

Mr J A Collins.
DHA Planning Ltd.
Eclipse House
Eclipse Park
Maidstone
ME14 3EN

Your Ref: OWPC18431
Our Ref: FG/52/18/PL 26-03-2018
Please ask for:
Mrs A Gardner

29th May 2018

Dear Sir/Madam

Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015

Amendments to design approved under FG/95/16/PL, polytunnels, outdoor growing beds, tree nursery, storage & welfare facilities for a horticultural enterprise.

Quercus Nursery Littlehampton Road Ferring

Thank you for your internet representation made on 25th May 2018 which has been recorded as '**an objection**' with the comments as follows:

Representations on application FG/52/18/PL in respect of proposed expansion of activities at Quercus Nursery

Our representations in this case cover two separate issues that go to the heart of whether or not the development proposal can be considered acceptable. The first is whether the large scale of operation can be undertaken without harm to residential amenity and the second to whether or not the business is actually operating in the way the applicants stated it would.

Having assessed the proposals carefully we must OBJECT STRONGLY for the following reasons.

In explaining our strong objections to this case we place on record that we do not consider the description that has been used to accurately reflect what is actually proposed. The reality is that the proposal practically doubles the size of the polytunnels that were previously approved, albeit the proposal is retrospective.

The reality is that the Applicants built a much larger facility than was originally permitted and have not operated in the way they said they would.

The scale of the facility and the way it operates is already causing significant harm to local residents.

While we appreciate that the Countryside is an appropriate place for horticulture we have a very significant concern that the existing operation is already causing regular sleep disturbance and significant loss of amenity to residents.

At present there is no hours of use condition on the operation. Notwithstanding the fact the applicant stated that the business would operate during the daytime; nighttime deliveries are a regular occurrence.

Local residents are regularly being woken by deliveries arriving in the middle of the night and by the associated activity. This is entirely unacceptable and completely contrary to the content and spirit of the policies as set out below.

On the basis that the current operation is giving rise to harm it is clear that the proposed retrospective application and "amendments", cannot be satisfactorily accommodated without harm arising.

In this respect the fact that the polytunnels are already constructed and the operation in place at the scale proposed means that the actual impacts can be assessed based on the actual level of activity taking place.

There is clear evidence of harm.

In short the proposal has led to harm to amenity and resulted in regular incidents of sleep disturbance.

It is clear that this is contrary to policies CSP1, EMP DM1 (6) (h), HOR DM1 (h).

In evidence of the existing problems we can confirm that formal complaints have previously been made to the Environmental protection Team.

As officers will be aware, the test in this case relates to the T and CP Act where the test is simply one of demonstrable harm. This is a lesser test that can be applied under the Environmental protection Act and we must place on record that we expect the Council to work on the basis of a test of "demonstrable harm".

In addition to the above we wish to place on record that a large number of the plants/trees that are delivered to the site are of a size where they are clearly intended to be sold straight on rather than grown on. As a consequence we must request a formal enforcement investigation, including inspection of delivery and sales tickets to determine whether the use taking place is a nursery use or is indeed in large part nothing more than a retail use. If that is the case we must ask the council to consider whether they would have granted a consent on the basis of a "Garden Centre" use. We do not consider such a use to be acceptable.

Unfortunately it is not possible for the council to respond to each representation individually but your views will be considered before the application is determined and I shall write to inform you of any decision made.

If the application is to be determined at the Development Control Committee and your letter has been received after the agenda has been published, you will not receive a separate letter notifying you of the date of the meeting and the procedures for public speaking. In such circumstances, it is recommended that you track the progress of the application on the website or telephone for further information. Please be advised that any comments received after the the Development Control Agenda has been produced will be reported to the meeting. Please also note that only a small number of all planning applications are determined at the Development Control Committee, most are determined by officers under delegated power.

Planning operates an 'open file' policy and will publish details of your comments on the website. Please ensure that you only provide information that you are happy will be made available in this way. If you supply information belonging to a third party, please ensure you have their permission to do so. If you do not wish your comments to appear on the 'open file' please confirm this in writing and I will arrange for it to be destroyed although this does mean that its contents will be disregarded. For details of what we do with your personal information please refer to our privacy statement comments on planning applications which is available on our website <https://www.arun.gov.uk/planning-privacy-statements>.

In the event of a subsequent written representations appeal, against a refusal of planning permission on a householder application, any representations made on the application will be automatically forwarded to the Secretary of State. Unlike all other types of appeal, there will be no further opportunity to comment at the appeal stage.

Yours faithfully

Neil Crowther
Group Head of Planning