

Recommendation Report for Planning Permission

REF NO: CM/20/18/PL

LOCATION: Clymping Mill
Clymping Street
Clymping
BN17 5RN

PROPOSAL: Erection of security fencing. This application may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The fencing is constructed of metal post and wire and is approx. 2m high. The application is retrospective.
SITE AREA	1.6 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The fencing the subject of this application has been installed and forms the boundary.
SITE CHARACTERISTICS	Detached listed dwelling and out buildings. Site is currently uninhabited and significant ground works are being undertaken within the curtilage.
CHARACTER OF LOCALITY	The site is located adjacent to Littlehampton Golf Course and is also bounded by agricultural fields.

RELEVANT SITE HISTORY

CM/23/18/L	Listed Building Consent for internal & external alterations including, reinstatement of angled fireplaces, replacement of Upvc windows with timber windows, alteration of window to door, formation of new door opening to exterior, internal partition to form ensuite & separate bathroom, new steps to entrance door, reinstatement of existing & new garden walls.
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CM/22/18/L	Listed building consent for internal & external alterations incl. reinstatement of former & alteration of existing openings, alteration removal of modern infilling, removal of modern infilling & internal blockwork, new internal door opening & partition; stair access to attic with enlargement of attic aperture; restoration of thatch; decking to west
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elevation.

CM/23/15/CLE

Lawful development certificate for 3 No. existing residential buildings.

Approve
20-05-16

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

No objection provided that the security fencing is temporary to secure the building site. If the fencing is to be permanent the Council is concerned that it is not in keeping with the listed buildings it encloses or with the surrounding area and it will therefore need sufficient landscape planting to screen the fence from view.

Four Objections - This is a retrospective application as the fence has already been erected. It breaches the existing boundary line. Trees and hedgerow have already been felled and destroyed. The wooden style gate that runs west behind the Golf Course up to the Mill has been removed and only a footpath sign remains, it was very narrow in width.

The applicant could have easily built a non intrusive and unsightly fence around his property, but this again shows he has no respect for boundaries.

The applicant has perhaps already erected parts of this fence; plus some other fencing on my land.

There is nothing within the planning application to suggest that this fence is temporary. The fence as erected is over 2 metres tall. There are no similar fences within the vicinity.

The application site is partly within a SSSI and an area of extensive woodland and wholly within the SSSI.

Impact Risk Zone - to assess planning applications for likely impacts on SSSIs (England) a planning application should be forwarded to Natural England as a statutory consultee, the applicant bulldozing significant areas of bushes and scrub (on both his and my land) and including within the SSSI to clear the way to erect the fence; however apparently been no mitigation whilst bulldozing scrub and trees.

The application is accompanied by a PRELIMINARY ECOLOGICAL SURVEY REPORT; In the third paragraph of the Summary (and at para 5.1) it is recommended that a full reptile survey be carried out prior to removal of scrub/trees; no full reptile survey has been included.

The consultant incorrectly states that the SSSI is 90 metres to the South of the application site, whereas the newly erected fence has partially severed the SSSI, including bulldozing scrub and filling in depressions with waste materials within the SSSI.

Given that issues concerning the development of the site began at the start of 2018 it is amazing that nobody was aware that planning permission might be needed for a large fence.

The current fence is a very tall, metal, wire and barbed wire structure. It is totally unsuitable located so close to a listed building which dates from at least the 17th century.

It is out of keeping with the local area and presents an intimidating and unwelcome aspect to the many users of the adjacent footpaths. It does not enhance the parish or county to visitors or local people alike. It does not appear to respect previous boundaries of the property and makes the use of some parts of the public footpath difficult to use. This will be especially true once vegetation has re-established itself on the Mill site.

The Arun Plan makes it clear that 'early consideration' (page 48) needs to be given to any plans which impact upon areas like Clymping. This application is both too late and failing badly to enhance the green

infrastructure of the Clymping Gap.

COMMENTS ON REPRESENTATIONS RECEIVED:

The fencing is to be of a temporary nature. A condition is imposed securing its removal within 2 years of the date of the permission. Issues of land ownership are essentially a private matter. The agent has confirmed that the fencing is erected on her clients land.

The felling of trees did not require planning approval. The other unauthorised works that have taken place on the site are being investigated separately.

The need for the submission of an application for planning permission was discussed with the applicant's agent prior to its installation.

It is considered that the fencing would be acceptable on a temporary basis given that it comprises open wire which is not prominent in the landscape.

Since the fencing has already been installed there would be no justification for imposing a reptile survey or consulting with Natural England since any potential damage has already resulted. Natural England are aware of the works being undertaken at the site. A small section is within the SSSI.

CONSULTATIONS

Conservation Officer

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection. The fencing will be temporary in nature, and as such, will not cause any permanent harm to the various assets within the site.

Ecology Officer - No Objection

Hedgerow - Within the design and access statement it states that no vegetation would be removed for the installation of the fencing, if this is not possible and hedgerow needs to be removed, further investigation would be required for the works to assess the impact on protected species including bats and dormice.

