

Recommendation Report for Planning Permission

REF NO: EG/74/17/PL

LOCATION: Woodfield Farm
Wandleys Lane
Eastergate
PO20 3SE

PROPOSAL: Change of use of barn to hobby storage (B8 Storage or Distribution) or vehicles.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The barn is to be used for storage of 5 vehicles as a hobby use. The vehicles would be militarised civilian cars, Hummers, Scout Cars and utility vehicles. Vehicles would access the barn via the shared access lane from Wandleys lane and it is predicted there will be two vehicle movements per month in the summer months.
SITE AREA	0.26 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	South boundary is mainly low level wire and post fence (approx. 1m), 2m wall to south of barn, 1.6m wall to north boundary. 1m wire and post fence to east boundary and to either side of access lane.
SITE CHARACTERISTICS	Large detached agricultural/cattle storage barn with concrete hard standing to all sides. The barn is accessed by a lane which joins to Wandleys Lane and runs between Woodfield Place and Nuthatch and past Woodfield Farm which is also in the ownership of the applicant. The barn is part of a larger farm site made up of fields with a pond and farmhouse. There is another large agricultural storage barn opposite the application unit which is open to the east side.
CHARACTER OF LOCALITY	Rural. The area is formed of agricultural land, woodland with a travellers site and some low density detached residential properties.

RELEVANT SITE HISTORY

EG/49/82	Extension To Existing Cattle Shed & Silo Barn & Proposed General Purpose Farm Building	Approve Conditionally 26-05-82
----------	--	-----------------------------------

EG/53/16/PL	Greenhouse & customer parking area. This application also lies within the parish of Walberton.	ApproveConditionally 01-02-17
EG/73/90	Farm Cottage as agricultural dwelling	Approve 12-11-90
EG/73/87	Outline Application for one farm cottage - residential agricultural dwelling	Refused 14-12-87 Appeal: Allowed 20-09-88

The cattle shed (to be converted) was extended following grant of planning permission with conditions in 1982. The shed was previously used for cattle rearing as part of Woodfield Farm. This permission included this condition:-

"In the event of the buildings for which permission is hereby granted, ceasing to be used for agricultural or horticultural purposes, as defined by section 290(1) of the Town and Country Planning Act 1971, they shall be demolished and removed from the site and the land reinstated to the satisfaction of the Local Planning Authority within three months of the cessation of such use or within such extended time as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within a rural area where, in accordance with structure plan policy, development unrelated to the essential needs of agriculture and/or forestry would not normally be permitted."

It was clear from officer site visits that all barns are partially still used for agriculture and horticulture but this application seeks to regularise the use for storage (B8) which has been on going for some time. Should this application be granted approval it would allow the use of the whole barn as B8 as the extension is covered by the above condition and would negate the condition for the extension. The condition would still be in place for the open storage barn which does not form part of this application.

More recently a greenhouse with customer parking was granted conditional permission on Woodfield Farm to the west of the cattle barn although construction on this is yet to commence.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

An objection. The parish council is concerned that the change of use applied for would leave the area with a potential business use, for example commercial warehouse facilities. This would be out of keeping with the rural environment and could lead to increased traffic in a dangerous location. The council asks that any permission granted should incorporate specific use by the owners for personal property of their own. It is considered that any development should be strictly contained to existing buildings to prevent encroachment onto agricultural land.

Walberton Parish Council

Walberton Parish Council supports the objections raised by Eastergate Parish Council in respect of this application.

13 additional letters of public representation received. 11 objecting on the grounds of:-

- Barns are not suitable as a use on a farm
- Proposed vehicles are too wide for the shared access and will have a detrimental impact on residential amenities of Nuthatch and Woodfield Place through noise disturbance
- Wandleys Lane cannot take vehicles of this size
- The farm should continue to be used for agriculture and the storage of military vehicles is not appropriate
- Proposal is contrary to condition included on permission for barns on the site under EG/49/82 which states that the barns should be removed if not used for 3 months for anything other than agriculture.
- Permission EG/53/16/PL should be implemented correctly before submitting another application
- The change of use for the barn will be for commercial storage of military vehicles to be used in movies
- Legal easement for use of shared access does not allow non-agricultural vehicles to be taken across the access.

