Recommendation Report for Planning Permission

REF NO: **EG/23/14/PL**

LOCATION: Springfield Nursery
Barnham Road
Barnham

PROPOSAL: Windbreak for Plant Protection.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed windbreak will stand at 3 metres in height and will be erected along an 80 metre
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Approximately 1.8 metre high timber fence alongside eastern site boundary.
SITE CHARACTERISTICS	The site is used for horticultural purposes. There are open air planting areas on the northern parts of the site with glasshouses and polytunnels set back towards the southern end of the site.
CHARACTER OF LOCALITY	The site is located outside of the built-up area although there is residential development to the north and east of the site. A housing development is currently under construction at the former Brooks Nursery site, which is immediately to the east.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:
None.

One letter of support: Would like to see the nursery remain and thrive in its current location. The windbreak seems necessary given the nature of the adjoining development. Current planting and screening vegetation along Barnham Road should be maintained in order to minimise visual impact.

Comments on Representations received:

Noted. The landscaping along Barnham Road will not be affected as a result of the proposal.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Outside Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA11	Local Gaps
	DEV3	Horticulture
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		D DM1 Aspects of Form and Quality D SP1 Design SD SP3 Gaps Between Settlements

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the

NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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

The proposed windbreak will be installed alongside existing 1.8 metre high timber fencing which marks the edge of the housing development currently being undertaken at the former Brooks Nursery site. Although situated outside of the built-up area, the fencing will be positioned on an established horticultural site, close to existing buildings, and will not obstruct views over open countryside. It will therefore not appear as an isolated form of development within the rural environment nor will it erode the local gap maintained between Eastergate and Barnham.

The fencing will extend along the rear gardens of properties located on the new housing development adjacent to the site and will not be significantly higher than the existing timber fencing along the rear boundaries of those properties. As such, it is not considered that it will appear overbearing or cause undue levels of overshadowing towards properties on the development.

It is therefore recommended that the application is 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 for 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 it has been determined that its approval would result in a neutral impact 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).

As such, there is no requirement for mitigation measures to be implemented.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby approved shall be carried out in accordance with the following approved plans:-

2712-001;
2712-002;

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

3 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.