

Recommendation Report for Planning Permission

REF NO: CM/38/18/PL

LOCATION: Clymping Mill  
Clymping Street  
Clymping  
BN17 5RN

PROPOSAL: Retention of 5 No. temporary storage containers for ancillary storage. This application affect the setting of listed buildings.

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| <b>SITE AND SURROUNDINGS</b> |
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| DESCRIPTION OF APPLICATION | The storage containers are already located on the site. The application is retrospective. They are flat roofed and constructed from metal and have some building materials/equipment stored within them. Each container is 12.2m long by 2.9m high, with a width of 2.5m. |
|                            | The applicant is seeking approval to retain the containers until repair works are complete.                                                                                                                                                                               |
| SITE AREA                  | 0.65 hectares                                                                                                                                                                                                                                                             |
| TOPOGRAPHY                 | Predominantly flat.                                                                                                                                                                                                                                                       |
| TREES                      | None affected by the proposed development.                                                                                                                                                                                                                                |
| BOUNDARY TREATMENT         | Security fencing encloses site.                                                                                                                                                                                                                                           |
| SITE CHARACTERISTICS       | Detached listed dwelling and out buildings. Significant ground works have been undertaken within the site.                                                                                                                                                                |
| CHARACTER OF LOCALITY      | The site is located adjacent to Littlehampton Golf Course and is also bounded by agricultural fields.                                                                                                                                                                     |

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| <b>RELEVANT SITE HISTORY</b> |
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| CM/20/18/PL  | Erection of security fencing. This application may affect the setting of a listed building.                          | ApproveConditionally<br>18-09-18 |
| CM/23/15/CLE | Lawful development certificate for 3 No. existing residential buildings.                                             | Approve<br>20-05-16              |
| CM/29/95/CLE | Application for a Certificate of Lawfulness for an Existing use - use of land for the stationing of 1 no mobile home | Approve<br>22-01-96              |

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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

Climping Parish Council

No Objection subject to Arun defining the length of time for the temporary storage to be retained.

One Objection

- The shipping containers were delivered to this site using articulated HGVs and a HIAB crane lorry. The road has not been used by such oversized vehicles before. The lorries overrun onto privately owned land in multiple places, including onto the SSSI. Trees were cut and the wall was knocked over. At no time did the applicant seek permission nor apologise for his actions and the damage remains to be repaired.
- Another incident occurred when the applicant was out loading their hired in 22 tonne excavator. It damaged the road surface and SSSI.
- It is requested that conditions are imposed to protect damage to trees, the SSSI and other people's property when they are out loaded. The applicant cannot bring the containers out in the manner or using the size of vehicles used to bring them in.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The damage to trees, the SSSI and other people's property is outside the remit of this application. The trees concerned were not protected, damage to property is a private matter and damage to SSSI is controlled by other legislation.

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| <b>CONSULTATIONS</b> |
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Conservation Officer

Natural England

**CONSULTATION RESPONSES RECEIVED:**

Natural England - No Comment

Conservation Officer - No Objection. Whilst it is accepted that the containers do effect the setting of the Listed Building it is noted that the containers are required for the duration of the building works on the site. Once all of the relevant consents have been sought, and the works implemented, the storage containers will no longer be required and should be removed.

It is considered that the retention of the containers is acceptable as they will not form a permanent feature within the grounds of the listed building. As a consequence, there is no objection from a conservation perspective.

It is suggested that a suitable/realistic timeframe for the retention of the containers is approved.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. No adequate justification has been provided for the presence or number of containers which have been on the land for a considerable period of time (approximately 8 months) and officers note that during that time little/no activity to the Listed Building/site has taken place. They are adversely affecting the setting of the listed buildings.

## POLICY CONTEXT

Designation applicable to site:  
 Outside Built Up Area Boundary  
 Grade 2 Listed Building  
 Within Littlehampton and Middleton Gap Between Settlements

## DEVELOPMENT PLAN POLICES

### Arun Local Plan 2011 - 2031:

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

|                                                      |                                             |
|------------------------------------------------------|---------------------------------------------|
| <u>Clymping Neighbourhood Plan 2015 Policy CPN11</u> | Quality of Design                           |
| Clymping Neighbourhood Plan 2015 Policy CPN13        | Retain buildings or structures of character |
| 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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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, CPN 11 Quality of Design of Clymping 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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and an adverse impact upon the established character of the surrounding area and 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 storage containers which have already been installed. The site comprises a number of buildings and walls, including the windmill and Mill House and the containers are positioned along the access and are focused mainly at the entrance to the site.

No written justification has been put forward for the presence of the containers or the reason for the number required. They are currently being used for storage of a limited amount of building materials. These materials may be used in the future for repair works to the existing buildings on the site, but very little work is currently being undertaken.

The site is located within a remote coastal location, but a security fence has recently been approved (CM/20/18/PL) around the site to improve safety and security of the site and one of the buildings within the site is being used for occupation by a security guard.

### Impact on Visual Amenity and Local Gap

The containers are located along the entrance driveway. The two at the entrance are positioned adjacent to each other. The containers have no design merit. The 3 at the entrance are green in colour and those closest to the properties are yellow. They are screened in part by some remaining trees along the access and unauthorised spoil heaps. However, the site is readily visible from the surrounding network of footpaths in the area. Indeed there are footpaths which run along the northern and eastern boundaries of the site from where the containers can easily be seen.

