

Recommendation Report for Planning Permission

REF NO: CM/6/26/PL

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

PROPOSAL: Change of use of land for Class B8 (storage) for caravans as an extension to an existing storage site in conjunction with a revision to the site layout approved CM/14/22/PL. This application may affect the setting of listed buildings and a Public Right of Way and is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks retrospective permission for a change of use of land from agricultural use to use for the storage of caravans (Class B8). The land would be an extension of an area of land approved as caravan storage under CM/14/22/PL.
SITE CHARACTERISTICS	The site is an area of agricultural land to the north of an existing tarmacked area used for the storage of caravans.
CHARACTER OF LOCALITY	The character of the area is predominantly semi-rural. However, there are a range of land uses present, including the Rudford Industrial site to the north and residential properties fronting Horsemere Green Lane. Further residential development is underway to the south of Horsemere Green Lane.

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
CM/64/21/PL	Use of land for Class B8 (Storage) for caravan storage. This application may affect the setting of listed buildings & is in CIL Zone 3 (Zero Rated) as other development.	Withdrawn 12-01-22

Planning history noted. The current application seeks retrospective permission for an extension to the caravan storage land approved under CM/14/22/PL.

REPRESENTATIONS

Climping Parish Council - Objection

- This application forms part of a wider intensification of the use of the site.
- The application seeks to regularise existing overuse of the site.
- Increased movement of caravans into/off Horsemere Green Lane and onto Church Lane creates additional risk of accidents.
- Housing developments in the area have already contributed to increase traffic volume on rural roads.
- Footpath 175 has been re-routed as a result of the development, which has occurred unlawfully.

5 No. objections were received from nearby occupiers raising concerns relating to:

- Further loss of green space.
- Surface water drainage impacts.
- Increase in large vehicle movements.
- Noise and disruption.
- The footpath running through the site has been re-routed unlawfully, impacting residents.
- The additional traffic leads to dust and stones on the road.
- Commercial use is out of keeping with the countryside setting.
- Agricultural land contributes to the character of the area.
- Impact on the setting of neighbouring listed buildings.
- Lack of justification of need for further caravan storage.
- History of accidents at the junction of Horsemere Green Lane and Church Lane.
- Increased lighting.
- Visual impact of further caravan storage.
- Precedent for further incremental changes intensifying the use of the site.
- Disturbance to local residents during construction of the parking area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The comments are addressed in the conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH - No objection subject to conditions

- Condition recommended restricting hours when caravans can arrive and depart the site.

WEST SUSSEX COUNTY COUNCIL (WSCC) HIGHWAYS - No objection

- Collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded collisions within the vicinity of the site access, and no collisions attributed to road layout at the existing junctions with Church Lane or Yapton Road.
- There is no evidence to suggest the existing access or nearby connecting highway junctions have been operating unsafely, or that the proposals would exacerbate an existing safety concern.
- Supporting trip generation data has been supplied in the Transport Statement, utilising data from a similar, but larger, site in Steyning.
- When applied to the current proposals, the proposed use would be expected to generate approximately two additional arrivals per month, or three arrivals per month during peak months.
- The proposals are not anticipated to give rise to a significant material increase in movements on the local highway network.

- The internal layout and proposed car parking are considered acceptable.
- The proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 116). There are no transport grounds to resist the proposal.

WSCC PUBLIC RIGHTS OF WAY (PROW) - Objection

- No details of Footpath 175, which runs across the site have been provided.

ADC DRAINAGE ENGINEERS - Objection

- No information regarding the proposed surface water runoff location, as required by Standard 1 of the Non-Statutory Technical Standards for SuDS (NSfS), has been provided.
- As insufficient evidence has been submitted to demonstrate how the applicant intends to drain surface water, it is not possible to assess whether the proposed development would increase flood risk.
- Ground conditions and infiltration potential in Climping are highly variable. While infiltration may be feasible in some areas, others experience high groundwater levels or poor infiltration rates that render it unviable.
- If infiltration is not viable, the remaining discharge destinations within the SuDS hierarchy must be considered in strict priority order.
- There is a culverted Ordinary Watercourse and public highway drains controlled by WSCC within reasonable proximity of the site, however, no evidence or permission has been provided to confirm whether discharge to any of these drainage systems would be permitted, or whether they have sufficient hydraulic capacity.
- The applicant has not provided any further information on how they may drain the site if infiltration is later found to be unviable or whether connection to alternative systems can be achieved.
- There is a small pocket of future surface water flooding in the northeast corner of the site which falls in to the 0.1% AEP (low risk) event and may need to be accounted for by the surface water drainage design if it is found that surface water from elsewhere would flow to this area.
- Insufficient information has been provided with regard to a number of other areas, including interception features, extreme rainfall and flooding, water quality and construction, operation and maintenance. However, these are unlikely to affect the scale and layout of the development and could be required via condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Further information regarding footpath 175 was requested from the agent but has not been received.

In light of this, further comments have been sought from WSCC PROW which are summarised below.

