

Report of the meeting of the Development Control Post-Committee Site Inspection Panel held on

REF NO: FG/59/10/

LOCATION: Land North of McIntyres Nursery
Littlehampton Road
Ferring

PROPOSAL: 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)

Present:- Councillor Mr Haymes (Chairman), Biss, Bower, Mrs Goad, Mrs Hall, Mrs Hazelhurst, Oliver-Redgate, Mrs Stainton,

Councillor Elkins as Ward Representative

Apologies received from Councillor Mrs Harrison

The planning merits of the application were discussed in detail at the site visit with regard to the impact of the proposal on this rural location together with the type of use proposed and other uses within the near vicinity. Members were given the information that the stock of sales would generally be for the agricultural market and there would be items such as stock fencing, rabbit netting, deer fencing, horse fencing, equine post and rail, farm gates, field gates etc. Members were also advised of the information from the Applicants letter namely that he delivered fencing to the former occupier of McIntyres and that there will be a reduction in vehicles using the site from the former use i.e. 1 lorry as opposed to the 15 to 20 McIntyre vehicles used on a daily basis.

Members discussed in detail the use the existing planting on the boundary which currently consists of Poplars and newly planted Leylandiis and enquired what views can be seen of the site from Highdown. The Members were advised that a Planning Officer had walked the footpath up to Highdown Hill and along and looked back and confirmed that only glimpses of the site can be seen of which this particular section could be seen.

A vote was taken by Members to either accept the recommendation to refuse as indicated within the Agenda but unanimously voted against the Officer's Recommendation of refusal and determined to approve the application subject to conditions relating to landscaping on the northern boundary; storage of all items being no greater than 2.5m in height; the submission of a further plan to show the layout of the site which should include the office/shed on the site for the worker(s); better parking layout; confirmation whether the silo was being removed; and if the current gate position was to remain.

The suggested conditions are indicated directly following the refusal reasons on the attached report.

REPORT UPDATE

Application No: FG/59/10/

Reason for the Update / Changes

Reason for Update/Changes:

Representations

County Highways Consultation Response - Additional information was requested. From an inspection of the plans there are no apparent alterations to the proposal which would change the position of the Highway Authority. Therefore previous comment stands.

County Landscape Architecture - No objections - the site abuts the South Downs National Park, a public right of way passes to the east. Any semi industrial use of the site has potential to affect the quality and character of the landscape. A robust landscape infrastructure would help mitigate this effect. A planting scheme of 5m around the site should achieve this.

Officers Comment:

Noted.

Note: The changes to recommendation, conditions and/or reasons show under Officers Recommendation at the end of the attached report.

Or

Note: The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

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/59/10/

PLANNING APPLICATION REPORT

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SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to store fencing materials on land which is outside the built up area and was formerly an horticultural nursery growing plants.
SITE AREA	0.26 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat. Up on higher ground than the road.
TREES	None of any significance affected by the proposed development. Poplars to the rear.
BOUNDARY TREATMENT	Metal and mesh fencing around the site.
SITE CHARACTERISTICS	Gravelled area within the fenced area on hillside.
CHARACTER OF LOCALITY	Predominantly rural. To the front of the site are greenhouses and polytunnels.

RELEVANT SITE HISTORY

FG/80/00/	Proposed agricultural chalet bungalow & garage (Departure from development plan)	Refused 05-12-2000 Appeal: Allowed 04 04 2001
FG/129/00/	Demolish existing offices and provide replacement offices for McIntyres Nursery.	Refused 03-04-2001 Appeal: Allowed 13 09 2001
FG/160/05/	Change of use of redundant horticultural packhouse to B1/B8 (Business/Storage/Distribution) use.	Approve Cond 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

REPRESENTATIONS

Representations received:

Ferring Parish Council

Objection - the proposal outside the built up area contravenes GEN3 as it is not to meet the needs of the local economy. The access by heavy vehicles along the bridle path would be in contravention of GEN4 and dangerous to users. Lighting would be inappropriate in this area. Additional traffic would be generated if goods are to be distributed to retailers.

Ferring Conservation Group

Objection - departure from the development plan, it is outside the built up area. It is not essential for agriculture or horticulture. The site has a history of unauthorised uses storage of cars. The access is a public bridleway which is for walkers and riders and not for lorries. It would compromise the setting of the National Park.

Ferring Road Scheme Association

Objection - commercial storage is not an agricultural or horticultural use. The site is on the edge of the National park and a public bridleway. The A259 is congested already.

West Sussex Wildlife Protection

Land needs checking for wildlife.

3 Letters of No Objection

The land was used for storage of pots, slabs and fence post relevant to McIntyre business. The access is now a serviceable road with a speed restriction of 5 miles per hour. The hours of business and number of vehicles should be restricted as per the application. It is better than rusty cars. The previous use was not a vineyard, neither is it part of Millwood House.

9 Letters of Objection

Inappropriate to the rural character of the lane. The last use was as a plant nursery. The access is a bridleway not a road. The impact of lorries delivering and taking away would be harmful to the area. The application is a smoke screen to other intentions. The industrial uses springing up on this site is worrying. The use is not similar to the previous use of growing crops or similar activities taking place in the area. Would create a precedent. It is contrary to policy GEN3. The site is not part of the vineyard. The site is close to the National Park.

