

Recommendation Report for Planning Permission

REF NO: LU/105/15/PL

LOCATION: Castlevew Nursery
Old Mead Road
Littlehampton

PROPOSAL: Change of use of part existing horticultural nursery to the storage of caravans and/or motor homes

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Change of use of part of an existing horticultural nursery to the storage of caravans and/or motor homes (a maximum of 30). The area is located in the southern part of the nursery to the south of the existing glasshouse. The area is to be U shaped, along the southern and western boundaries of the site and also running westwards to the west boundary from the south west corner of an existing glasshouse on the site.

The application is supported by a Planning Statement which indicates that the proposal does not include any physical changes to the site and that storage will be carried out on land previously laid with hard core/chippings.

Access via a private track leading to Old Mead Road and thereafter access to the wider highway network is to be via the existing Old Mead Road/A284 Lyminster Road junction.

In support of the application the applicant has also indicated that:

The application proposes the use of part of the land at the nursery for the storage of caravans. The site lends itself to this particular use as it is mostly hard surfaced and being of poor grade the land is unsuitable for any other agricultural use. No permanent works are required to accommodate the caravans and therefore the use is one which would not have any permanent impact on the landscape should it cease in the future. It is anticipated that the site could accommodate up to 30 caravans for longer-term storage.

The applicant has owned the land since July 2002. The applicant ran the site as a commercial nursery producing bedding plants, shrubs and hanging baskets. Profit and Loss Accounts exist for the years 2003-2006 during which only two years were in profit (a maximum of £2,429) and two years were in loss (maximum of £1,124). These figures do not include the build costs of the glass house of around £15,000 and the initial purchase of the land which were funded by the applicant. Whilst planning permission had been granted for a larger glass house on the holding the business did not justify the additional cost involved and the scale of the operation would still not be sufficient to compete with much larger growers in the vicinity. The applicant decided therefore to cease trading.

The applicant did not have a wish to see the glass house falling into disrepair and become unsightly and therefore he decided to rent it out at a nominal rent of £200 per month plus £20 for electricity and water as there is little profit to be made from the horticultural use. This barely covers the costs particularly as the applicant carries out all the maintenance. The building has been rented out to an individual growing shrubs on a commercial basis supplemental to their business situated elsewhere.

There has been a material change in circumstances since the appeal decision in 2010 which now justifies approval of the application. The landscaping around the site has grown up shielding it from the views referred to by the Inspector particularly from the south and west. It has also now been demonstrated that this use can now provide an income from the land and enables the applicant to rent out the existing glass house to keep it in productive use as otherwise it would fall into disrepair.

Also the proposal no longer conflicts with policies Area 3 and Area 10 of the Local Plan and furthermore the recently permitted solar park will result in additional landscaping to the

south-west of the application site and form development further into the strategic gap than the application site currently proposes.

SITE AREA

The application site area is approximately 0.17 hectares.

TOPOGRAPHY

The application site is generally flat, although the land falls away towards Old Mead Road. Land rises to west from side of Glenvilla by approximately 1 metre.

TREES

None of any significance are affected by the proposed development. The site is screened on the western and southern boundaries by leylandii (approx 3m to 4m high).

BOUNDARY TREATMENT

See "Trees" above. A large double gate entrance of approximately 12m in width at the access point. To the north, the site is partially screened by a large greenhouse and in addition a 4m to 5m high mesh screen adjoining the glasshouse.

SITE CHARACTERISTICS

The site is flat and screened by boundary planting and glasshouse already described. The land falls away slight towards the east and Old Mead Road. Access is by means of a private track off Old Mead Road.

CHARACTER OF LOCALITY

Rural and horticultural. Open fields to west and south to the railway. There is another nursery to the south east which has a range of buildings. There is a mobile home and residential development to the east on the north side of Old Mead Road.

RELEVANT SITE HISTORY

LU/127/02/	Proposed greenhouses	ApproveConditionally 25-10-2002
LU/436/04/	Proposed glasshouse.	ApproveConditionally 07-12-2004
LU/81/05/	Proposed glasshouse.	ApproveConditionally 26-04-2005
LU/98/09/	Part use of existing horticultural nursery for the storage of domestic caravans.	Refused 09-06-2009

LU/105/15/PL

LU/77/58	O/A caravan site	Refused 15-08-1958
LU/58/61	O/A use of the land as a small holding with construction of a bungalow	Refused 15-05-1961
LU/141/62	O/A erection of det residence for use in conjunction with horticultural holding	Refused 06-09-1962
LU/25/65	Stationing of a caravan for living accommodation	ApproveConditionally 25-03-1965
LU/31/66	Renewal of temporary consent for the stationing of a caravan for living accommodation	Withdrawn 07-03-1966
LU/5/67	Erection of two new greenhouses	ApproveConditionally 10-02-1967
LU/304/70	Details following outline for bungalow	ApproveConditionally 13-11-1970
LU/484/73	Outline application for erection of agricultural dwelling	Refused 10-01-1974
LU/296/75	Details following O/A LU/484/73 for chalet dwelling (agricultural use)	ApproveConditionally 03-10-1975
LU/583/78	Proposed new bungalow dwelling agricultural use	Refused 14-03-1979
LU/241/79	Alternative bungalow design to that passed LU/296/75	Refused 27-06-1979
LU/35/81	Demolition of old glasshouses and replace with aluminium glasshouses	ApproveConditionally 11-02-1981
LU/60/81	Horticultural packing shed and store	ApproveConditionally 04-03-1981
LU/160/55	Outline application erection of bungalow	Withdrawn

Previous planning application LU/98/09/ was refused for the following reasons:

1. The site lies in a rural area and the proposal, which does not contain any justification for the diversification, 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 involve development within the Littlehampton and Arundel strategic gap, which policy AREA10 (IV) requires should be permitted only in compelling circumstances; these are not considered to exist in the present case. The proposal would also be contrary to AREA10 of the Arun District Local Plan.

