

Recommendation Report for Planning Permission

REF NO: CM/36/19/PL

LOCATION: Land adjacent to Church Farm Barn
Horsemere Green Lane
Climping
BN17 5QX

PROPOSAL: Retention of replacement fencing & proposed replacement entrance gates. This application may affect the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes the retention of recently constructed 1.8 metre timber fencing along the front boundary of the site to Horsemere Green Lane and new matching entrance gates to be provided on the existing driveway, which would replace the existing gate. The fencing comprises vertical panelling, set back from the main highway surface to retain a grass verge. The fencing will overtime fade to become silvery.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m high vertical panel fencing set back from the main highway surface to retain a grass verge.
SITE CHARACTERISTICS	The application site comprises a parcel of land adjacent to Church Farm Barn, which is a detached former flint barn with grey / black tiled roof. The site frontage includes a red brick wall with conifer hedging above. To the east is the application site, which is accessed via an existing vehicle crossover and gravel drive. Access is secured by an existing metal field gate. The application is now fronted by timber fencing, the subject of this application.
CHARACTER OF LOCALITY	Predominantly rural with housing of varied age and design facing much of the road frontage.

RELEVANT SITE HISTORY

CM/21/03/	Single dwelling (Departure from the Development Plan).	Refused 26-08-03 Appeal: Dismissed 29-04-04
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Objection

- Out of character to the area and detrimental to the street scene.
- Would prefer the fence to be located to the north of existing trees and hedgerow so that they may continue to line Horsemere Green Lane and so preserve the amenity of the street scene.
- The need to preserve the amenity of the street scene was recognised in the decision to approve CM/23/17/PL Condition 10 which states " Notwithstanding the details shown on the submitted plans, the 1.8 metre boundary fence alongside Horsemere Green Lane shall be substituted for a hedgerow, details of which shall be submitted and approved under condition 4 of this Decision Notice. Reason: In the interests of the visual amenities of the locality in accordance with the policy GEN7 of the Arun District Local Plan"

1 Support

- The fence now tidies up the area.
- This provides a better view of the road where it narrows towards the junction which improves safety for road users.

1 Objection

- The fence has already been built without permission and is very ugly and not in keeping with the road, vegetation is already growing through the fence which will only get worse and impinge into the highway. It should be removed.
- Question the boundary position as it seems too far forward, the applicant seems to like moving the boundary's and move obstructions into the highway.

COMMENTS ON REPRESENTATIONS RECEIVED:

- The application is located within the area owned by the applicant.
- The fence has recently been painted which reduces its visual impact in the street scene.
- Removal of vegetation is not a planning matter.
- Application CM/23/17/PL was for a new dwelling and garage. The submitted site plan indicated that the boundary to Horsemere Green Lane comprised hedging and post and rail fencing and this was conditioned to be either replaced or retained as hedging. This site is not directly comparable with the application property since it related to a new dwelling and the impact the boundary screening had on screening and assimilating the development into its surroundings. In addition the site was close to fields, was more visually exposed and had a more rural back drop than the application site. It is not directly comparable to this application which relates to replacement boundary treatment adjacent to other walls and fencing which has a more built up and developed residential backdrop.
- The application does not need to go to Development Control Committee for determination in accordance with paragraph 14 of the Scheme of Delegation dated 16-01-2019.

CONSULTATIONS

Arboriculturist

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - Awaited

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

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

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.

Policy CPN 11 Quality of Design of Clymping 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 proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on visual or residential amenity, the character of the area, setting of the Listed Building or highway safety.

Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant permission for development which affects the setting of a listed building, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal does not affect the character or the setting of the Grade II 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 or highway safety

CONCLUSIONS

PRINCIPLE

The application site is situated outside of the built up area boundary as defined by SD SP2 of the Arun Local Plan (2011-2031). The proposal is for alterations to boundary treatment of an existing building. However, the proposal is in accordance with C SP1 of the Local Plan, as it is in accordance with D DM1 of this plan. Development can be in accordance with C SP1 if it refers to a specific use or type of development that is covered by another policy. In this case, the key policy considerations are deemed to be D DM1 of the Arun Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Crime Prevention and Scale.

Climping has a 'made' Neighbourhood Plan with policy CPN12 of relevance to the application.

Policy CPN12 states that new development including rebuilding or alterations, must be of a high quality of design and enhance local character as assessed by the Clymping Character Assessment. Part (b) of this policy requires development to respect established building set back, using boundary treatments that reflect local context and (c) use of good quality materials

BACKGROUND

The property was formerly enclosed by post and rail timber fencing with overgrown hedgerow and trees behind. The fencing was put up to both make the land more secure from fly-tipping and improve the attractiveness of the site generally.

IMPACT ON CHARACTER AND VISUAL AMENITY

The fencing comprises vertical panelling, which appears prominent as it is newly constructed and has not yet weathered. The proposed fencing comprises treated timber and would quickly weather to have a silver appearance. The fencing is set back from the main highway surface to retain a grass verge. No footpath exists on the north side of the highway at this point. The wider street scene along this section of Horsemere Green Lane has a domestic appearance with well-maintained front gardens and boundary treatments, which includes a mix of timber fencing, soft landscaping and brick walling. Whilst the majority of frontages are softened by landscaping, there is no overriding materials used for site boundaries, giving a varied appearance to the street scene. Timber is a material found in rural locations and would not be

inappropriate in this semi-rural location.

