

REPORT UPDATE

Application No: FP/66/26/PL

Reason for the Update / Changes

Reason for Update/Changes:

The new NPPF was published on 17 August. Policy S5 states that agricultural development in the countryside is appropriate and should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects. This report identifies no adverse effects arising solely from the additional 1.09m of height.

Policy E4 of the NPPF states the sustainable growth of businesses in rural areas should be supported, including through well (a) designed new buildings and (b) development to maintain and enhance farm viability, sustainability, and support domestic food production.

Other relevant NPPF Policies include DP3 "Key principles for well-designed places", TR4 "Street design, access and parking", TR6 "Assessing transport impacts", F4: "Assessing flood risk for decision-making", F5 "The sequential test", F6 "Development in areas at risk of flooding from rivers or the sea", F7 "Ensuring development is safe from flooding", F8 "Sustainable drainage systems and watercourses", and N2 "Improving the natural environment".

The application of these new policies does not alter the policy position set out in the report in that there remain conflicts with policy on flooding, drainage, and biodiversity. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF policies are material considerations but in the case of this proposal more weight is given to the fact that the applicant could without permission revert back to the previously approved scheme which is slightly larger in footprint and only 1.09m lower in ridge height. This is also a material consideration and, in this case, outweighs the development plan and the application of the new NPPF policies.

In addition, two additional objections have been received raising the following issues:

- The barn is up for auction along with only 2 acres of associated agricultural land
- To allow this would set a precedent that people can get away with not following agreed plans.
- Harm to the local landscape and visual amenity.
- The Barn is overbearing to nearby residential properties; and
- No agricultural justification for the additional height.

None of these issues are new and they have already been included in the committee report.

Officers Comment:

There are no changes to the recommendation or proposed conditions.

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 Report for Planning Permission

REF NO: FP/66/26/PL

LOCATION: Rabbit Island
Rear of 84 Brooks Lane
Bognor Regis
PO22 8DN

PROPOSAL: Retention of an existing agricultural barn previously approved under FP/106/23/AG with a total roof height of 3.99m (compared to 2.9m as permitted). This application is in CIL Zone 5 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Retention of agricultural barn permitted by FP/106/23/AG with a ridge height of 3.99m (eaves at 3m) as opposed to 2.9m (eaves at 2.4m) as permitted. The barn's footprint has changed slightly with it now being 30m by 9m (270sqm) compared to 30.4m by 9.1m (276.64sqm) as approved. The application was described as being 4.2m high but following a site survey, the applicant advised that the total height is 3.99m. The difference is marginal, but this explains the references in objections to it being 4.2m high. The barn's design/appearance was not previously required to be approved. It is a rectangular building with 4 No. 2.8m by 3m vehicle openings and 2 No. personnel doors on the front (west). There are also 5 No. rooflights on the western roof elevation (and the same on the eastern). There are no openings in the sides or rear. The barn is clad with metal and coloured dark green. It is used for the storage of hay and associated agricultural plant/vehicles/machinery.
SITE AREA	5.43 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is bordered by the Aldingbourne Rife to the western boundary, and Lidsey Rife to the north (both hereby referred to as 'The Rife'). The Rife's are classified as main rivers. Trees of various species and heights, along with hedgerows border to the site to the east and south, alongside a drainage ditch connecting between the two branches of the Rife.
SITE CHARACTERISTICS	The barn is as existing. The wider land of Rabbit Island is used agriculturally as grazing land and for the keeping of animals. The site is crossed by public footpath FEL/3800/1 which provides a link between Brooks Lane and the Arun Leisure Centre/Felpham Community College. There is another path that provides a circular route around Rabbit Island

(FEL/3801/2). Neither path is affected.

CHARACTER OF LOCALITY

The site is rural in character and is read visually as part of a swathe of open green land between the settlements of Bognor Regis and Felpham which runs between the A259 to the North and the University of Chichester buildings to the south.

The closest dwellings are to the west on the other side of the Rife and are predominantly single storey. To the southeast beyond the drainage ditch and part of a field is the Arun Leisure Centre/Felpham Community College. A railway line lies a short distance to the northwest with commercial & industrial development beyond. The land to the north is an airfield occupied by the Bognor Regis Gliding Club.