- The legal definitive line of the footpath has been obstructed.
- The alternate option referenced by the agent was installed some years ago by the owner, but has no legal basis.
- WSCC PROW object to the application.
- The objection will remain until the applicant accommodates the footpath as per its legal line, or applies for a diversion.

POLICY CONTEXT

Designation applicable to site:
Public Right of Way
Outside Built Up Area Boundary
2km Buffer for SSSI

Article 4

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

SDSP2	SD SP2 Built-up Area Boundary
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
HERDM1	HER DM1 Listed Buildings
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

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

Clymping Neighbourhood Plan 2015 Policy CPN14 Traffic and the Environment

Clymping Neighbourhood Plan 2015 Policy CPN9 Protection of Natural Habitats

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, 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

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 the proposal would obstruct a public right of way and does not propose a scheme for surface water drainage which complies with the sustainable drainage hierarchy.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site is outside the built up area boundary, and is in the countryside for the purposes of planning policy. Arun Local Plan (ALP) policy SD SP2 seeks to concentrate development within the existing built up area and ALP policy C SP1 resists development within countryside, other than for the operational needs of agriculture. In considering the previous application, CM/14/22/PL, the proposal was considered to comply with ALP policy EMP DM1 which addresses the provision of employment land. ALP policy EMP DM1(6) states that planning permission will be granted outside of the built up area boundary where the proposal is for an appropriately sized extension of an existing commercial premises. The application seeks to extend the existing caravan storage area which benefits from permission under CM/14/22/PL, and the application accords with ALP policy EMP DM1. The proposal is acceptable in principle subject to compliance with the relevant development plan policies.

DESIGN AND VISUAL AMENITY

ALP policies D DM1 and D SP1 state that planning permission will be granted where development meets amongst other criteria, the highest standard of design, providing a high quality living environment in keeping with the character of the surrounding area. The site is in a semi-rural location, with some areas of agricultural land, residential housing to the south and the Rudford Industrial Estate to the north east. Whilst the site was formerly in agricultural use, the site is located within close proximity of various other land uses, including industrial uses. The expansion of the industrial use would not be out of keeping with the character of the surrounding area.

The additional area of caravan parking is to the north of the approved caravan storage area. The area measures approx. 73m by 14m and is an area of tarmac. The caravan storage area is well screened, and is not visible from Horsemere Green Lane or Church Lane. The storage area is visible from neighbouring properties to the south of the site.

No additional operational development is proposed as part of this application, and the extension of the tarmacked area for parking is not considered to have a significant additional impact on the area.

The storage area is already in situ, and does not harmfully impact the character or appearance of the wider area in accordance with ALP policies D SP1 and D DM1.

NEIGHBOURING RESIDENTIAL AMENITY

ALP policy D DM1 states new development should have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. QE SP1 states the Council requires development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity.

The site is in close proximity of Church Barn Farm to the east and Church Farm Cottages to the south. Whilst the caravan site would be visible in longer views at first floor level and may also be glimpsed at ground level in winter when there is less vegetation, the increase in the area occupied by caravan storage would not result in a loss of outlook which would have an unacceptable detrimental impact on the amenity of neighbouring occupiers. The extension to the storage area does not bring the development

closer to residential neighbours, and the impact of the extension will not be substantially greater than that of the portion of the site which currently benefits from planning consent.

The increase in caravan parking is not expected to result in any significant increase in vehicle movements to and from the site as confirmed by WSCC. The increase in the size of the storage areas would not generate significantly increased levels of noise or disturbance, and the proposal remains in accordance with ALP policy QE SP1. Nevertheless, a condition will be attached to restrict the hours when caravans can arrive or depart from the site, to ensure continuity with the permission granted for the southern portion of the site and safeguard the residential amenity of neighbouring occupiers.

The application would not harm the amenity of neighbouring occupiers in accordance with ALP policies D DM1(3) and QE SP1.

HERITAGE

The site is to the east of a Grade II listed building known as Church Farm Barn. The Conservation Officer was consulted however, no response has been received. The comments provided on the previous application stated that the development resulted in less than substantial harm to the listed building due to the impact on its setting. This harm was identified as being at the lower end of the spectrum of harm considered less than substantial. In this instance, it was considered that the provision of caravan storage as a service to the public outweighed the harm caused by the development. As the use as caravan storage in this location has now been established and the application is for an extension to the part of the site which already benefits from planning permission, which would encroach no closer to the heritage asset than the existing storage area, the harm associated with this proposal is likely to be lesser than that associated with the previous proposals.

On this basis, the assessment of the heritage harm would be the same or more favourable than that made for the previous application. The application may result in some additional harm to the setting of the listed building, however this would be less than substantial and at the lesser end of this spectrum. The harm would be outweighed by the provision of additional caravan storage. The application is in accordance with ALP policy HER DM1 and paragraph 215 of the NPPF.

HIGHWAYS AND PARKING

The vehicular access arrangements are the same as the existing. In addition to the extension of the caravan storage area, the application proposes changes to the layout of the caravan parking within the site. WSCC Highways raise no objection to the proposed parking space layout or to the development in terms of its impact on the wider highway network.

