

Recommendation Report for Planning Permission

REF NO: CM/71/21/PL

LOCATION: The Arundel Gardener and Maidenhead Aquatics
Crookthorn Lane
Climping
BN17 5SN

PROPOSAL: Retention of timber cladding to side (west) and rear (south) of mail building, lychgate to west of main building, timber cladding to generator housing & block paving and concrete slabs/ replacement concrete slabs (resubmission following CM/38/21/PL). This application may affect the setting of a listed building & is in CIL Zone 5 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Retention of the following: - Horizontal timber cladding to the west & rear elevations of the main building. This is to eaves height on the south side but also includes the gable on the west elevation. - A (dark stained) timber lychgate on the northern elevation of the enclosed area west of the building west of main building - approx. 3m high. - Horizontal timber cladding to the generator to the rear (south) of the main building essentially creating a small building with a footprint of approx. 2.6 by 3.9m. - Block paving and concrete slabs on the south and west sides of the main building.
SITE AREA	0.4469 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Post and rail style fencing to road frontage.
SITE CHARACTERISTICS	Established small plant centre and aquatics shop with car parking adjacent to road frontage. Single storey buildings with timber clad elevations. The car park area is hard surfaced with clearly defined spaces. The works sought by this permission have already been implemented.
CHARACTER OF LOCALITY	The area is rural in character with sporadic linear development to the south. Land to the east and west of the site is predominantly undeveloped agricultural land.

RELEVANT SITE HISTORY

CM/38/21/PL	Retention of timber cladding to side (west) & rear (south) Withdrawn
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of main building, Laying new shingle to existing made ground, lychgate to west of main building, timber cladding to generator housing & laying block paving and concrete slabs/replacement concrete slabs. This site may affect a listed building & is in CIL Zone 5 (Zero Rated) as other development. 09-11-21

CM/34/21/PL	Change of use of part of site to car wash including siting of cabin and canopy. This application may affect the setting of a listed building & is in CIL Zone 5 (Zero Rated) as other development.	Refused 01-09-21
CM/20/20/PL	Use of site approved for tent pitches (CM/7/18/PL) to be used for caravan/motor home camping and tent pitches and associated changes to approved layout.	ApproveConditionally 25-08-20
CM/30/18/PO	Application to modify a Planning Obligation dated 16/01/2006 under planning application CM/40/02/ to allow for additional use as a pet shop	Approve 25-01-19
CM/27/18/PL	Part change of use of farm shop (sui generis) to include sale of pet shop goods (A1 Retail)	ApproveConditionally 25-01-19
CM/16/18/PL	Development of a 64-bed Specialist Dementia Care Centre together with access, parking & landscaping (Use Class C2). This application is a Departure from the Development Plan & affects the setting of a Listed Building.	Refused 15-11-18
		Appeal: Allowed+Conditions 21-01-20
CM/16/21/PL	Convert existing on site storage to picnic area with fast food Cafe. This application may affect the setting of a Listed Building. This application is in CIL Zone 5 (Zero Rated) as other development.	ApproveConditionally 22-07-21

The site has an established use as a farm shop with aquatics centre. The latter was granted by CM/27/18/PL which added such retail uses to those already granted by CM/40/02 (items necessary for the running of a household, Bakery, Butchery and Greengrocery).

To the south and east of the site, permission has been granted for a 64 bed care home in a two storey building. This will be accessed from the existing access onto the A259. Further to the east, permission has been granted for a campsite under CM/20/20/PL.

Permission has recently been granted on the area to the far west of the buildings for a fast food outlet under reference CM/16/21/PL. A recent application for the car wash business that was running from the north west corner of the site (in the car park) was refused in September 2021.

CM/38/21/PL was withdrawn. This application is similar but has deleted the shingle to the south west corner of the site. It was considered that the extension of the site into formerly open countryside outside of the site's curtilage, was harmful to the setting of the adjacent Grade II Listed Building and the use would also be harmful to the amenities of the occupiers of said Listed Building.

REPRESENTATIONS

Climping Parish Council - No Objection.

3 Objections:

- The area at the back of Baird's Farm Shop was not used for commercial use. Hard standing has now been added so that this area can be used for retail. Bright security lights and lantern lights have been added.
- The strong lights at the rear of the building are turned on at 6am and off at 6pm. This has severely affected the enjoyment and use of the neighbouring 'The Cottage'.
- There is a strict covenant on what can be sold as this is an agricultural building. Now many items not related to farming are sold within the building, including mirrors, ornaments etc. It is necessary to ensure that the changes being requested are not used to justify a change of use from a farm shop to general retail.
- To date, the shingled area is still in place without planning permission.
- The timber cladding on the west and south sides of the main building and on the generator housing makes the building and its site stand out visually from its rural setting, in contrast to the original green metal, agricultural-style building which was in keeping with the site's former use as a farm shop.
- Allowing further distractions to traffic is irresponsible and a risk to public safety.
- Timber cladding on this scale increases the fire risk to the commercial use of the site. Fire issues need to be given serious consideration.

COMMENTS ON REPRESENTATIONS RECEIVED:

The resident comments are noted and considered in this determination but it should be noted that this proposal is solely for retention of those items listed in the application description section above. Therefore, it is not appropriate to assess the application with respect to the other businesses on the site and increased traffic/highway safety. It is accepted that the land on which the hardstanding has been laid was not previously made ground.

The planning obligation agreed in connection with CM/30/18/PO related solely to the nature of the business (aquatics sales). The fast food building is considered to be sufficiently far enough away from the main garden centre building so as not to be a fire risk other than in the most extreme circumstances.

