

Recommendation Report for Planning Permission

REF NO: FG/41/14/PL

LOCATION: Hangleton Farm
Hangleton Lane
Ferring

PROPOSAL: Application for Removal of Condition 6 imposed under FG/21/12 relating to a caravan or mobile home on the land.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This proposal seeks consent for removal of condition 6 imposed on the original permission for a foaling unit (FG/21/12) to allow retention of a mobile home on the site for occupation by the site owner. Condition 6 states 'At no time shall a caravan or mobile home be sited on the land.'

Reason: To safeguard the visual amenities of the locality in accordance with policies GEN3 and GEN7 of Arun District Local Plan.

The home has a footprint of 4m by 10m.

SITE AREA

0.65 hectares

RESIDENTIAL DEVELOPMENT DENSITY

N/A

TOPOGRAPHY

Predominantly flat. Land slopes down hill from north to south.

TREES

None of any significance affected by the proposed development. Eastern boundary trees approximately 6m high.

BOUNDARY TREATMENT

Surrounding area consists of a mixture of post and rail fencing and open boundaries. Trees to eastern and southern boundary.

SITE CHARACTERISTICS

Wide track from A259 to Highdown Hill between paddocks. Public footpath runs along its length. Footpaths are also present to the east and north of the site. To the south west is Lansdowne Nursery. Work on the construction of the foaling unit has started on site and a mobile home is on site and occupied by the owner.

CHARACTER OF LOCALITY

Predominantly rural. Vineyards to south. Highdown Hill and gardens to north

RELEVANT SITE HISTORY

FG/26/09/	Foaling unit, livery stables and 1 no. mobile home. (Re-submission following FG/68/08/)	Refused 20-05-2009
FG/84/09/	Foaling unit, livery stables.	ApproveConditionally 07-10-2009
FG/104/10/	Siting of a temporary security guard caravan and storage container to enable building work to be carried out	ApproveConditionally 14-10-2010
FG/45/11/NMA	Application for a non-material amendment following a grant of planning permission FG/84/09/ to move the disabled wc and la	Approve 28-04-2011
FG/43/11/	Amendment to planning approval FG/84/09/ - to increase size of building	ApproveConditionally 28-06-2011
FG/21/12/	Amendment to planning approval FG/43/11 - Increase size of foaling unit and livery stables building.	ApproveConditionally 26-04-2012

REPRESENTATIONS

Representations received:

Ferring Parish Council

Objection - The condition was that 'At no time shall a caravan or mobile home be sited on the land'. This condition must remain in place.

Should this application be accepted the concern will be that further applications will come forward, this will become the precedent and it could allow unauthorised building without further reference to the planning authority.

Land north of the A259 at Ferring is agricultural land, it is imperative that this remains the case. It is also important to highlight that any such development in this area is inconsistent with the agreed local plan.

Ferring Conservation Group - Objection. The condition is still required and is still valid. The applicant wishes to establish a caravan which he will seek to replace with a permanent dwelling. No case was put forward for a dwelling being necessary for the foaling unit. It would be contrary to policy.

Comments on Representations received:

Comment on Parish Council comments: The retention of the mobile home would not set a precedent. The need for the owner to live on site while the foaling unit is constructed is specific to this particular site. This type of development is usually permitted development. Permission is required in this particular case because permitted development rights have been removed by condition.

Comment on other representation: The application is not for a permanent dwelling on the site. Should an application for this be submitted in the future it would be considered on its merits at that time.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary
Right of Way

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN3](#)
[GEN7](#)
[DEV5](#)

Built-up Area Boundary
Protection of the Countryside
The Form of New Development
Horse Related Development

[Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections \(February 2014\):](#)

SD SP2 Built -Up Area Boundary
C SP1 Countryside
EQU DM1 Equine Development

PLANNING POLICY GUIDANCE

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

Planning History

The provision of a mobile home on this site was previously refused as part of FG/26/09. The later application FG/21/12 was approved following revisions to this earlier refusal which included deletion of the mobile home. However, permission was granted for the provision of a security guard's caravan under FG/104/10. At the time of consideration of FG/104/10 the applicant contacted Sussex Police Force for advice and was referred to the specialist rural crime unit of Thames Valley Police. They advised that experience has shown that the only fully effective deterrent to criminals is for a someone to be on a site during non-working hours. The applicant's insurers, The National Farmers Union, would only offer building insurance cover if acceptable security arrangements were in place. This permission was not implemented. The application now being considered relates to accommodation for the site owner who is providing site security and is supervising and undertaking some of the construction works for the approved foaling unit.

Justification for the Proposal

The applicant has advised that it is essential to protect tools and materials from theft and damage, particularly overnight. Allowing the owner to live on site provides the necessary security.

The owner is also Project Managing the build and is fully involved in the construction works carrying out all first fix carpentry work and assisting other trades.

The issue of site security has been acknowledged previously with the approval of the security guard caravan under FG/104/10 on 14-10-2010. This application is effectively a renewal of the previous lapsed permission for the security guard's caravan which was never implemented.

The applicant is hopeful that the majority of the construction works will be completed by the beginning of October.

Visual Amenity

The site lies outside the built up area boundary at the foot of Highdown Hill. The structure is of limited size and single storey and necessary to facilitate the implementation of planning permission FG/21/12. To allow its provision for a limited period during the course of construction would be reasonable and would have no adverse effect on the visual amenities of the locality or the rural character of the area. The site is well screened with a mature belt of trees along the eastern side of the site.

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 mobile home hereby permitted shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, within 1 month of the foaling unit, granted permission under FG/21/12, becoming commercially active.

Reason:

The Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow the development for a limited period in accordance with policies GEN2 and GEN3 of the Arun District Local Plan.

- 2 The development hereby approved shall be carried out in accordance with the following approved plans AS.548.1H, AS.548.11E and AS.548.15A

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 All planting, seeding or turfing comprised in the details of landscaping approved under FG/21/12 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 4 No external lighting shall be installed without the prior written approval of the Local Planning Authority

Reason: To safeguard the visual amenities of the locality in accordance with policies GEN7, GEN33 of the Arun District Local Plan.

- 5 No feed, hay or equine paraphernalia shall be stacked or stored on the site except within the building hereby approved by the Local Planning Authority under FG/21/12 .

Reason: To safeguard the visual amenities of the locality in accordance with policies GEN3 and GEN7 of the Arun District Local Plan.

- 6 **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.