The Parish Council also raised a concern that *'if the application were to be approved there would be the possibility of a further application for development of the site the new access leads to coming forward, and would therefore wish to see a condition imposed on the application that no development will be allowed and that the access road can only be used to service the field for the keeping of animals as it currently is'.*

This application was subsequently withdrawn on 23rd November 2020, before the end of the determination period.

4 - Previous Application BN/97/21/PL Summary

A revised application for 'Retention of Existing Site Entrance (resubmission following BN/110/20/PL)' was submitted in July 2021 (BN/97/21/PL). The following points were raised during the decision period;

- Arun Drainage Engineer confirmed that no drainage related conditions would be requested due to the scale and type of application, and that, if any impermeable surfaces are to be introduced on the site, then the drainage team should be reconsulted.
- WSCC Highways acknowledged the amended title of the application compared to BN/110/20/PL, queried how the parcel of land was accessed in the recent past (or if the land was previously inaccessible), requested demonstration of the maximum achievable vision splays at the access point, and demonstration of the vision splays that were achievable under the previous arrangements once these have been established. Highways also noted that the applicant should provide evidence of a crossover licence if this was granted and that there may be a requirement for the applicant to seek a retrospective licence if planning approval is granted.
- Barnham and Eastergate Parish Council repeated their objection to the application as per the BN/110/20/PL application.
- A neighbour comment was raised, *'Having just moved to the area we cannot comment on previous access. We do not object to the current arrangement with the donkeys and stable. However, would object and agree with the Parish Council comments if this access was to lead to development of a road or further development on the land behind Birchwood House'.*

The Officer Report gives due consideration to the representations and consultation responses received, and relevant Development Plan Planning Policies. Summary points are;

- In respect of further development, only the site access/entrance treatment are being applied for under this current application, not an access road or any further development to the land to the side/rear of Birchwood House. The application must be assessed on the basis of only what has been applied for. Any future application for development of the land would be assessed on its own merits and impacts.
- In respect of the brick and flint boundary wall, it is acknowledged that at least a small portion of walling has been removed to facilitate the creation of the access entrance. Although regrettable, this only appears to have affected a small area of walling with the rest of the area having been overgrown with vegetation before the site access was created, so the loss of the wall and creation of the new access in terms of harm to character is not considered significant.
- Tree Officer - No comments received under this or BN/110/20/PL. Confirmed under enforcement case no issues with trees.
- The proposal is considered to fail to comply with relevant Development Plan policies in that insufficient information has been submitted and so there has been a failure to demonstrate acceptable highways safety impacts.
- It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

The report concludes the key issues are;

- Visual impacts
 - o The new boundary treatment, gates and gravel, by reason of their scale, materials and finish, would be sensitive to their location, reflective of their rural context, and have an acceptable impact on the street scene along this part of Church Lane. The proposals would therefore appear to accord with policies D SP1 and D DM1 of the ALP, policies ES5 and ES6 of the B&ENP 1, and the principles within the B&E Design Guide (2020) and the ADC Design SPD (2021). Full

plans and elevation drawings would be required to tie into the approved plans condition of a Decision Notice in the event of planning permission being granted.

- Highway impacts
 - o It is clear that there is currently insufficient information with this application and thus a failure to demonstrate that the development results in a safe and suitable access or has an acceptable impact on the operation and safety of the highways network. The application therefore fails to accord with paras 110 and 111 of the NPPF and policy T SP1 of the ALP and is to be refused on this basis.
- Drainage impacts
 - o The Council's Drainage Engineer confirmed that, due to scale and nature of development (and on basis of no impermeable surfaces), they have no drainage conditions to request.
- Tree impacts
 - o The Council's Tree Officer has been consulted on this current and the withdrawn application and provided no comments/objection. Under the related enforcement case, they have confirmed they have no issues with the application in respect of tree impacts.
- Lack of clear plans and drawings and land ownership issues.
 - o As set out in the Highways section, the application is lacking clear plans showing any pre-existing access arrangements and boundary treatments on site and the now existing access arrangement and boundary treatments on site. Only photos of what is existing i.e. the new access have been supplied. There is a requirement for Pre-existing and Existing Site Plans and Elevation Drawings clearly indicating dimensions, materials and finishes of the boundary treatments and hardstanding, and the safety visibility splays. These were requested at the time of withdrawn application (BN/110/20/PL) but have not been provided with this application. Without these plans and drawings to scale it is not possible for the LPA to make a proper full assessment of the visual and highways impacts of the scheme, nor are there any clear drawings to tie into the approved plans condition of a Decision Notice.
 - o it is considered that the matter of land ownership of all land within the red line site boundary and development area has still not been satisfactorily addressed. The previous application (BN/110/20/PL) was withdrawn in part on the basis that the red line site boundary shown on the Site Location Plan did not encompass the whole development area where the new access is sited and evidence had not been provided that the applicant owned all of the land on which development was located. Under this current application, the red line site boundary on the Site Location Plan now includes the whole development area and a document entitled 'Proof of ownership' has been submitted which seems to show a plan of the land and some form of land title. However, the image is not at all clear or readable and so the details of this cannot be confirmed and the matter of land ownership remains inconclusive. In the event of a future planning application or planning appeal, clear details of land ownership must be provided.

