

REPORT UPDATE

Application No: FG/45/15/PL

Reason for the Update / Changes

Reason for Update: To delete reference in the application description to access through the exiting car park

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/45/15/PL

Recommendation Report for Planning Permission

REF NO: FG/45/15/PL

LOCATION: Hangleton Nursery
Hangleton Lane
Ferring

PROPOSAL: Change of use of land from agricultural/compost production to B8 Storage. This application is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal seeks a change of use of both the land and existing buildings to B8 storage. It is intended that between 70 - 100 vehicles will be stored on the site. The number of vehicles stored will peak during the new registration months of March and September. The site will be accessed from Hangleton Lane. The cars will be delivered to the site by an 11 car transporter.

SITE AREA

0.867 hectares

RESIDENTIAL DEVELOPMENT DENSITY

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Close boarded fencing at approximately 1.8m in height along the western boundary with a tree line and fencing above 2m in height along the northern boundary. Walling part of which is in flint and trees above 2m in height along the eastern and southern boundaries

SITE CHARACTERISTICS

The site is mainly devoid of structures and the majority laid in concrete hardstanding. There are aggregate piles situated towards the northern and eastern boundaries of the site. A number of metal storage containers are positioned along the western boundary

CHARACTER OF LOCALITY

Predominantly residential in character in a rural setting. There is a car sales garage to the south which has recently been extended and a farm to the east. Greenhouses and horticultural uses exist to the north. The dual carriageway stretch of the A259 to the south. Hangleton Lane passes the site to the west which is a rural road and becomes a footpath and bridleway to the north providing access to Highdown Hill and the South Downs National Park.

RELEVANT SITE HISTORY

FG/110/88	A range of nine multispan glasshouses with galvanised steel support structures and aluminium glazing bars	ApproveConditionally 11-07-1988
FG/62/97	Demolition of existing lean-to extensions and conversion of existing offices with single storey extension to form two bedroom detached dwelling (for Manager).	Refused 02-12-1997
FG/51/98/	Glasshouse (No3 phase 2)	ApproveConditionally 28-10-1998
FG/50/98/	Glasshouse No2	ApproveConditionally 28-10-1998
FG/49/98/	Glasshouse (No 3 - Phase 1).	ApproveConditionally 28-10-1998
FG/21/99/	Temporary use of land for storage of cars.	Refused 23-04-1999
FG/154/10/	Application under Regulation 3 of the Town and Country General Regulations 1992 for continued use as a facility for production of compost from green waste for a temporary period of 2 years as previously approved under FG/62/03 which expired 30th June 2006. (This application will be determined by WSCC).	No Objection 10-11-2010

FG/162/14/PL	Change of use from agricultural/compost production (Sui Generis) to B8 (Storage or Distribution) (resubmission following FG/127/14/PL). This application is a Departure from the Development Plan.	Refused 23-12-2014
FG/93/78	Erection of 5 glasshouses for horticultural use	ApproveConditionally 16-08-1978
FG/90/80	Glazed extension of existing greenhouse to provide covered way	ApproveConditionally 16-07-1980

Permission has recently been granted for additional car parking for Peugeot dealership under FG/134/13/PL - Demolition of existing single storey dwelling, construction of paved display and parking forecourt, with associated landscaping and lighting which was approved conditionally on 15-01-2014.

REPRESENTATIONS

Representations received:

Ferring Parish Council

OBJECTION FROM FERRING PARISH COUNCIL

*In the Arun Local Plan, it states that the Gap on the north side of the A259 is to be protected from such development. This site is knowingly used for agricultural use and not for a storage or distribution facility. This application is inconsistent with the Local Plan and is a contradiction to the Ferring Neighbourhood Plan.

*Would have an impact on the infrastructure of the A259. Additional traffic to and from the site, will have to exit onto the already congested A259. A transporter vehicle will almost certainly need both lanes of the dual carriageway which is not acceptable.

*Will cause unacceptable impact on the local environment and neighbouring residential properties.

*The site is agricultural land. Previous comparable planning applications for both this site and at nearby site have been refused on the basis that this is agricultural land. The planning application falls foul of the Local Plan and is completely unacceptable.

OBJECTION FROM KINGSTON PARISH COUNCIL

*Loss of agricultural land and countryside. The proposed change of use would be detrimental to the open rural character of the area.

*Loss of environmental amenity. Increase in noise and environmental damage.

