

REPORT UPDATE

Application No: FG/149/14/PL

Reason for the Update / Changes

Reason for Update/Changes: The first paragraph of the officer report 'Description of Application' refers to the garden/log store building having a pitch roof height of 4m dropping to 2.8m this should read 3m dropping to 2.8m. The report has been amended accordingly.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

FG/149/14/PL

Recommendation Report for Planning Permission

REF NO: FG/149/14/PL

LOCATION: Former McIntyre Nursery
Littlehampton Road
Ferring

PROPOSAL: New storage facilities for existing scaffold yard and firewood yard (related to landscaping contractors). Replace structures to be demolished. Resubmission following FG/108/14/PL

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to the provision of 3 structures: a scaffolding store measuring 6m by 5.5m in area with a mono-pitch roof height of 3m dropping to 2.8m; a garden/log store measuring 7.5m by 7.5m in area with a mono-pitch roof height of 3m dropping to 2.8m and a second log store building, measuring 6m by 3.5m with a mono-pitch roof height of 3m dropping to 2.8m. All of the structures would have a lightweight profiled sheeting roof with profile metal elevations.

SITE AREA

0.26 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Fencing and gating to site frontage to approx. 2-3m in height. Tree belt along western

boundary

SITE CHARACTERISTICS

Existing storage structures are clad in polythene sheets, generally white in colour with a makeshift temporary appearance.

CHARACTER OF LOCALITY

Predominantly rural. Former nursery site now in mixed use. Polytunnels to north.

RELEVANT SITE HISTORY

FG/160/05/	Change of use of redundant horticultural packhouse to B1/B8 (Business/Storage/Distribution) use.	ApproveConditionally 15-03-2006
FG/98/08/	Change of use from agricultural to equestrian, erection of stable building, sand school and ancillary works	Refused 01-09-2008
FG/59/10/	Change of use from former agricultural nursery to B8 storage and wholesale supply of fencing and associated materials (This application is a Departure from the Development Plan)	ApproveConditionally 15-09-2010
FG/42/12/	Use of polytunnels for storage	Refused 26-07-2012
FG/108/14/PL	Proposed new storage facilities for existing permitted scaffold yard & firewood yard (related to landscaping contractors) to replace structures to be demolished	Refused 16-09-2014

The site was the subject of an Enforcement Appeal APP/C3810/C/12/2184306. The appeal was allowed in relation to the operations from the site, namely the storage of motor vehicles, scaffolding yard and fire-wood yard.

REPRESENTATIONS

Representations received:

Ferring Parish Council

Objection - The Emerging Local Plan clearly states this area is countryside and agricultural land. Planning application FG/108/14 was recently refused on the basis that this is agricultural land. This application falls foul of the Emerging Local Plan.

3 letters of objection including Ferring Conservation Group.

Inappropriate to a rural area. The area is designated as Angmering strategic gap and is on the edge of the National Park and provides a setting to Highdown Hill. There is no mention of landscape contractors. Scaffolding and firewood have nothing to do with landscape gardening. Unauthorised development in this area should be checked. This creates a precedent for storage shelters for inappropriate materials (scaffolding) in the present and future. Objection on equestrian grounds as inevitable further traffic would hinder equestrian

movements.

Comments on Representations received:

A recent enforcement appeal allowed the change of use of the former nursery site to various uses including a scaffolders' yard and a firewood yard. The use of the site is not therefore an issue and cannot be considered. Impact on equestrian use is not a material consideration.

CONSULTATIONS

Engineers (structural)
Engineering Services Manager

Consultations responses received:

Engineers - No comment

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Outside Built-Up Area Boundary
Class A road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN3](#)
[GEN7](#)

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
Protection of the Countryside
The Form of New Development
D SP1 Design
SD SP2 Built-Up Area Boundary
C SP1 Countryside
SD SP3 Gaps Between Settlements

PLANNING POLICY 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.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton. There are no policies within the Littlehampton Neighbourhood Plan relevant to consideration of this application.

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

PRINCIPLE AND SITE HISTORY

The site lies outside the built up area boundary in a countryside location on a site that has mixed uses. A recent enforcement appeal allowed the change of use of the former nursery site to various uses including a scaffolders' yard and a firewood yard. The use of the site is not therefore an issue. The application has been submitted following refusal of FG/108/14/PL. The scheme has been amended by reducing the height of all of the storage buildings to a maximum of 3m in accordance with appeal Inspector's comments (which are expanded on below).

VISUAL AMENITY

One of the requirements of the enforcement notice was that the shelters constructed from scaffolding should be removed. The proposal includes removal of these structures and reduces the total number of stores on the site and their height and the total floor areas. The appearance of the existing ramshackle units would be improved.

The site does benefit from some screening from other structures and trees which would reduce the visual presence of the structures in the landscape. At the time of the appeal it was noted by the Inspector, para 42, that 'some of the shelters are higher than others and not all are readily visible from public viewpoints to the east and north. This is, part due to tree screening which cannot be relied on to provide mitigation on a permanent basis. At para.59 the comment on visual appearance continues with regard to height 'although the Appellant has suggested a height limitation on external storage of 4 metres. I find that this would be too high to avoid a perception of significant visual detriment from outside the site, despite the presence of permanent structures of similar height and in its vicinity.' The Inspector went on to limit the height of any storage to 3 metres. This proposal seeks permission for a maximum height of 3 metres which accords with this limit and is considered acceptable.

The agent has also stated that the structures are required to reduce the effects of the weather on the materials stored within them. At para 51 of the appeal decision the Inspector stated that he was mindful that the scaffold shelters provide partial weatherproofing for items stored on the site and, to an extent, help to screen the presence of valuable equipment, albeit that they are most unlikely to prove effective as security measures. The appellant specifically states with reference to the scaffolding operation that 'it is not essential for a cover to be placed over the stored items' and in relation to the firewood yard, that storage under cover is 'not essential to the overall operation of the unit' The Inspector considered there was no inconsistency in allowing the mixed use to continue without the presence of these structures. The replacement of the existing structures is not therefore considered essential in relation to the permitted use of the site. However the presence of these structure does screen the materials stored within them from view and the reduced height ensures that they have limited impact on visual amenity. The need to protect the materials from the elements may not be essential but is not considered to result in a materially adverse impact on the appearance of the area.

The site also lies within an area classified in the Emerging Local Plan as a 'Gap Between Settlements'. This policy SDSP3 seeks to prevent coalescence of settlements and retain the generally open and undeveloped nature of the gap. Development will only be permitted if it does not compromise the integrity of the gap, either individually or cumulatively. Given the limited number, position and height of the structures it is not considered that their presence would compromise the integrity of the gap the proposal therefore accords with policy DSDSP3 of this plan. In any event the use and principle of these structures has been allowed on appeal.

Conclusion

The application is recommended for approval 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 (the 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 neutral 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).

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 DHA/10321/10, 12 and 13.

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 to be used for external walls and roof of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

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 Within 1 month of the replacement structures being provided the existing structures shall be demolished and removed from the site.

Reason; In the interests of visual amenity in accordance with policies GEN3 and GEN7 of Arun District Local Plan.

- 5 **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.