The proposed fencing is seen in the context of a street scene that includes a mix of well-maintained domestic boundary features. The street scene includes a mix of timber fencing (junction of Ford Road and Horsemere Green Lane), soft landscaping and brick walling. The existing boundary treatments vary in height and form. As such there is no prevailing character to boundary treatments. It is accepted that parts of Horsemere Green Lane have a verdant appearance, but there is a mix of frontages and the timber fencing as proposed, which is of a high quality, is not thought to harm this appearance. The siting of the fencing ensures the retention of a grass verge to the north side of the highway and dense hedging and trees within the site area retained, providing a green backdrop to the boundary treatment which reduces its prominence in the street scene.

The proposed replacement gates are to be set back from the site frontage and positioned in exactly the same location to provide secure access and egress from the site. The siting of the gates as they have always been will ensure that vehicles can drive clear of Horsemere Green Lane prior to stopping to have to open the gates. Once in the site, the site layout allows for vehicles to turn so that they can enter and exit the site in a forward gear. This remains as per the current arrangement for entering and exiting the application site.

The principle of erecting fencing to a site boundary is acceptable. Under permitted development allowances (fencing up to a height of 1 metre) can be erected without permission so it is the impact of the height of the fencing, not the principle which requires consideration. The purpose of erecting this fencing was to replace overgrown post and rail timber fencing to ensure the site boundary was demarked where it adjoins the public highway and to provide a secure boundary to the site.

The National Planning Policy Framework (NPPF) sets out that the Government attaches great importance to the design of the built environment (paragraph 128) and Policies D SP1 Design and D DM1 Aspects of form and design quality of the Arun Local Plan set out specific local design requirements which must be taken in to account in the determination of any planning application. Clymping Neighbourhood Plan Policy CPN 11 Quality of Design criteria b is of most relevance to the determination of this application.

It is considered that the proposed fencing would not harm the character and appearance of the area. It is a common feature found routinely in the local area and its appropriateness ensures no policy conflict with the NPPF, policies DDM1 or DSP1 of Arun Local Plan or Clymping Neighbourhood Plan.

IMPACT ON HIGHWAY SAFETY

In terms of the relevant planning policy at a national level, paragraph 108 of the NPPF states that when assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 goes on to confirm that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The development comprises the construction of fencing along the existing site boundary and provision of replacement gates, set back within the application site. The proposed fencing has been constructed in place of existing overgrown post and rail timber fencing. The fencing does not encroach upon the

existing highway boundary and tapers as it adjoins the existing site access to ensure existing visibility splays are retained.

The proposed gates would be set back from Horsemere Green Lane, as currently sited, which would therefore allow both small and large vehicles that were wanting to enter the site to continue to drive clear of Horsemere Green Lane prior to coming to a halt. This would ensure that the introduction of the proposed gates will not result in vehicles waiting on the public highway before entering the site. In terms of the use of the application site, this will not change and therefore changes in the number of vehicle movements is not a consideration of this application.

It is considered that the fencing as sited ensures that the existing conditions for the access and egress from the application site will be retained as existing. No increase in vehicle movements to and from the site will occur and the siting of the gates will ensure vehicles can drive clear of the public highway before stopping. As such, the proposed development would not impact upon highway safety or the capacity of the local highway network. It would therefore comply with the NPPF and policy TSP1 of Arun Local Plan in respect of highway safety.

IMPACT ON HERITAGE ASSET

The fencing is not located between the Listed property Church Farm Barn and the road frontage with Horsemere Green Lane. The Listed Building is positioned west of the fencing. This part of the curtilage with the highway comprises high conifer trees which are outside of the red edge of the application site. The 1.8m high fencing is located along the road frontage of the site and is separated from the Listed Building by existing vegetation. The gate and fencing are not attached to the building and are visually detached from it. The fencing is 15m from the heritage asset. Given this distance and the presence of intervening screening the Local Planning Authority is of the view that the setting of the Listed Building is not harmed and the fencing does not harmfully impact on views of the property. No heritage assessment has been submitted by the agent as required by para 189 of the NPPF. A legal opinion has therefore been sought and it has been advised that it is a matter of judgement with regard to the necessity of a Statement which should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance' (para 189 NPPF). Since it has been assessed that the development has no adverse impact on the setting of the listed building it is not considered that a Heritage Statement is essential in this particular case.

Since the proposal would conserve the setting of the Listed Building it would not result in any harm and the requirements of Paragraph 193 of the National Planning Policy Framework are met (consideration under Paragraph 196 is not relevant). The proposal therefore accords with policies HER SP1 and HER DM1 of Arun Local Plan.

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 development hereby approved shall be carried out in accordance with the following approved plans:
Location Plan 19/034-01
Block Plan 19/034-02
Fencing Details 19/034-03

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

- 2 **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.