Timber cladding on buildings within a rural area would not be out of keeping with the character of the area or the visual amenities of the locality. Stabling which is a common feature in the countryside comprises timber boarding and the use of timber is therefore appropriate in this location.

The retention of the unauthorised shingle area is being investigated as a planning enforcement case.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection.

It is noted that this is a variation from a previously refused scheme, which has removed elements which were of concern from a heritage perspective. This consists of the gravelled area to the east of the Listed Building. A review of the site has identified that new fencing has now been installed on the boundary with the Listed Building. However, I understand that, whilst on the current and previous plans, this did not require planning permission and therefore is not part of this application.

The plans indicate that it is only the western and southern elevations which are to be clad in the timber. This timber cladding improves the previous metal sheeting and is therefore acceptable as are the lychgate to west of main building and timber cladding to generator housing.

The application does not cause harm to the significance of the heritage asset or its setting. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The fencing indicated on the plan as being to the curtilage of the Listed Building is not subject to this application. It has been separately approved through CM/52/21/DOC although it should be noted that such fencing could be erected under permitted development rights due to it not being within the curtilage of the listed building and no higher than 2m.

POLICY CONTEXT

Designation applicable to site:
Outside Built-Up Area Boundary;
Strategic Gap (Littlehampton to Middleton);
Class A Road;
Lidsey Treatment Catchment Area;
2km of Clymping Beach SSSI;
Adjacent to a Grade II Listed Building;
CIL Zone 5; and
Current/Future Flood Zone 1.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
EMPDM1	EMP DM1 Employment Land: Development Management
HERDM1	HER DM1 Listed Buildings
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP3	SD SP3 Gaps Between Settlements

[Clymping Neighbourhood Plan 2015 Policy CPN4](#) Protection of existing commercial premises or land

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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 relevant policies of the Clymping Neighbourhood Development Plan are referred to in this report.

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 not be harmful to visual or residential amenity or the setting of the Listed Building.

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.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, 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 is considered to be in accordance with this as it will not adversely affect the setting of the Listed Building.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the Arun District currently comprises the Arun Local Plan 2011-2031 ("ALP"), the Clymping Neighbourhood Development Plan adopted in December 2015 ("CNDP") and the West Sussex Waste and Minerals Plans.

ALP policy C SP1 states development in the countryside outside the BUAB will be permitted if it is for certain types of development or is in accordance with other policies in the Plan which refer to a specific use or type of development. In this case, the proposal is for alterations to an existing permitted use and does not result in any loss of countryside. The shingle area which extended the curtilage of the site into a former green area and thus enlarged the hard surfaced area of the site does not form part of this proposal. The proposal is therefore compliant with policy C SP1.

It is relevant to consider ALP policy EMP DM1 (9) as it allows for new farm shops subject to certain criteria comprising effect on any nearby village shops, the areas character and appearance and the local highway network. None of these are adversely affected.

CNDP policy CPN4 allows for the upgrade or extension of existing employment sites. The pre-ambles states that the intention is to help local businesses to remain viable. However, such improvements must not lead to an unacceptable impact on the amenities of nearby residential properties and must not compromise the character of the area/openness of the countryside. For reasons that are set out later, the proposals comply with this policy due to the lack of harm to visual and residential amenity.

Overall, the proposal is in compliance with ALP policy C SP1, EMP DM1(9) and CNDP policy CPN4.

SETTLEMENT GAP POLICY:

ALP policy SD SP3 states development in Strategic Gaps will only be permitted where it meets certain criteria. The proposal complies with the policy as the works concern an existing permitted use and existing built development and none of these are considered to undermine the separation of settlements or compromise the integrity of the gap. In addition, the works must be located here as they relate to an existing business operation.

HERITAGE:

The site lies adjacent to and within the setting of a Grade II Listed Building. ALP policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings.

Para 194 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance any harm with the level of public benefits associated with the proposal.

Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 must also be considered

and the wording of this is set out above in the "Development Plan Background" section.

The applicants have not provided any assessment of heritage and so the comments of the Council's Conservation Officer are based on his own assessment. These comments are set out in full on the Council's website and summarised above. In short, the Conservation Officer considers that the proposal will not cause harm to the Listed Building and its setting. Taking this advice into account, in accordance with para 195 of the NPPF, and given the scale, position and nature of the alterations proposed it is agreed that the proposal is acceptable in terms of its impact on the setting of the Listed Building. It therefore accords with the guidance, with ALP policy HER DM1 and with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

DESIGN & CHARACTER:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality. CNDP policy CPN 11 also seeks high quality design.

The Arun Design Guide is a material consideration and section Q discusses rural development which sets out the need for development to integrate into the landscape setting, respect rural character and use simple, unobtrusive design.

It is considered that the alterations to the existing building and to the existing sales areas adjacent to it are positive and improve the appearance of the existing built development. They do not adversely affect the character of the site and its immediate rural surroundings and there is no conflict with any of the relevant policies including ALP policy D DM1.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires that there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires that all development contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity.

The proposals are not of a scale or adjacent to any residential curtilage such that they would adversely affect neighbouring residential amenity. As such, therefore is no conflict with ALP policies D DM1 and QE SP1.

SUMMARY:

It is recommended that the application be approved 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 and Block Plans 12-043-1 Reva
Proposed Block Plan and Roof Plan 21-043-2 b
Existing/Proposed Elevations 21-043-a

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1of 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.