RELEVANT SITE HISTORY

FP/54/26/AG	Prior approval under Schedule 2, Part 6, Class A for the creation of a new agricultural track.	No Objection 20-05-26
FP/193/25/AG	Prior approval under Schedule 2, Part 6, Class A for the creation of a new agricultural track.	Objection 08-01-26
FP/201/23/PL	Erection of an agricultural storage barn (revised application further to permission granted under FP/106/23/AG). This application is in CIL Zone 5 (Zero Rated) as other development.	Refused 02-02-24
FP/122/23/PL	Erection of an agricultural storage barn (revised application further to FP/91/23/AG). This application is in CIL Zone 5 (zero rated) as other development, and is a dual Parish application Bognor Regis Town Council.	Refused 18-10-23
FP/106/23/AG	Prior approval under Schedule 2, Part 6, Class A for a new agricultural storage barn.	No Objection 31-07-23
FP/91/23/AG	Prior approval under Schedule 2, Part 6, Class A for a new agricultural storage barn.	Objection 10-07-23

Formerly, the site was open grassland crossed by paths with evidence of previous recreation uses. An agricultural storage barn was approved in 2023 under FP/106/23/AG with a roof height at 2.9m. This followed a previous refusal (FP/91/23/AG) on the grounds that the proposed height (6.7m to the ridge)

was in excess of the 3m limit where a site is within 3km of an aerodrome (Bognor Regis Gliding Club).

Application FP/122/23/PL sought permission for a barn measuring 30.48m by 9.4m and to a height of 6.6m. This was to be additional to that approved by FP/106/23/AG. This was refused on grounds of flood risk, inadequate fire appliance access and harm to biodiversity. A further application (FP/201/23/PL) was then lodged for a barn to replace that approved by FP/106/23/AG. This was to be 30.4m wide by 9.1m deep with a height of 6.7m. It was refused for the same reasons as before. No concerns were raised by the Local Planning Authority (LPA) on either application regarding scale, height, or appearance.

Following these refusals, the applicant decided to implement the FP/106/23/AG consent but built the barn to the wrong dimensions than as permitted. They state this was due to an error and not intentional.

FP/54/26/AG was approved in May 2026 and allowed for the creation of an agricultural track between the existing access and the barn. The track is to be 230m long with a width of 5m and constructed using crushed stone/crushed aggregate.

REPRESENTATIONS

Felpham Parish Council state they object on the following grounds:

- 45% increase in building height which represents a material change to the scale, bulk, and visual impact of the building.
- The additional height makes the building substantially more prominent within the rural landscape.
- No compelling planning justification has been provided to demonstrate why the approved design could not have been constructed or why the additional height is necessary for agricultural purposes.
- Within 105m of an Aerodrome and the barn exceeds 3m. It is not permitted development.
- The flood risk assessment is not acceptable.

In addition, as at 17/07/26, 22 letters of objection have been received raising the following concerns:

- Visual impact and dominance in the landscape.
- No agricultural justification for the barn and no agricultural activity taking place at the site.
- Only equestrian/recreation uses taking place on the land.
- Not permitted development.
- Conflicts with countryside policy.
- Harm to a nearby Aerodrome.
- The land is being advertised for sale as several lots and for various uses
- Enforcement Action should be served.
- Why does the barn need 5 vehicle doors.
- This must be refused as per FP/91/23/AG due to its height and proximity to the airfield.
- No livestock are being kept at the site.
- The applicant states on the form that the land is not part of an agricultural holding; and
- The height of agricultural machinery does not justify the increased height.

COMMENTS ON REPRESENTATIONS RECEIVED:

The objector comments (including those from the Parish Council) are noted and will be considered elsewhere unless discussed below.

- The Parish state that no compelling planning justification has been provided to demonstrate why the approved design could not have been constructed. However, the applicant has stated that that the barn was built taller in error. Whether this is right or wrong, it would not be appropriate to require the

justification requested by the Parish Council.

- It is accepted the barn is not permitted development (PD) hence an application has been submitted.
- Just because the barn exceeds PD tolerances, does not mean it will be harmful to the operation of the aerodrome. The LPA has consulted the Civil Aviation Authority, and it would not be advisable to raise aircraft safety as a concern without their agreement.
- Officers are aware of the recent auction listing. It states that the barn may be suitable for other uses but it also states this would be subject to planning permission being gained.
- The amount of vehicle doors is not a material planning consideration however design and appearance will be considered in the conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY (EA) - state objection in the absence of an acceptable Flood Risk Assessment as the application does not:

- consider how people will be kept safe from the identified flood hazards.
- consider how a range of flooding events (including extreme events) will affect people and property.
- consider the requirement for flood emergency planning including the evacuation of people for a range of flooding events up to and including the extreme event; or
- take account of climate change using appropriate climate change allowances.