The final conclusion of the report is that *'due to a lack of information, the application currently fails to demonstrate that the new site access would have an acceptable impact on the operation and safety of the highways'*.

A decision notice was issued dated 6th September 2021 stating the application was Refused. The reasons stated were *"Due to a lack of information, in particular the lack of Visibility Splay Plan and Speed Survey, the application currently fails to demonstrate that the new site access would have an acceptable impact on the operation and safety of the highways network."*

5 – Conclusions

From the detailed Officer Report and the Decision Notice of the previous application, we can conclude that the entrance as recently constructed is, in principle, acceptable in planning terms. With regard to visual impact, the loss of a small portion of the flint wall and the new access in the form that has been constructed, in terms of harm to local character, is not considered significant.

The previous application did not satisfactorily address the Highways request to demonstrate appropriate vision splays or a previous access in this location. There were still questions over the extent of land in ownership of the applicant, and the submitted drawings were not suitable for referencing in an ‘approved plans’ condition, were an approval to be granted. These were the key issues identified that led to the previous application being refused.

This submission seeks to address those points, although information to be able to accurately demonstrate the entrance configuration or previously available vision splays prior to the access as recently constructed is very limited.

Church Lane is relatively low trafficked with sections not suitable for two vehicles to pass without one pulling over to the verge. Hence vehicle speeds are relatively low.

The access apron being slightly elevated from the carriageway, and the open nature of the fencing arguably make vision of approaching vehicles etc from this access much clearer than several other access points to Church Lane, which are dimensionally similar but flanked with high walls / fences or dense vegetation.

In this respect it is considered the access as constructed does provide sufficient measures for highway safety.

The site does not have an alternative access, and, although this access had been allowed to overgrow prior to the current access improvement, the site has historically been accessed at this position from Church Lane.

Should permission be granted, it may be necessary for the applicant to submit a retrospective crossover license for the works as implemented, although this is not strictly a planning consideration.

6 – Supporting Information

Drawing Sheets

- 2142 P01 rev 01 Site Location Plan
- 2142 P02 rev 01 Site Layout Plan and Elevation
- 2142 P03 rev 01 Site Photos
- 2142 P04 rev 01 Vision Splay Plan

Planning Statement

- 2142 P10 rev 01 Planning Statement

Appendixes

- Appendix 1 Google Streetview extracts showing entrance area prior to recent construction.
- Appendix 2 Land Registry extract indicating area of land transferred into ownership of the applicant.
- Appendix 3 Current OS Plan extract indicating updated boundaries.
- Appendix 4 Letter extract confirming the previous existence of an access point at this location.

Appendix 1

Google Streetview extracts showing previously overgrown entrance area prior to site clearance and construction of improved access.



