

PLANNING APPLICATION REPORT**REF NO:** FG/144/10/**LOCATION:** North Barn Nursery
Littlehampton Road
Ferring**PROPOSAL:** Replacement agricultural dwelling and garage.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Proposal is a resubmission of an unimplemented planning permission for a 2 storey agricultural dwelling and garage.
SITE AREA	0.17 hectares
RESIDENTIAL DEVELOPMENT DEN	6 dwellings per hectare
TOPOGRAPHY	Slight rising ground up from the road, mostly flat. On base of Highdown Hill.
TREES	Poplar trees planted in row formation approximately 5m high to rear of glasshouse and along side boundary.
BOUNDARY TREATMENT	Side boundary trees and wire fencing. To rear open picket fencing and paddock beyond. Fencing 1.8m close boarded to rear area of mobile home.
SITE CHARACTERISTICS	The site is a grass area situated adjacent to the chicken houses and chicken runs. To the front of the site are the greenhouses which grow horticultural produce.
CHARACTER OF LOCALITY	Rural location north of the A259 with Highdown Hill to the rear. The adjacent site (Vinery) has a large house which is constructed virtually in line with the proposed site with another dwelling (MacIntyres) beyond that. Touring caravan next to parked cars adjacent to occupied mobile home.

RELEVANT SITE HISTORY

FG/49/99/	Outline application for one dwelling to replace mobile home for agricultural worker	Refused 14-07-1999 Appeal: Allowed 03 12 1999
FG/30/01/	Erection of glasshouses & potting/packing sheds	Approve Cond 15-06-2001

FG/151/03/	Details in pursuance of outline planning permission FG/103/02 for the erection of farm workers dwelling. (This application is a Departure from the Development Plan)	Withdrawn 03-12-2003
FG/111/05/	Replacement agricultural dwelling and garage (Departure from the Development Plan)	Approve Cond 26-10-2005
FG/22/06/	Revised design of dwelling (Resubmission following FG/111/05)	Approve Cond 18-04-2006

REPRESENTATIONS

Representations received:

Ferring Parish Council

Objection: The proposed development would infringe the provisions of policy GEN1 in that it would not enhance the essential character of the area, the general attractiveness and diversity of the landscape and would be outside the designated built up area.

However, the parish is also mindful of the Planning Authority's previous decisions in this matter and if permission is granted it wishes to see previous conditions imposed namely Conditions 3, 4 and 5 as applied to FG/22/06.

Ferring Roads Scheme Association

This is clearly not an agricultural worker's cottage, but a proper residential dwelling nothing to do with agricultural use. This is objectional development on the foothills of the South Downs.

Ferring Conservation Group

Objection: Application is to build a large house on previously undeveloped land outside the built-up area of Ferring.

The justification given is that it is an agricultural worker's cottage, essential to meet the needs of the plant nursery/egg farm because the present mobile home building is dilapidated and must be replaced. However, the proposed building is of a very different character from the one it seeks to replace:

- permanently rather than temporary
- in the style of an Executive Home rather than an agricultural worker's cottage
- located in a much more attractive position

This area between the Littlehampton Road and the National Park is under continuous pressure from industrial, commercial and residential development: every additional building undermines its semi-rural character and provides a precedent for further development. A house which is built for an agricultural purpose can easily be divorced from that purpose when the land changes ownership or use.

The proposed building can hardly be essential as there has been unimplemented planning permission for such a building for the last five years.

We urge that the Council takes a very strict view of what is an essential replacement of the existing mobile home and refuses this application.

2 letters of support

This is a small development to allow the applicant to trade as a traditional nurseryman. Unsavoury characters would dessimate the future of this family business if on site accommodation was not provided. It is important for resident presence to be on site, particularly when livestock are involved. Overall, this is a very vulnerable business and site, especially in the current economic climate, with the impossibility of securing glasshouses as you would a brick building. There are no neighbours close enough to notice anything untoward so any security breaks would go unnoticed.

Comments on Representations received:

Comment on Parish Council Representations

GEN1 is not the only planning policy consideration. Policies GEN3 and DEV7 are also relevant as is PPS7 and the proposal is considered to comply with these. The application is recommended for approval subject to the conditions previously imposed on FG/111/05. The mobile home is occupied by staff. Relatively new hen houses have been provided north of the site and have provided an area 96m x 65m approximately for free range chickens. Additionally, the current owner has erected a greenhouse 70m x 35m in which horticultural produce is grown. This proposed siting would allow constant surveillance of both the chickens and the plants in the greenhouse. The principle of an agricultural dwelling has previously been established on the site. The siting is adjacent to the dwelling in the vineyard adjacent. The site was granted permission in 1997 for a temporary period of 3 years. Following this a permanent dwelling was granted in 1999 on appeal and since then there has been a further permission in 2005. The permission for a temporary dwelling has long since expired and despite permissions going back 11 years no dwelling has been built on site. The application has therefore been submitted with supporting information as required by Annex A of PPS7.

Additional Comments relating to Other Representations

The proposed dwelling has 2 bedrooms and is of a modest size commensurate with the needs of the nursery it is not an Executive Home.

CONSULTATIONS

WSCC Local Development Divis.

Consultations responses received:

County Highways

No objection. There are no proposed alterations to the access onto the highway and there are no anticipated increases in vehicle movements at the site. No anticipated highway safety implications.