WSCC HIGHWAYS - the barn is on private land outside the highway boundary and is located such that it will not affect vehicular visibility at the access. Do not anticipate the development would give rise to a significant material intensification of movements to or from the site. The barn will not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF, and there are no transport grounds to resist the proposal.

WSCC FIRE AND RESCUE - the nearest fire hydrant for the supply of water for firefighting is 360m away, which is 270m further than the 90m distance required for commercial premises. If an alternative water supply for firefighting is to be considered it will need to conform with Approved Document-B (AD-B) Volume 2: B5 section 16 and agreed with West Sussex Fire & Rescue Service.

ADC ECOLOGIST - state have no objection.

ADC DRAINAGE ENGINEERS - object in respect of insufficient information concerning matters of runoff destination, interception drainage, and extreme rainfall/flooding. The applicant has not specified how water will be drained and has not considered rainwater reuse for irrigation. They have not provided calculations for the drainage system.

COMMENTS ON CONSULTATION RESPONSES:

The applicant has stated in response to the EA and Drainage objections that:

- the proposal will not result in further impact to flooding/drainage than that approved by FP/106/23/AG, as it does not include any more hardstanding or sealed surfaces.
- therefore, the impact on flood risk and drainage from the approved baseline is negligible; and
- therefore, there are no reasonable impacts to surface water drainage or the safety of people and property.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built-Up Area Boundary.
- Flood Zone 3a.
- Low potential for high ground water levels.
- TPO/FP/1/21 (affects the southern edge of the site).
- Public Right of Way ref FEL/3800/1 crosses the site.
- Public Right of Way ref FEL/3801/1 circles the edge of the site.
- Area of Special Advert Control.
- Part WSCC Waste Consultation Area.
- ALP designated Biodiversity Improvement Area.
- ALP designated Strategic Gap; and
- Within the 2km buffer of the Bognor Regis and Felpham SSSI's.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
SDSP3	SD SP3 Gaps Between Settlements
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Felpham Neighbourhood Plan 2019-31 Policy CLW6</u>	Local Green Spaces
Felpham Neighbourhood Plan 2019-31 Policy ESD1	Quality of Design
Felpham Neighbourhood Plan 2019-31 Policy ESD5	Surface Water Management
Felpham Neighbourhood Plan 2019-31 Policy ESD9	Protection and Enhancement of Wildlife or Ecological Networks.

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
-------	---

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 conflicts with the relevant Development Plan policies on surface water drainage, flood risk and Biodiversity Improvement Areas.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is material that a barn has been agreed as permitted development and the only reason for this application is that it was built 1.09m higher than approved (or 0.99m higher than permitted development would allow noting that the approved height was 2.9m but permitted development allows for 3m).

It is also material that the barn, as built, is slightly smaller in footprint than the approved scheme (6.64sqm less) and that permitted development rights allow for a much larger building than what was previously approved (up to 1,500sqm ground area subject to LPA approval on matters of siting, design and external appearance).

Should this application be refused then the applicant would still have the benefit of the scheme agreed by FP/106/23/AG and could also reapply for something larger in footprint. It is not possible to consider drainage or flood risk through a prior approval application.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) as retrospective applications are exempt.

CONCLUSIONS

Prior Approval was granted for an agricultural storage barn in 2023 under FP/106/23/AG on the basis that the proposal was in accordance with Part 6, Class A, A.2, (2), (a), (i) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Permitted development rights

would ordinarily allow for a building up to 12m in height and up to 1,500sqm in ground area (albeit subject to LPA approval on matters of siting, design and external appearance) but the LPA determined that the adjacent LEC Airfield was an Aerodrome for the purposes of the General Permitted Development Order (GPDO) and so the barn could only be a maximum of 3m in height.

The applicant then built the barn to different dimensions than the agreed Prior Approval. It is now 1.09m higher than the approved 2.9m and is 6.64sqm less in ground area. Due to the height now exceeding 3m, it was necessary for a retrospective planning permission to be sought.

Whilst this application must be assessed as if it were a new structure, the applicant could without permission revert back (by altering the building) to the approved scheme which is slightly larger in footprint and only 1.09m lower in ridge height. The height difference is not particularly significant, and the height difference has no bearing on the flood related safety of the site or the site's drainage.