2 letters of support point out that:-

- The use of the shed will be for hobby storage of vehicles and none for commercial use.
- That only the open side barn would have to be removed if not used for agricultural use.
- Some of the types of vehicle that are and will be stored in the barn.
- The barn was used by the previous owners for more than 10 years for the storage of hobby vehicles, also.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

The application is not for commercial use of the building. The applicant has stated the permission to be a personal permission in line with Parish Council request but this is not considered appropriate. The application states the 5 vehicles will be stored within the middle barn.

The legal easement is not a matter that can be considered under a planning application.

Other issues raised by representations will be addressed in the Conclusions section of this report.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)
Environmental Health
WSCC Strategic Planning
Southern Water Planning
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC strategic Planning (Highways)

The application seeks approval for change of use of agricultural barn to B8 storage of militaria. It is

understood that equipment and vehicles to be stored in the barn are not for commercial use but we still request details on what sort of vehicles these are including weight and frequency of these being taken to events etc. We appreciate the intention for the private use however it must be considered that Wandleys Lane is subject to a 7.5 ton weight restriction. What type and how many vehicles will be stored and how often are they to be taken out? Can they safely access the site; is the width of Wandleys Lane and the private access road suitable for this? In order to provide a thorough highway safety assessment on this we request further details on these specifics.

With regard to the existing access point we note that the vehicle visibility splays have been drawn incorrectly from the edge of the carriageway. Nevertheless, an inspection of our own mapping, which includes extent of publically maintained highway, splays in excess of 43m can be achieved from 2m back into the access. The LHA are satisfied that no apparent existing visibility issue at this point of access or any evidence to suggest that the access has been operating unsafely. Nevertheless the width and weight constraints on the nearby road network must be taken into account and thus further details as described above should be provided.

Please ask the applicant for this additional information and re-consult.

WSCC strategic Planning (Highways). Second comment:-

Following our site visit and additional information from the applicant regards the type and frequency of vehicle movements at the site I wish to provide the following additional comments:

We are aware of the previous beef rearing agricultural use at the site that could see a number of daily movements with its current agricultural permission. The proposed use as private storage for military vehicles is not anticipated to cause a 'severe' increase in vehicular movements to and from the site. Wandleys Lane is subject to a 7.5 tonne weight restriction except access and the heaviest vehicle identified by the applicant does not exceed this.

On site we observed that the lane did have informal passing places and we do not consider, taking in mind the frequency of vehicular movements with the proposed use, that this will cause a highway safety or capacity concern. We also observed that Wandleys Lane afforded good forward visibility and vehicle speeds were in the region of 30 mph with light levels of traffic.

From an inspection of our highway boundary mapping and observations on site, we would not raise any concern with available visibility upon exiting the site or along Wandleys Lane. It would be difficult to substantiate that the proposals would cause a residual detrimental impact on the safe operation of the public highway and the proposals are therefore in line with paragraph 32 of the National Planning Policy Framework. The LHA consider that there are no transport grounds to resist the application.

If you are minded to approve the application, you may wish to enforce a personal permission whereby any approved B8 storage use is personal to the applicant to prevent future use of an open commercial B8 use at the premises, without an additional planning permission.

Southern Water

Please apply standard informatives.

Drainage Engineers

No response.

Environmental Health

No response.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

Southern water informatives will be imposed.

No response from Drainage Engineers is noted. The application is for change of use only, no additional building work is to take place that could increase surface water run-off.

POLICY CONTEXT

Designation applicable to site:
Outside of the built up area boundary
Lidsey Treatment Catchment Area

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
QE SP1	Quality of the Environment
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1

Applications for new development must meet the local drainage requirements

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5

Quality of design

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6

Contribution to local character

Barnham & Eastergate Neighbourhood Plan 2014 POLICY EE3

Support for new commercial uses

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The development is considered to comply with relevant Barnham & Eastergate NDP policies EE3, ES1, ES5 and ES6.

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 has 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 or pose highways safety issues.

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

PRINCIPLE OF DEVELOPMENT & PRINCIPLE OF CHANGE OF USE

The site is located outside of the built up area boundary where the principle of development is unacceptable in most instances. However, the application is for change of use of an existing barn and no new built development is proposed under this application.

The principle of change of use to storage of hobby vehicles is considered acceptable for the barn. Whilst it is located outside of the built up area boundary, the barn already exists and forms part of the wider workings of the site as a agricultural and horticultural farm. The vehicles to be stored at the barn would not be significantly different in size and operation to those that would be required for horticultural and agricultural use of a farm site. Furthermore, it is not considered that the change of use of this building only would impinge upon the general use of the site as a working farm as the open barn will continue to be used for farm use.