*Erosion of the Settlement Gap. The site is within the Angmering to Worthing Gap in the Emerging Local Plan. This change of use would be contrary to the Gap policy and threatens the integrity of the Gap.

*Impact on infrastructure. The development would have an unacceptable impact on the infrastructure of the area. Additional traffic to and from the site including large transporter vehicles would materially add to existing road congestion.

OBJECTION FROM FERRING CONSERVATION GROUP

*Proposal is contrary to the Ferring Neighbourhood Plan.

*There is no special justification for allowing this commercial development unrelated to the needs of agriculture as is required in both the current (saved) Local plan and the new Local plan submitted to the Planning Inspectorate earlier this year.

*Traffic implications of daily deliveries into Hangleton Lane with a car transporter from a road

safety point of view.

9 LETTERS OF OBJECTION

- *The site is an agricultural site and located on the edge of the scenic National Park area. Car storage would be totally inappropriate and further erode rural features.
- *Congested A259 would be made worse. Would involve larger vehicles accessing a small lane off the A259, will cause traffic delays on a road which is already heavily congested.
- *Should be located on a designated industrial site.
- *Greatly impact the agricultural nature of the area. Application is no different to previous refusal except that there is now a very large car transporter. It is clearly intended to store cars there which will be totally inappropriate.
- *Contrary to the Angmering Gap policy which seeks to preserve the area and prevent unsuitable development.
- *No permission has ever been sought for an industrial wasteland. Greenhouses were smashed down last summer. Traffic has increased by at least 50%. This used to be a quiet country lane.
- *Detrimental impact on the property Florence Villa from noise, dust and pollution.
- *The swept path analysis for the transporter is incorrect in that it is inevitable encroachment onto the outside lane of the A259 when turning into Hangleton Lane is not shown. This is potentially very dangerous on this road where traffic is often moving at 70 mph.
- *There are 75 horses at Hangleton Farm Equestrian Centre and 8 at WADARS which can exit there to cross the A259 for Ferring beach and Ilex Way. There is enough random traffic to cope with on a horse or pony leaving the lane without the intrusion of a transporter 19m long. These long vehicles will grossly interfere with the tranquillity of residents in the remaining bungalow, White Cottage and Florence Villa.

8 LETTERS OF SUPPORT

- * Vehicles will be handed over with minimal mileage on the clock, instead of several trips to and fro for valeting and current storage.
- * on site vehicle deliveries and valeting can take place more efficiently with reduced movement of vehicles along the A259.
- * Majority of the area is currently derelict and would make sense to consolidate the existing business operations for Yeomans.
- * The land behind appears to be used for storage and is also occupied by vehicles therefore a similar usage will not cause problems in this location.
- *Would improve space for parking and turning.
- *Will help support a local business.
- *The site is vacant and has not been used for many years and is not used for agriculture.

Comments on Representations received:

Comments noted. The issues being raised are discussed in the Conclusions section of this report. Part of the site is currently used for unauthorised storage and is being investigated by the planning enforcement section

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

Consultations responses received:

County Highways - The proposal is to change the use of the previous authorised agricultural/compost production business to B8 storage for 70-100 cars utilising the existing Yeoman's Peugeot dealership access onto the A259. The A259, Ferring Road is a dual carriageway providing access and has a 50mph speed limit.

The agricultural/compost production business generated between 8-10 HGV movements per day using the main access off Hangleton Lane, and as such the area has experienced a frequent number of large vehicle movements. The proposed storage compound will create 1 trip per day by an 11 car, car transporter and 20 individual vehicle trips.

The dealership currently experiences deliveries of cars to the site, and the creation of the storage compound will provide a dedicated area for the transporter to park and turn enabling the transporter to off load the cars away from the highway, which could otherwise lead to un-safe parking on the A259.

Swept path diagrams have been provided to show this vehicle can enter and exit the existing access in forward gear. WSCC acknowledge the swept path diagrams show encroachment into the second lane of the dual carriageway, on both entry and exit. However, immediately before the access is a Pegasus crossing and right hand turn into Langbury Lane which could aid the slowing of traffic, and equally provide longer windows of time for the transporter to exit safely. Visibility appears to be very good and clear although it is not known from the plans provided what current level of visibility can be achieved. It is considered that given the size of the vehicle there is an emphasis on all road users to use common sense and good judgement before entering the highway, or crossing the road.