Whilst two previous applications for a taller barn were refused on grounds including flood risk and drainage, no objections were raised to their proposed heights (at 6.6m and 6.7m), these applications were made after the approval of FP/106/23/AG (the AG) but prior to the erection of a barn on the site. One of those applications (FP/122/23/PL) was for an additional barn on the site and so it does not directly compare with the current proposal.

The other barn application (FP/201/23/PL) would have replaced the barn approved by the AG. It is accepted that the previous decision is relevant to the current application and that ordinarily the LPA would act in a consistent manner and determine the new proposal in the same manner as before. However, the situation is now different in that the previous refusal was made before the barn approved under the AG had been implemented. It has now been implemented (albeit not in accordance with the approved plans) and reversion back to the approved design represents a realistic fallback position. Should this new application be refused for the reasons stated before then there would ultimately still be a barn on the site, just one that is 1.09m lower in height.

AGRICULTURE USE:

There is significant local objection to the assertion by the applicant that the barn is used for agricultural purposes. However, it is material that:

- The principle of an agriculture barn was previously accepted by FP/106/23/AG. This was on the basis that it would be used to store hay and agricultural machinery for the maintenance of the land.
- More recently a prior approval application for an agricultural track between the barn and the bridge over the Rife was approved by FP/54/26/AG. The applicant confirmed the use of the barn for hay and machinery storage but also advised that animals were being kept on the site and that the site now had the benefit of a County Parish Holding (CPH) number (required for the keeping of livestock) and a Customer Relationship Management (CRM) number identifying the agricultural business.
- The supporting statement to the current application maintains that the site has an agricultural use stating the land is also used for the grazing of horses; and the breeding and keeping of livestock in form of chickens, goats, sheep, and pigs. The barn is now also required to store agricultural equipment, agricultural tools, livestock feed, and veterinary medication, whilst also providing a machinery workshop area, hatching facilities, worker welfare facilities, temporary accommodation for livestock (as and when required), and facilities for winterising the land, equipment, and livestock.
- Should there be a future change to the use of the building or the building is found to not be used for agricultural purposes, then enforcement action may be taken to seek cessation of the non-conforming

use.

It is accepted that horses are grazed on several areas of the land however this is still a grazing use and meets the definition of agriculture in s336 of the Town and Country Planning Act 1990 (as amended):

"Agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly".

Should it become clear that the barn was no longer being used for agricultural purposes then the LPA would be able to take enforcement action against the unauthorised use. The owner could apply for permission for a different use, and the LPA would be able to consider the implications of such an alternative use. The barn building would remain but would only be allowed to be used for agricultural purposes.

PRINCIPLE:

The site is outside of the built-up area boundary (BUAB) in the Arun Local Plan (ALP) and the Felpham Neighbourhood Development Plan (FNDP). ALP policy C SP1 states that development in the countryside will be supported where it is for the operational needs of agriculture. The proposal complies with the policy.

The FNDP designated Rabbit Island as a Local Green Space. FNDP policy CLW6 states proposals for development of land designated as Local Green Space will not be permitted except in very special circumstances. The permitted fall-back position of a barn with a slightly larger footprint and only 1.09m lower is considered to represent very special circumstances thus ensuring compliance with the policy.

LANDSCAPE AND VISUAL IMPACT:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. ALP policy LAN DM1 states development should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. FNDP policy ESD1 states new development must be of high quality and designed to be sympathetic to local design style principles.

The barn has a traditionally agricultural appearance and is appropriate in form and design to its location and setting. The barn is 1.09m higher than as approved and it is material that the LPA previously raised no landscape/visual amenity concerns to the proposed heights of 6.6 or 6.7m. The barn is a significant distance from the nearest residential property (98m) and at this distance, the impact of the additional height is lessened. It is accepted that the barn is closer to the existing rights of way but agricultural buildings in rural areas are appropriate and the additional height will not make the building substantially more prominent within the rural landscape. There is no conflict with policy.

FLOOD RISK:

ALP policy W DM2 requires that proposals in areas at risk of flooding provide a Flood Risk Assessment (FRA), meet the sequential and exceptions tests, provide sustainability benefits to the wider community, demonstrate that the development will be safe and do not increase flood risk elsewhere.

The site is in Flood Zone 3a. The NPPF/NPPG state agricultural buildings are classed as less vulnerable

for the purposes of assessing flood risk. Such development is appropriate in Flood Zone 3a subject to provision of an acceptable FRA and passing the sequential test (ST). Failing to pass (or not undertaking one) a ST is not fatal to a planning determination and the NPPF makes it clear that applications should only be refused automatically where flood risk represents a strong reason for refusal.