Concerns have been raised about safety at the junction of the site and the junction of Church Lane and Horsemere Green Lane. WSCC Highways confirm there is no evidence that the junctions are currently operating unsafely or that the proposal would exacerbate any known safety concern. The proposed extension to the site is not likely to result in any significant increase in vehicular movements and would not have any unacceptable impacts on highways or parking, in accordance with ALP policy T SP1 and Clymping Neighbourhood Plan policy CPN 14.

PUBLIC RIGHT OF WAY

ALP policy T SP1 seeks to promote the use of sustainable transport, and states that development will be supported where it is incorporated into the District's green infrastructure network and gives priority to pedestrian and cycle movements. ALP policy T DM1 states that new development must ensure ease of movement and prioritise safe pedestrian access, and contribute towards the provision of a joined up Public Rights of Way network.

The definitive legal line of footpath 175 runs through the area of land currently used for caravan storage,

which enclosed by a metal palisade fence. The legal line of the footpath is obstructed by the development for which permission is sought. Comments from WSCC PROW indicate that they object, as the development obstructs the footpath and no application has been made to formally divert it. Whilst it is acknowledged that there is an alternative route which pedestrians may take, this alternative route has no legal basis. No details of the alternative route have been provided as part of the application, although an indicative plan has been provided by WSCC.

Whilst the objection to the application due to its impact on the PROW could be overcome through a successful application to divert the footpath, at present the application proposes to obstruct the footpath and does not provide an adequate alternative route. The application fails to contribute to the provision of a joined up PROW network, and does not prioritise pedestrian access and routes, in conflict with ALP policies T SP1 and T DM1. The application conflicts with NPPF paragraph 105, which states that planning decisions should protect and enhance public rights of way and access.

FLOOD RISK AND DRAINAGE

The site is at high risk of ground water flooding (>75%) and there are some areas which would be at risk of surface water flood accounting for climate change along the northern boundary of the site. The application was not accompanied by a flood risk assessment as required by ALP policy W DM2 and the NPPF. However, as the proposal is for an area of land for caravan storage, the vulnerability of the site is not increased and this conflict is not considered harmful in this instance.

The Council's Drainage Engineers object to the application due to insufficient information regarding surface water drainage. Their comments indicate that the application does not provide any information about the proposed surface water run off location, and it is therefore not possible to assess whether the development will affect flood risk. Due to variable ground conditions and infiltration potential in Climping, infiltration may be feasible in some areas, but high groundwater in other areas renders it unviable.

If infiltration is unviable, other surface water drainage destinations would need to be considered in accordance with the SuDS hierarchy. Whilst there are alternative run off destinations which may be viable, in the form of a culverted Ordinary Watercourse and public highway drains controlled by WSCC in reasonable proximity of the site, no evidence or permission has been provided to confirm whether discharge to any of these drainage systems would be permitted, or whether they have sufficient hydraulic capacity.

The application contains insufficient information in relation to several other aspects, however these are considered to be less fundamental, and the information could be requested via condition and assessed at a later stage.

The application does not identify and evidence an appropriate destination for surface water run off from the site. On this basis it is not possible to assess whether the proposal will increase flood risk on the site or elsewhere, in conflict with NPPF paragraph 181. The application fails to propose a drainage strategy which follows the sustainable drainage hierarchy in conflict with ALP policies W SP1 and W DM3.

ECOLOGY AND BIODIVERSITY

The application is for retrospective permission and is exempt from statutory biodiversity net gain. The additional area which has been tarmacked was not vegetated, and it is not considered that the works undertaken have had an unacceptable impact on biodiversity or ecology.

SUMMARY

The proposal obstructs a PROW, and therefore fails to protect and enhance the PROW network in conflict with paragraph 105 of the NPPF, and ALP policy T DM1. No details of the PROW were submitted with this application, and whilst an alternative route may be present on the ground, this route has no legal

basis.

The application also does not contain any information regarding the destination of surface water run off from the site. In the absence of sufficient information confirming that the site can be sustainably drained, it is not possible to assess whether the proposal will increase flood risk on site or elsewhere. The application conflicts with paragraph 181 of the NPPF and ALP policy W DM2.

There are some very minor economic benefits to the proposal but these are outweighed by the strong reasons for refusal. For these reasons, the proposal is considered to conflict with the Development Plan and the application is therefore recommended for refusal.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

REFUSE

- 1 The application has not been accompanied by any information which identifies the destination of surface water run off. As a result, it has not been demonstrated that surface water runoff from the site would be appropriately managed, or that the proposal would not increase the risk of flooding on site or elsewhere. The scheme fails to follow the sustainable drainage hierarchy. The proposal is contrary to Arun Local Plan Policies W DM3 and W SP1, and the objectives of the NPPF and NPPG relating to flood risk and sustainable drainage.
- 2 The proposed development obstructs a Public Right of Way and the application has not proposed the re-routing of the Public Right of Way via an appropriate legal mechanism. The proposal fails to protect or enhance the Public Right of Way in conflict with paragraph 105 of the NPPF and Arun Local Plan Policy T DM1.

- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. It has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. The Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.