9 Letters of Support

The land is barren and cannot be used for horticultural purposes. The use is better than remaining empty. Better fencing than travellers on the land. Support local businesses. It is an improvement to existing.

Comments on Representations received:

Noted. The site was originally registered at the wrong site, but was corrected.

CONSULTATIONS

WSCC Local Development Divis.

Environment Agency

Consultations responses received:

County Highways - No objection

It is via an existing access along bridleway 2135. There appears to be no visibility issue onto the A259. The proposed use would not be a material intensification. A plan showing parking has not been submitted, therefore this is required. It is noted that an articulated lorry would visit the site every 4-6 weeks which would exit into the full width of the dual carriageway.

Environment Agency

No objection

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary
Class A Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	GEN16	Public Rights of Way

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS7	Sustainable development in rural areas

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.

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 is considered to be contrary to policy is for the use of the land for the storage of fencing and associated materials in the countryside. Whilst buildings can be converted to B8 use, this is not the case with countryside land which should be protected for its own sake. The proposal would be visually intrusive.

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 site lies outside the built up area boundary on land which previously was a horticultural nursery predominantly growing plants. The proposal is to change the use to a B8 storage use for fencing and associated materials. It is considered that this use would be inappropriate.

History of the Site

The site was formerly the McIntyre nursery. The predominant use was for growing plants in the glasshouses, polytunnels on the land. In association with the use was a pack house (now changed to a B2/B8 use FG/160/05) and also offices which have been taken over by a horticultural company. An agricultural workers dwelling was allowed on appeal FG/80/00, shortly after which time McIntyres declared bankruptcy. The dwelling has been sold off separately (Millwood House) but retains its agricultural restriction. Since the demise of McIntyre several

unauthorised uses have taken place on the site and have been subject to enforcement action in association with the Official Receivers.

Effects on the Countryside

PPS7 Sustainable Development in Rural Areas

This policy document seeks to retain the countryside for its own sake. Development should be sustainable and Local Planning Authorities should ensure the countryside remains an important natural resource to be enjoyed by all. The use of the land for other than an agricultural/horticultural use is considered to be contrary to this policy.

Policy GEN3

This policy states that development is not permitted unless it meets the operational needs of agricultural or diversification, forestry, the extraction of minerals or the deposits of waste. This application does not meet this criteria and is therefore contrary to policy.

Visual Amenity

The site is enclosed behind metal fencing. It is well back from the road, however it can be viewed from Highdown Hill and also from the public footpath. The storage of fencing would therefore represent a significant loss of visual amenity in the countryside. The visual appearance within the countryside would be significantly altered. The former use for the layout of plants before transportation and or small scale rockery material would be materially different from the proposed stacking of fencing materials. This would be a visual intrusion within the countryside.

Residential Amenity

The site is to the rear of the former McIntyre site. It is accessed along the access road which passes an agricultural residential property known as The Chalet. Whilst it is recognised that the former use would have had tractors and lorries toing and froing the site, the noise associated with the loading and unloading of fencing materials would result in some loss of residential amenity.

Agricultural/Horticultural Issues

The land surrounding the site continues to be used for agricultural/horticultural or equine uses. The adjacent site of Millwood House has been significantly reduced in size and in order for their use of cider pressing to develop, it is considered that the land could be utilised to increase their growing capacity and or the Vinery site close by. Therefore the proposed use is not considered to be complimentary with this use. The applicant has argued that some storage took place on the site by McIntyre, the type of storage would have been for plants awaiting transportation or small scale garden rockery, however this is not considered to be in the same vein as this proposed change of use to a predominantly B8 use.

Summary

The site is a former horticultural business whose primary use of the site was for growing plants. The proposed change of use and storage of fencing and associated material is not considered to be an appropriate use of this land. It is therefore recommended that the application is refused for the reasons set out below.

RECOMMENDATION

REFUSE

- 1 The site lies in a rural area and the proposal, being unrelated to the needs of agriculture,

forestry, recreation, the extraction of minerals or disposal of waste, conflicts with policies GEN2, GEN3 of the Arun District Local Plan which seeks to protect the countryside, safeguard agricultural land, and ensure that the amount of land taken for development is kept to a minimum, consistent with the provision of high quality and adequate space within the built environment and to resist the consolidation of linear or sporadic development.

- 2 The proposal would be obtrusive in and damaging to the landscape in that it could be viewed from the public footpath and would be in conflict with policy GEN7 of the Arun District Local Plan.

- 3 THE FOLLOWING ARE THE SUGGESTED CONDITIONS OF MEMBERS AT THE POST COMMITTEE SITE INSPECTION:-

- 4 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).

- 5 Any materials/fencing to be stacked, stored or deposited on the site shall not exceed a height of 2.5 metres.

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

- 6 The development hereby permitted shall not be carried on until trees/shrubs of species to be approved by the Local Planning Authority have been planted along the northern boundary of the site. In the event that any such trees or shrubs die or become seriously damaged or diseased they shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the rural amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.