An interrogation of the road traffic casualty and collision database reveals there has been one accident in the vicinity of the access, but not at the access, in the last three years. This involved a cyclist and a motorcyclist using the right hand turn lane into Langbury Lane, and was caused by driver/rider error.

As such WSCC do not raise objection to the proposal, but suggest that the LPA consider including a suitably worded condition placing a limit on the number, and type of movements made from this access.

Environmental Health - No comment

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside the Built-Up Area Boundary
Gaps Between Settlements

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

GEN3

GEN7

DEV8

GEN12

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

Protection of the Countryside

The Form of New Development

Circumstances in which Additional

Development may be Permit'd

Parking in New Development

C SP1 Countryside

D DM1 Aspects of Form and Design
Quality

SD SP3 Gaps Between Settlements

T SP1 Transport and Development

EMP DM1 Employment land:

Ferring Neighbourhood Plan 2014 Policy 7

Development Management
Land north of Littlehampton Road,
encouraging of existing rural businesses

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. Policy 7 ' Land North of Littlehampton Road, encouragement of existing rural business' of Ferring Neighbourhood Plan is relevant.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the rural character of the area and would unacceptably erode the Angmering to Worthing Gap due to its size and nature of use as well as causing harm to the visual amenities of the 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

SITE HISTORY

The permitted use of the site is for horticultural use. There have been four temporary planning permissions for the production of compost as shown in the Site History section of the report. These are regarded as being for horticultural use and consistent with the aims and objectives of a site outside the built up area boundary and policy GEN3. Previous planning application FG/21/99 was refused for the temporary use of land for the storage of cars on this site as it was unrelated to the needs of agriculture. The intention behind the refusal is still considered to be valid, despite the national and local policies changes that have happened since.

The Design and Access Statement within the Design Concept section states that nursery use ceased in approximately 2000 and since then the site has been largely vacant with just the buildings on site being used for storage. However it is not considered to be the lawful planning use of the site as no Certificate of Lawfulness for Existing Use (CLE) has been submitted to demonstrate and prove this on a balance of probabilities. This claim therefore carries no weight insofar as this application is concerned. The permitted use of the site as shown in the site history is one of well established agricultural/horticultural use.

This application differs from FG/46/15/PL in that the site area is smaller since only one access into the site is proposed.

POLICY PRINCIPLE

The site is located outside the built up area boundary where the principle of new development is unacceptable unless it complies with relevant Local Development Plan policies, in this case policy GEN3. This policy seeks to protect the countryside for its own sake, unless it (i) meets the needs of agriculture, forestry, the extraction of minerals or the deposit of waste. The proposal for B8 storage of vehicles clearly does not meet these criteria. It also do not meet the remaining criteria listed in policy GEN3. However, there is reference under (v) in policy GEN3 of the Local Plan for any new development outside the built-up area to be in accordance with a policy in Sections 2 and 3 of the Local Plan referring to a specific use or type of development. It is considered that within Section 3, policy DEV8 applies as it concerns 'Circumstances in which additional development may be permitted - Local Firms'. This is discussed in more detail in the relevant section below but the proposed scheme also conflicts with this policy.

Policy GEN3 also states that planning permission will not be given for the extension of isolated groups of buildings or the consolidation of linear or sporadic development unless the proposal accords with criteria (i), to (iii) or (v). It is considered that the site would extend and consolidate linear development within the rural area and fails to meet policy GEN3(i)-(iii) or (v).

GAPS BETWEEN SETTLEMENTS (POLICY SD SP3, EMERGING LOCAL PLAN)

The site lies within the defined Angmering to Worthing Gap as set out in policy SD SP3 of the Emerging Local Plan. Development will only be permitted if it (a) would not undermine the physical and/or visual separation of settlements (b) it would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development; (c) it cannot be located elsewhere. It is considered that the proposal by its nature for vehicle storage and size of area involved would harmfully undermine the integrity of the Gap by eroding the permitted horticultural use and rural appearance of the site, especially when viewed from Hangleton Lane.

FERRING PARISH NEIGHBOURHOOD PLAN 2014 - 2029

The application site is within Policy 7: Land North of Littlehampton Road within the Neighbourhood Plan. The proposal is considered contrary to Policy 7 of the Ferring Neighbourhood Plan as it fails to continue agricultural, horticultural or horse-related uses in the area. The policy accepts the existing mix of agricultural, horticultural and equestrian business uses are suited to this location and it supports their need to maintain viable operations to provide employment in the Arun District.