Whilst Barnham & Eastergate policy EE3 seeks to resist new B8 uses in commercial use, the application is not for the use of the barn in relation to commercial use but for use as hobby storage. As such, the development is not contrary to this policy.

It is not considered reasonable or necessary for this a personal permission to be granted for this development. Any new owner of the farm in the future will be bound by the conditions and description of development, thus it is not considered that the use of the barn could still be controlled by the Local Planning Authority should it be owned by other persons. Therefore a personal permission is not required in this instance.

Should permission be recommended a condition will be added restricting the use of the barn for storage of maximum 7.5 tonne vehicles in connection to Woodfield Farm. This is considered reasonable as it will prevent storage of vehicles from other sites in the barn which could lead to additional unacceptable amenity impacts from the use and follow the 7.5 tonne limit of the adopted highway Wandleys Lane.

The principle of development and change of use is considered to be acceptable in compliance with saved policies GEN2, GEN3 and not contrary to Barnham & Eastergate NDP policy EE3.

The impact of the use on the surrounding area will be discussed later in this section.

IMPACT ON VISUAL AMENITY

No physical changes to the building are proposed by the application. As such there will be a very limited impact on the visual amenity of the area and surrounding countryside in compliance with saved policies GEN7 & GEN3 and Barnham & Eastergate NDP policies ES5 and ES6.

IMPACT ON RESIDENTIAL AMENITY

Neighbouring residential amenity will not be impacted physically by the development as no physical changes are taking place.

The use will see vehicle movements of vehicles to be stored along the access lane shared with Nuthatch and Woodfield Place. As such, there is an increase in the level of noise and disturbance owing to the use of the access. However, it is not considered the additional vehicle movements (estimated to be 1 or 2 times a month, in summer months) and intensification of the use of the access would be significantly higher than the use of the site as a fully functioning farm, only. Thus it is not considered that use realistically leads to a harmful impact on the residential amenities of Nuthatch or Woodfield Place. For example, a large truck may be required to move produce from the farm and this is considered to be larger than the vehicles which have been shown to be stored in the barn. Given this and the projected small movements of the vehicles to be stored, furthered by the lack of WSCC highways objection to the use of Wandleys Lane for the vehicles; it is not considered that the change of use and associated use of the access lane would lead to a detrimental impact on the residential amenities of Nuthatch or Woodfield Place or other nearby residential properties.

The development is considered to be acceptable in terms of impact on residential amenity in compliance with saved policy GEN7.

HIGHWAYS

There has been no objection to the development from WSCC who are the highways authority for the district.

The Highways Officer noted the previous use of Woodfield Farm as a beef rearing agricultural farm which would have seen a number of daily movements along the lane; and did not feel the use causes a 'severe' increase in vehicle movements to and from the site. It was also stated that the heaviest vehicle to be store does not exceed the 7.5 tonne weight limit and the access to Wandleys Lane has good forward visibility and acceptable visibility splays. As stated in "Principle of Development & Principle of Use" a condition allowing only vehicles of up to 7.5 tonnes in weight will be imposed which ensures highways safety.

The development is considered to be acceptable in terms of impact on Highways and highways safety in compliance with saved policy GEN7.

FLOOD RISK

The development does not add any physical development to the site and as such would not create any additional surface water run off which could lead to flooding. The site is located in Flood Zone 1, in an area at low risk from flooding from fluvial sources. The development is not considered to create flood risk or be at significant risk of flooding in compliance with saved policy GEN9 and Barnham and Eastergate policy ES1.

The development is considered to comply with the development plan and is recommended for conditional permission.

HUMAN RIGHTS ACT

FOR APPROVAL

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 use hereby approved shall operate in accordance with the following approved plans:-

1440/17/P/01

1440/17/P/02

1440/17/P/03

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

- 2 The barn shown on approved drawing 1440/17/P/03 and Block Plan of 1440/17/P/02 shall be used for the storage of vehicles of 7.5 tonnes or less and other items connected to the occupiers of Woodfield Farm, Wandleys Lane PO20 3SE only.

For the avoidance of doubt and in the interests of highways safety residential amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 **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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 4 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.