Comments on Consultation responses:

Noted

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

Class A Road

Article 4 Direction: To remove all agricultural Permitted Development Rights

Public Right of Way

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN3](#)
[GEN7](#)
[DEV7](#)

Protection of the Countryside
The Form of New Development
Agricultural Workers' Dwellings

PLANNING POLICY GUIDANCE

PPS1
PPS7

Delivering Sustainable Development
Sustainable development in rural areas

POLICY COMMENTARY

The above policies combine to describe the Development Control criteria against which all proposals are determined by the Authority particularly with regard to the effect on the agricultural nursery and countryside.

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 the dwelling is for an agricultural worker with a restrictive condition. The principle of an agricultural dwelling has been established by previously being granted consent at appeal and updated information has been submitted with this application. This application refers to the northward position of the dwelling where it is better placed to view the greenhouses and the flock of free range chickens which are subject of attacks by foxes. The previous owner sited a mobile home to the front of the site adjacent to a limited flock of chickens who were housed in the Nissan Huts. This mobile home which is currently occupied by an agricultural worker are currently monitoring the chickens, and will be removed prior to the occupation of the new dwellings. The proposal accords with GEN3 in that it meets the operational needs of agriculture and with DEV7 and PPS3 as it has satisfied the functional test.

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

The principle of a dwelling was previously established in outline form to replace the mobile home at the front of the site (FG/49/99). Following this approval, the site was sold and the current owner established the growth of plants by the erection of greenhouses to the front of the proposed dwelling. The later application FG/111/05 granted planning permission for a 2 storey dwelling and garage in a revised northerly position. This revised siting is more satisfactory as it allows better surveillance of the chicken flock and the nursery plants.

Functional Test

The functional test was previously accepted and agreed on much less activity than the current agricultural use and this application includes additional, updated information to address this issue.

The applicant has advised that if anything the risks of not being on site are greater now than they were 5 years ago. The applicant has run Lansdowne Nursery since 1975, albeit on a different site for some of that time and the business has been running profitably for 35 years. Turnover has increased in the last 5 years. There is a need to safeguard greenhouse crops from frost, boiler breakdown and vigilance with regard to foxes and chickens. However it is not accepted that it is

necessarily essential to live on site to protect crops from frost or boiler breakdown, alarms and triggers linked to temperature can be fitted. There have been many fox attacks on the site and hens lost to theft. Chicken coop break ins have been violent with several casualties and this causes hens to go off lay which is a serious condition and drastically affects revenue.

Whilst some surveillance is carried out from the existing mobile home visibility of the nursery and chickens is limited by its design and location. The accommodation is also of a temporary nature and is in a poor state repair, nearing the end of its life.

Financial Investment

The applicant has invested in the business since his purchase in 2000. At this time the hens were housed in 9 dilapidated unserviceable inadequate coops. These have been replaced by 2 walk-in coops which are more easily cleaned and are better ventilated with feed and water available 24 hours. The chicken runs have been improved with a new perimeter fence, incorporating an electric fence. 2 new low level structures providing protection against extreme weather have also been provided.

The nursery has also seen investment in plant transplanting machines, pots and tray filling machines and a new irrigation system. The number of boilers has increased from 1 to 3 and the propagating area has also been updated with better equipment and benches. A wider range of plants are now produced. The previous owner of North Barn Nurseries had 1 full time employee, now there are 6 and a part-time worker.

The previous permission FG/111/05 expired on 26th October 2010 so it was still live when the application was received on 24th September 2010. The applicant has advised that due to the recession he has not had the finance to implement permission FG/22/06. Finance is now available and it is intended to start works as soon as permission is granted. The existing mobile home is still utilised and is in a poor state of repair and is not ideally located in terms of safety and maintenance requirements of the nursery.

Visual Amenity and Character

With regard to the size and position of the dwelling and garage these elements are virtually the same as previously approved. The size of the dwelling is commensurate with the needs of the nursery and is comparable to that on the adjoining horticultural site at The Vinery. The design is in keeping with stained weatherboarding elevations and a slate roof reflecting other buildings in the locality. Its location would benefit from existing landscaping and structures which would reduce the impact of the building in its rural setting.

The proposed agricultural worker's dwelling will not have any adverse effects on the countryside as the site is well screened behind the greenhouse and is parallel to agricultural dwellings at the Vinery and MacIntyres. A house of similar size has been granted consent on the adjacent side of the Vineyard in approximately the same location. The 2 bedroom dwelling is considered to be reasonable in terms of its size and commensurate with the needs of the nursery.

Affordable Housing

The application does not warrant contributions towards affordable housing since the dwelling would be subject to an occupancy condition which would lower the market value of the property itself and restrict its resale on the open market.

The application is therefore recommended for approval subject to the following conditions.

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 This permission relates to the following approved plans 06revD, 04revH and 07revA.

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.

- 3 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roof of the proposed dwelling have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the dwelling.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry, including any dependents of such a person residing with him or her, or a widow or widower of such a person.

Reason: The site lies in a rural area where in accordance with Arun District Local Plan policy DEV7 where development unrelated to the essential needs of agriculture and/or forestry would not normally be permitted.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008, the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In order to control the development in the interests of the character and appearance of this building group which is outside the built-up area, as defined, where normally only that development essential in the interests of agriculture/forestry is permitted in accordance with policy GEN7 of the Arun District Local Plan.

- 6 Prior to the occupation of the development hereby approved the mobile home currently on site shall be dismantled and permanently removed from the site.

Reason: The site lies in a rural area where development unrelated to the essential needs of agriculture and/or forestry would not normally be permitted in accordance with GEN3 and DEV7 of Arun District Local Plan and because the application is for a replacement dwelling and two dwellings on the site would not be permitted.

- 7 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and an essential need has been demonstrated and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN3,GEN7,DEV7

SOUTH EAST PLAN:C4

NATIONAL POLICIES: PPS1,PPS3,PPS7

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.