

Recommendation Report for

REF NO: CM/38/25/AG

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

PROPOSAL: Prior notification under Schedule 2, Part 6, Class A for the erection of an agricultural building made up of 2 No. 40ft shipping containers with a temporary roof.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application is a prior notification under the Town and Country Planning Act (General Permitted Development) Order 2015 (as amended) Schedule 2, Part 6, Class A (b) to determine whether the Local Planning Authority has any objections with regard to the siting of an agricultural storage barn.

SITE CHARACTERISTICS The site is an area of land to the north of Horsemere Green Lane.

CHARACTER OF LOCALITY There are a mix of residential, agricultural and industrial land uses within the site's immediate surroundings.

RELEVANT SITE HISTORY

CM/14/22/PL	Use of land for Class B8 (Storage) for caravan storage (resubmission of CM/64/21/PL). This application may affect the setting of a listed building and is in CIL Zone 3 (Zero Rated) as other development.	ApproveConditionally 22-06-22
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Planning history noted.

REPRESENTATIONS

None.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
 Area of Special Control (Adverts)
 Grade II Listed Building
 Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

This application is determined under Class A, Part 6 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended).

CONCLUSIONS

PRINCIPLE

Schedule 2 Part 6 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) permits certain types of development within agricultural holdings, subject to the an application being made to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required.

Conditions A.2(2) set out the procedure making such an application. A.2(2)(iii) states:

(iii) the development must not begin before the occurrence of one of the following -

(aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval; or

(cc) the expiry of 28 days following the date on which the application under sub-paragraph (2)(ii) was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

In this instance, the development has already been completed (other than doors), and photographs have been included within the submission of the building in use. Therefore, the conditions set out under A.2(2)(iii) have not been fulfilled. An application for prior approval cannot be made retrospectively, and therefore an application for planning permission would be required. As an application for prior approval cannot be made for the development, no further assessment has been made of the remaining criteria within Schedule 2, Part 6, Class A.

RECOMMENDATION

OBJECTION

- 1 **INFORMATIVE:** The conditions set out under Schedule 2, Part 6, Class A, A.2(2)(iii) of the Town and Country Planning (General Permitted Development) Order 2015 have not been fulfilled. This is an application to determine whether the prior-approval of the Local Planning

Authority is required in respect of a proposed development, and cannot be made retrospectively. Evidence shows the building is on site.