This application has not undertaken the ST or provided a suitable FRA. It is material that a barn has been permitted through a prior approval and that the new barn, whilst greater in height is slightly smaller in footprint compared to the approval. Were it not for the 1.09m increase in height (which does not have implications for flood risk), then flood risk would not be under consideration. Whilst there is policy conflict, it would not be appropriate to refuse for this reason.

SURFACE WATER DRAINAGE:

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable urban Drainage Systems (SuDS) as appropriate to the size of development. FNDP policy ESD5 is concerned with development within areas at risk from surface water flooding however the barn is not sited in a part of the site that is at known risk from surface water flooding. The "National Standards for Sustainable Drainage Systems" (NSfS) were published in July 2025.

The Council's Drainage Engineers object on insufficient information to meet the SuDS standards. As with flood risk, it is material that a barn has a prior approval and that the new barn, whilst greater in height is slightly smaller in footprint compared to the agreed scheme. Were it not for the 1.09m increase in height (which does not have implications for surface water drainage as the roof area remains the same), then drainage would not be under consideration.

On this basis, whilst there is a policy conflict, it would not be appropriate to refuse for this reason.

FIRE SAFETY AND ACCESS:

ALP policy T SP1 states schemes should accommodate the efficient delivery of goods and supplies. The NPPF states at para 117 development should allow access by emergency vehicles. The ADG states: "All development should include access routes suitable for emergency vehicles, including fire engines. These routes should be easy to maintain, and applicants may be required to provide appropriate management arrangements."

Two applications were partly refused because there was insufficient information to satisfactorily demonstrate the site could be accessed by fire appliances/other emergency vehicles. Since those applications were determined, the LPA has approved a 5m wide agricultural track between the bridge over the Rife and the barn. WSCC Fire and Rescue raised access concerns in comments on the previous applications. On this application they solely comment on the distance from the nearest water supply (for firefighting). This suggests that they are no longer concerned about access. A condition to address WSCC Fire and Rescue's comments is not necessary as they state the requirement comes from the Building Regulations.

BIODIVERSITY:

The proposal is in a designated Biodiversity Improvement Area (BIA) and ALP policy ENV DM3 states development in such areas shall (a) retain and sympathetically incorporate locally valued and important habitats including wildlife corridors and steppingstones; and (b) be designed in order to minimise disturbance to habitats.

The proposal does not comply with this policy. It is material that it is only the 1.09m extra height that has

led to the need to consider the proposal against this policy. The permitted fallback position would result in an equal degree of harm to the BIA. The Council's Ecologist has not objected. It is recommended the scheme not be refused due to this conflict.

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. FNDP policy ESD9 requires developments be designed to incorporate net gains for biodiversity within and around developments and improve linkages with and to existing biodiversity. The application does not propose any wildlife enhancements. No such enhancements were required for the prior approval scheme, and it would not be feasible given the size of the building and its low eaves height to require bat or bird boxes to be attached. There is potential for birds to access the interiors of agricultural buildings and make their own nests. On this basis, there is no policy conflict.

SUMMARY:

The proposal results in conflict with policies designed to keep people safe from flooding, minimise the adverse effects of surface water drainage and improve areas of biodiversity opportunity. However, the applicant could without permission revert back to the previously approved scheme which is slightly larger in footprint and only 1.09m lower in ridge height. The height difference is not significant such that it results in harm to the character of the location, and the extra height difference has no bearing on the flood related safety of the site or the site's drainage. There are no strong reasons for refusing on grounds of flood risk or drainage and it is appropriate to determine the application for approval in accordance with the material considerations despite the policy conflicts. It is recommended that the permission is granted in accordance with the following conditions. If the application is refused enforcement action to resolve the breach of planning would be authorised.

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 (right to respect 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 the following 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).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This type of development is not CIL liable.

RECOMMENDATION**APPROVE CONDITIONALLY**

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:

1. Location Plan 26/05/26
2. Block Plan 04/06/26
3. Floor Plans and Elevations V2

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies C SP1, D DM1 and QE SP1.

- 2 The building shall be used for agricultural purposes as defined by section 336 of the Town and Country Planning Act 1990 (as amended) and for no other purpose (including any other purpose in Schedules 1 or 2 in the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any other Statutory Instruments revoking and re-enacting that Order).

Reason: The building has been expressly permitted on the basis of its use for agricultural purposes and alternative uses would not be appropriate in the context of the countryside location and the particular characteristics of this decision in accordance Arun Local Plan policy C SP1.

- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.