Reptiles - As detailed above within the design and access statement it states that no vegetation would be removed for the installation of the fencing, if this is not possible and vegetation needs to be removed, it is likely that reptile habitat would be impacted upon by the works, and further reptile activity surveys would be required.

Fencing - To ensure movement of local wildlife is not restricted by the fencing, wildlife friendly fencing should be used onsite so wildlife (e.g. badgers) can still move freely across the site.

Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October.

Rights of Way Officer - The existence of a Public Right of Way (PROW Footpath 174) is a material consideration. Should planning consent be granted, the impact of development upon the public use, enjoyment and amenity of the PROW must be considered by the planning authority.

Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment. The introduction of fencing may reduce path users' enjoyment, particularly where an open outlook has historically been enjoyed. This footpath has suffered from side vegetation encroachment in the past. Therefore early planning, clearance and planting strategies should be considered to ensure any new structures installed do not compound the issue.

Second Response - I am satisfied that the legal definitive line of the footpath is available and there is no

encroachment on the Highway.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. The fencing has already been erected and vegetation removed . There is therefore no opportunity for further surveys/assessment to be carried prior to installation of the fencing. Any impact on nesting birds has already taken place. The provision of an element of wildlife friendly fencing/tunnelling is to be conditioned.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up area Boundary
Grade 2 Listed Building

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
CSP1	C SP1 Countryside
LANDM1	LAN DM1 Protection of landscape character
SDSP3	SD SP3 Gaps Between Settlements
TDM1	T DM1 Sustainable Travel and Public Rights of Way
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM3	ENV DM3 Biodiversity Opportunity Areas

[Clymping Neighbourhood Plan 2015 Policy CPN11](#) Quality of Design

Clymping Neighbourhood Plan 2015 Policy CPN7 Protection of open views

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 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.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring;

Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policies of CPN 7 Protection of Open Views and CPN 11 Quality of Design of Climping Neighbourhood Plan are considered relevant to determination of this application.

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 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 listed building.

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

Background

The proposal is to retain the security fencing around the perimeter of the site. The site comprises a number of buildings and walls, including the windmill and Mill House. It is located within a remote coastal location and the fencing is required to improve the safety and security of the site. Easy access can be achieved from the two public footpaths that run along the south east and north east boundaries of the site and breaches in sea defences which enable easy trespass and entry to the site along the private access road.

Impact on Visual Amenity and Local Gap

The Clipex security fencing comprises slim silver coloured metal posts, with small rectangular wire grids attached to high tensile line wiring, also silver in colour. Overall it is visually lightweight and transparent and therefore would not appear intrusive in the landscape. It is not readily visible across the landscape when viewed from nearby footpaths and is assimilated into the land /foliage beyond. Although the design of the fencing is not generally found in a rural area the materials reflect those used around field boundaries. The materials and design of the fencing would not be inappropriate to this setting and the proposal therefore fits in with the character of the area and accords with policy DDM1 (1) of Arun Local Plan and policy CPN11 of Climping Neighbourhood Plan. The open and transparent nature of the fencing also ensures that the open landscape character of the countryside and beach is not harmed as set out in policy CPN7 of the Neighbourhood Plan.

The site lies within the Littlehampton to Middleton Gap between settlements and given its relatively open and transparent nature it would not undermine the physical or visual separation of settlements or the integrity of the local gap in accordance with policy SD SP3 of Arun Local Plan.

Ecological Considerations

The fencing is already erected and other works are taking place on site. A small part of the site lies within

a SSSI, but any damage to the area has already occurred. The only item requested by the Ecologist which could be provided is connectivity either through or under the fencing to allow for the movement of wildlife across the site. A condition has been imposed to cover this request in accordance with policy ENV DM3.

Impact on Listed Building

The site contains a designated listed building, curtilage listed walls and other buildings. The fencing is provided around the perimeter of the curtilage of the listed building and has an open weave which is capable of being looked through. It is of a transparent/ temporary nature and is required for the security of the buildings and site in the short term. The proposal is not therefore considered to adversely affect the character or appearance of the listed building or its setting and accords with policies HER SP1 and HER DM1 of Arun Local Plan.

Rights of Way

The proposal has no adverse impact on the public use, enjoyment and amenity of the PROW. The introduction of the fencing does not reduce path users' enjoyment and there is no encroachment on the footpath. The proposal therefore accords with policy T DM1 of Arun Local Plan which requires access to public rights of way to be available and accessible to all members of the community.

Conclusion

The application is recommended for approval subject to the following conditions

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 fencing hereby permitted shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on 30-09-2020.

Reason: The Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow the development for a limited period.

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
Location Plan Drawing 1, Block Plan DGC21815-MT10 revA and Security X Fence photo.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun District Local Plan.

- 3 Within 1 month of the date of this permission details of wildlife friendly measures to allow access across the fencing shall be submitted to the Local Planning Authority for approval. The approved details shall be installed within one month of Agreement of the details and shall be retained in perpetuity whilst the fencing remains on site.

Reason: In the interests of protection of wildlife in accordance with policy ENV DM3 of Arun Local Plan.

- 4 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.