Overall although the containers have a low profile and are of a temporary nature they are excessive in number. The structures are spread across the site and are overly intrusive in the landscape creating a cluttered appearance and increasing the extent of built form across the site. The visual impact is excessive and too significant to allow the retention of the containers even for a limited period. The coastal plain exhibits a high level of landscape and visual sensitivity. The presence of the containers adversely impacts on the flat open character of the area and does not accord with policy DDM1 (1) of Arun Local Plan and policy CPN11 of Climbing Neighbourhood Plan. The open landscape character of the countryside and beach referred to in policy CPN7 of the Neighbourhood Plan is harmed. This policy

seeks to retain the open character valued by residents and tourists.

The site lies within the Littlehampton to Middleton Gap between settlements and given the lack of justification, lack of adequate screening and number of structures they would undermine the physical and visual separation of settlements and the integrity of the gap in conflict with policy SD SP3 of Arun Local Plan. The containers add to the number of structures at the site increasing the visual prominence of built form and do not maintain the visual separation or the visual gap between settlements.

The materials stored within the containers could be kept within the buildings where works are being undertaken or within the site boundary which is enclosed by secure fencing. The site also benefits from the presence of a security guard who utilises one of the buildings within the site. There is therefore no overriding need for the retention of the containers in this visually sensitive location.

#### Ecological Considerations

The containers are already installed 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.

#### Impact on Listed Building

The site contains a designated listed building (Clymping Mill), curtilage listed walls and other curtilage listed buildings (Mill Cottage and Mill thatch).

Clymping Mill is a rare survival of a coastal windmill, located close to the shoreline south of Climping village. Development of the site has occurred in various stages over its life time; of note is the fact that a smock mill was constructed in 1799 to replace an earlier mill on the site. It was historically clad in dark weatherboard and fitted with patent sails.

Mill Cottage and Mill Thatch are two smaller flint and brick buildings that are indicative of the local vernacular.

A number of storage containers have been sited within the grounds, in what appear to be somewhat random locations along the access drive. Two of the containers are located extremely close to the heritage assets.

The containers are not located adjacent to the Listed Building or the curtilage listed buildings, but are within their grounds. These container structures are a standard design of no architectural merit, and as such they detract from the setting of the Listed and curtilage of the Listed Buildings.

Although the two closest to the Listed Buildings cause the most harm, the impact of five units spread out across the site also have an adverse impact detracting from views towards the listed/curtilage listed buildings.

Paras 189 - 192 of the NPPF set out a process in considering impacts on heritage assets. Para 189 requires identification of the significance of the heritage asset affected by a proposed development. No information has been submitted by the applicant to describe the significance of the heritage assets affected, and the contribution made by their setting. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise as necessary. This has not been undertaken and the application is therefore contrary to the requirements of the NPPF in this respect.

In accordance with Para 190 the level of harm of the impact of the development upon the heritage asset has been considered by the Conservation Officer and as set out above it is considered that in the long

term the presence of the containers is damaging to the setting of the heritage assets.

Overall the proposals would not respect the historic form, character or appearance of the curtilage listed Mill Cottage and its setting. The appearance of the site with the containers present harms the setting of the parent listed building, along with Mill Cottage and Mill Thatch in the long term. However, the significance of harm is determined to be less than substantial because the structures are not sited adjacent to the heritage asset.

Para 192 requires account to be taken of the desirability to sustain and enhance the significance of heritage assets by putting them to a viable use consistent with their conservation. The containers are not necessary or an integral part of the process of carrying out improvements to the Listed Building. Alternative secure storage is available within the site. The development does not make a positive contribution to local character or distinctiveness as required by para 192(c) of the NPPF. Indeed it detracts from the character and visual amenities of the area. Paragraphs 193 - 196 require optimum use for public benefits. It is considered that there is no public benefit accruing from the containers.

The number and position of the containers adversely impacts on views across the site to the listed buildings from neighbouring footpaths and detracts from their appearance. The proposal is therefore considered to adversely affect the setting of the listed building and conflicts with policies HER SP1 and HER DM1 of Arun Local Plan and policy CPN13 of the Clymping Neighbourhood Plan and the NPPF.

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#### Conclusion

The application is recommended for refusal for the following reasons

#### **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.

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| <b>RECOMMENDATION</b> |
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**REFUSE**

- 1 By reason of their number and siting the containers unacceptably expand the extent of development across the site and constitute an alien intrusion in the countryside which is out of keeping and detrimental to the visual amenities and rural character of the locality in conflict with policies C SP1, D SP1 and D DM1 of the Arun Local Plan and CPN7 and CPN11 of the Clymping Neighbourhood Plan.
- 2 By reason of their number and siting the containers unacceptably undermine the visual separation of settlements and compromise the integrity of the Littlehampton and Middleton Gap Between Settlements, contrary to policy SD SP3 of the Arun Local Plan.
- 3 The application is not supported by a clear and convincing justification to address the level of harm caused by the siting of 5 containers which results in less than substantial harm to the setting of a Grade 2 Listed Building contrary to policies HER SP1 and HER DM1 of the Arun Local Plan and policy CPN13 of the Clymping Neighbourhood Plan and paragraphs 189-196 of the NPPF.
- 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.