POLICY DEV8 CIRCUMSTANCES IN WHICH ADDITIONAL DEVELOPMENT MAY BE PERMITTED - LOCAL FIRMS

This policy refers to local firms currently located within the District, in this case Yeomans Peugeot which according to information submitted has a compound in Angmering and a Ferring dealership and showroom, the latter being located to the south of the application site. The existing dealership enjoys a recent permission to expand its operation under reference FG/134/13. A case cannot therefore be made under policy DEV8(i) that the premises carried out an investigation of alternative sites for the proposed use of the land to further expand the Yeoman's dealership.

In addition policy DEV8 requires the proposal to (ii)(a) exhibit a high standard of design and layout and (d) relate sympathetically to and protect the surrounding built or natural environment.

The site is enclosed by fencing, walls and trees which provides a level of screening in the local area. However, with the number of vehicles being stored on the site at between 70 - 100 would have an unacceptably adverse impact on the rural landscape and is considered to not sympathetically relate to and protect the surrounding built or natural environment. The proposal would lead to a sizeable expansion of existing car-related activities in the immediate locality with the Yeomans car dealership to the south with associated forecourt parking and the recently approved planning permission FG/134/13 for further expansion of 27no. parking spaces in relation to this business. This application was recommended for refusal but approved by the Council at Development Control Committee.

The proposal is therefore considered to conflict with policy DEV8(ii)(a),(d).

DESIGN AND VISUAL AMENITY

The application is for the storage of vehicles numbering 70-100 in association with the Yeomans Peugeot Garage to the south. The current appearance of the site is largely vacant land with aggregate piles. The excessive number of vehicles at a maximum of 100 and a harmfully large

area for vehicle storage at approximately 5788 sq m with access leading from the rural road of Hangleton Lane which ultimately leads up to a bridleway and the South Downs National Park, would unacceptably adversely alter the rural character of the area. The size of the B8 use, even with fairly low intensity traffic movements, in a countryside location would cause unacceptable harm to visual amenities. It would be harmful to the rural setting of the area since it shows further development beyond the existing linear development to the north of the A259.

It is therefore considered that the proposal is unacceptable in design and visual amenity terms.

RESIDENTIAL AMENITY

The use of the site for vehicle storage would involve motor vehicles being delivered to the site by car transport companies who use an 11 car transporter according to the Design and Access Statement submitted with the application. There will also be an average of one transporter delivery and 20 car movements per day. This level of activity is not considered to cause harmful levels of disturbance to residential amenity. The proximity of the property Florence Marina in Hangleton Lane to the access road is close but this is an existing access and is unlikely to operate at unacceptable levels, especially if the hours of operation at the site can be controlled by way of a suitable condition. A comparable if not greater level of activity would result from the lawful horticultural use of the site

The property of no. 1 Littlehampton Road to the south is set at a comfortable distance away from the site and buffered from the proposed access road by existing car spaces for the existing Yeomans dealership. The proximity to the A259 already creates a certain level of disturbance and it is considered that the use would not cause any greater harmful residential effects on this or any other property in the immediately surrounding area.

It is therefore considered that the proposal is acceptable in residential amenity terms.

HIGHWAYS AND PARKING

West Sussex County Council Highways department have no objection to the proposal in terms of highway safety and request the imposition of conditions restricting the number of vehicles and type of movement.

The application follows refusal of FG/162/14/PL and includes sufficient information to address the earlier concerns of County Highways.

SUMMARY ON PLANNING POLICY

The proposal for the storage of vehicles (B8 use) outside the built up area and inside a defined Gap with long established approved horticultural use is considered to be contrary to policy in principle. The further expansion of the built environment within the rural area continues to be regulated by both national and local policies and is critical in protecting its character.

It is therefore recommended that the application be refused for the following reasons.

HUMAN RIGHTS ACT

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The application site is located outside the defined built up area where the countryside is protected for its own sake and is within the defined Angmering to Worthing settlement Gap. The proposed use for vehicle storage which is unrelated to agriculture or other activities associated with rural activities would significantly and unacceptably erode its rural, open and spacious character and extend and consolidate the amount of linear development alongside the northern carriageway of the A259. The proposal is therefore contrary to policies GEN3 and DEV8(ii),(a),(d) of the Arun District Local Plan., Policy 7 of Ferring Neighbourhood Plan and policies C SP1, SD SP3 and EMP DM1 of the Emerging Local Plan and the National Planning Policy Framework.
- 2 **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 with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.