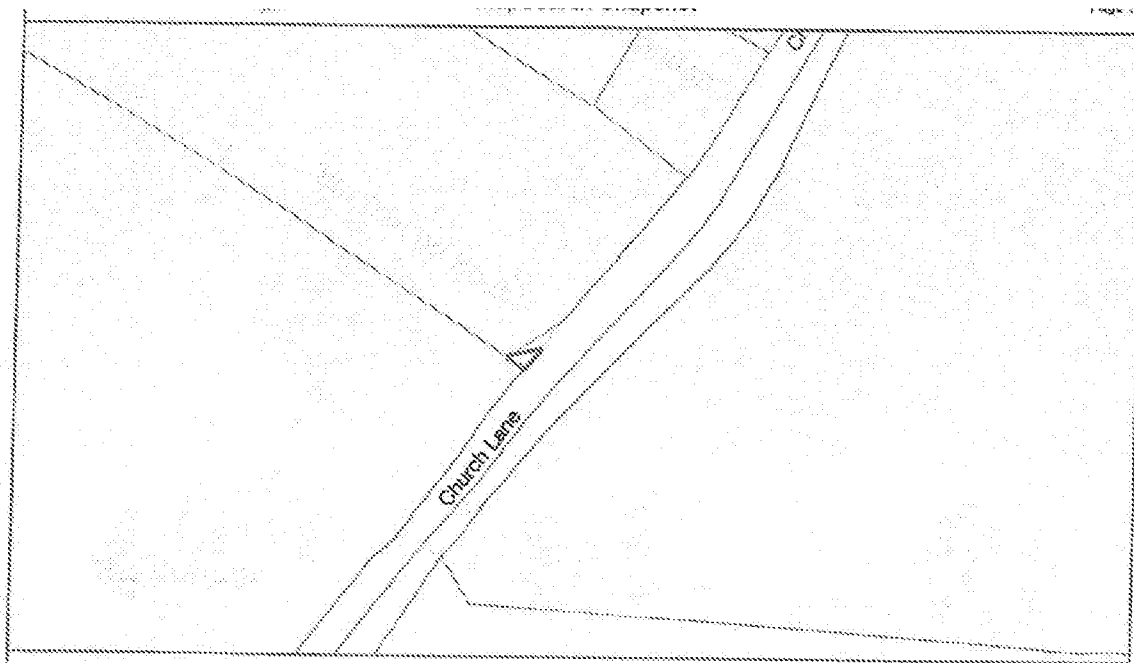
View looking North



View looking West

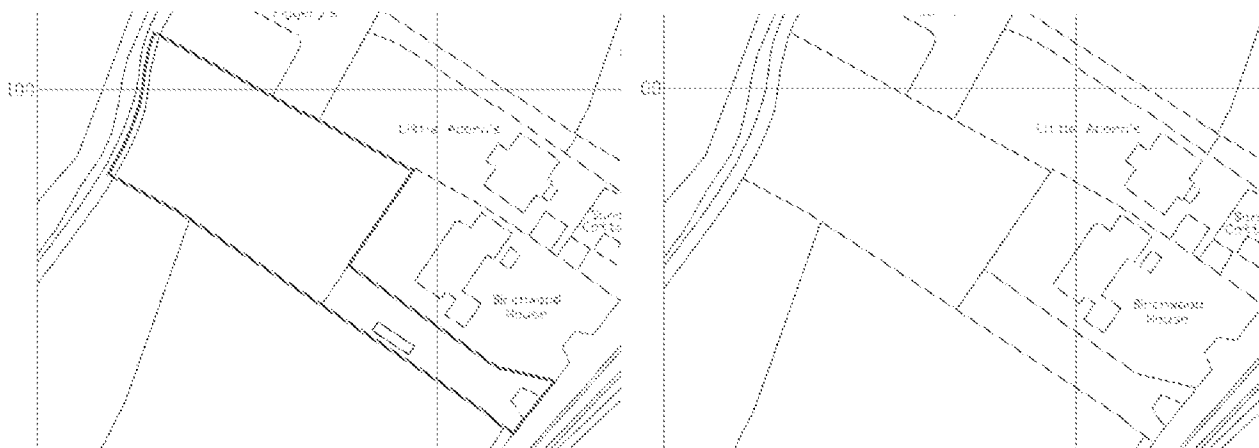
Appendix 2

Land Registry extract indicating area of land recently transferred into ownership of the applicant.



Appendix 3

Current OS Plan extract indicating updated boundaries (with and without 'redline' shown on application drawings).



Appendix 4

Letter extracts (dated 30/07/2020 and 28/09/2020) from representatives for the adjoining owner (Birchwood House) confirming the previous existence of an access point at this location.

“to confirm the status of the land at the rear of my daughter’s house in Church Lane (Birchwood House formerly known as Englebourne). When we purchased the property in 2001 we were presented with conveyance deeds for the land dated December 1967 which I still have in my possession. These documents include a plan prepared by surveyors and dated October 1967. This plan clearly shows a gate allowing entrance to the land from Church Lane at the southern end.” “Further to that a resident of the lane at that time told me that she used to graze horses on the paddock at the rear, used the gateway for access, and stored feedstuffs in a shepherds hut that was there at that time. The hut remained on the site for at least ten years after our occupation and was used as a playroom by my son.”

“deeds in my possession which show a gate clearly marked and plainly in existence as long ago as 1967. As I originally stated I am aware of a local resident who kept and grazed horses on the land and would have used this gateway to enter the land with both horses and presumably feed stuffs and bedding for the animals.”