

Recommendation Report for Planning Permission**REF NO:** CM/13/12/**LOCATION:** Baird's Farm Shop
Crookthorne Lane
Climping**PROPOSAL:** Installation of 1no. window**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	n/a
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Wire mesh fencing to eastern boundary with hedgerows beyond to highway. Post and rail timber fencing to front boundary.
SITE CHARACTERISTICS	Detached single storey building in use as a farm shop. Timber clad elevations and shallow pitched corrugated sheeting to roof. Enclosed veranda to front of building. Various enclosures and stores to side and rear of building. Outside seating/store area to west side of building and large car park.
CHARACTER OF LOCALITY	Rural, sited along the south side of the A259. Farmland enclosing site boundaries.

RELEVANT SITE HISTORY

CM/24/00/	Retention of two containers for food grade packaging	Approve Conditionally 18-09-2000
CM/23/00/	Extension to premises	Approved Cond + S106 30-07-2001
CM/3/07/	Provision of hardstanding and bund	Refused 12-07-2007
CM/4/07/	Installation of two portacabins	Refused 12-07-2007

REPRESENTATIONS

Representations received:

Climping Parish Council

Awaited

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water:

No objection.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Outside the built-up area boundary

Class A Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN3](#)

[GEN7](#)

[DEV31](#)

Protection of the Countryside

The Form of New Development

Farm Shops

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

PLANNING

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material

consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 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.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The proposed development suggests minor alterations to the existing building to provide 1 No. large window (divided in to 6 panes) to the eastern elevation of the building. Although the windows would not be readily visible from the public domain, they are in-keeping with the building and would not detract from its appearance. As such the introduction of these windows would not detract from the visual amenities of the locality.

It is recommended that the application be approved subject to the following conditions.

HUMAN RIGHTS ACT

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 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 a neutral impact has 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:

1:1250 Location Plan; 1:250 Site Plan; Floor Plans (existing and proposed); Elevation Plan (existing and proposed).

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.

- 3 **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, DEV31

NATIONAL POLICIES: NPPF

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