3. The site lies within policy AREA3 and the storage of caravans would adversely affect views of Arundel and its setting and the proposal is therefore contrary to this policy.

An Appeal relating to the use the site for the storage of caravans and in respect of an Enforcement Notice (APP/C3810/C/10/2126425 & ENF/394/08) was dismissed on 28 September 2010. The Inspector considered the main issue to be the effect on the character and appearance of the area and concluded that the change of use had an adverse impact on character and appearance of the area. The Inspector considered that the flat nature of the site and the highly visible appearance of the caravans meant that the site was highly conspicuous from the railway line, the public footpath and the end of Old Mead Road, although some views of caravans would be set against the glasshouse adjoining. The Inspector considered that from most public viewpoints the use of the site for the storage of caravans would have an adverse impact on the landscape, detracting from views of Arundel Castle and Cathedral and would form an alien intrusion into the strategic gap between the settlements of Arundel and Littlehampton. Whilst landscaping was suggested, the Inspector considered this would take a considerable time to reach an effective height and by existence might create an alien appearance. The Inspector concluded that the use conflicted with policies GEN2, GEN3, Area 3 and Area 10 of the Local Plan.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection but comments that the site is accessed via an unadopted road which is in a poor state of repair and requests the applicant is asked to consider a contribution towards bringing the road up to highway standards.

8 objections have been received (2 from the same objector and another 2 from the same address) on the following grounds:

1) Old Mead Road is unadopted and is already used by cars and vans to gain access to properties 'at the bottom' of Old Mead road. None of these properties pay towards the upkeep of the road, which is already damaged and has potholes. Allowing more vehicles will cause more damage to the road and danger to highway users.

2) The use was previously refused.

3) The nursery use is no longer operated by the owner and is rented out to a tenant. Traffic from caravans has caused problems in the past and vehicular conflicts in respect of access to Southdean Nursery and visibility is poor.

4) There is insufficient capacity for the traffic on Old Mead Road.

5) The traffic generated will be in addition to solar farm traffic and is unacceptable.

6) The additional traffic will result in danger to highway users and pedestrians.

7) The Old Mead Road/A284 Lyminster Road junction is not suitable to accommodate the additional vehicle numbers and the type of vehicles or towed caravans.

8) The times of traffic movements if late in the day or early morning will give rise to noise and disturbance.

9) The site has been used for landfill and is unsuitable for the use proposed.

Comments on Representations received:

The private ownership of Old Mead Road is not a material planning consideration and is a private one between the owners and those with rights of way. In the absence of an objection on highways grounds from WSCC, it would be not possible to sustain an objection on highway safety, junction or highway capacity or pedestrian safety grounds.

The issue of land contamination has been considered and the Environmental Health Officer raises no objection. Traffic levels and the nature of the traffic (towed caravans and motorhomes) is unlikely to give rise to significant noise impact. If the application is permitted a restriction on operating hours would not be reasonable.

The recent solar farm approval is unlikely to generate significant vehicular traffic. The additional impact of the use proposed will not result in unacceptable levels of traffic.

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

WSCC Highways raises no objection and comments as follows:

The proposal to change the use of the current horticultural nursery (sui generis) to the storage of caravans (B8) has been considered by WSCC as the Local Highway Authority. The access to the site from the public highway is from the A284 Lyminster Road onto Old Mead Road and does not form part of the public highway.

Visibility here appears good and unrestricted, and provides access to a small lightly trafficked residential area. Lyminster Road, at this section is long and straight and no obstructions are within the visibility envelope. The operation of the site as a horticultural nursery would have experienced deliveries by vans and tractors on a regular basis.

The site can store up to 30 caravans, but no information has been submitted regarding how frequent these would be moved from the site. However given the residential nature of the road, it is not considered that these movements would be frequent enough to have any significant impact on the operation of the access. WSCC do not foresee any highway safety or capacity issues with this proposal.

This Council's Environmental Health Officer raises no objection on pollution control grounds.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area

Within Arundel and Littlehampton Strategic Gap

Area of Special Control for Advertisements

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN3</u>	Protection of the Countryside
	<u>AREA10</u>	Strategic Gaps
	<u>AREA3</u>	The Setting of Arundel
	<u>GEN32</u>	Noise Pollution
Publication Version of the Local Plan (October 2014):		SD SP2 Built-Up Area Boundary
		C SP1 Countryside
		SD SP3 Gaps Between Settlements
		LAN DM1 Protection of Landscape Character
		LAN DM2 The Setting of Arundel

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.

Littlehampton Neighbourhood Development Plan (LNDP) has no policies directly relevant to these applications.

Objective 1 of the LNDP is to contribute to meeting the demand for new employment opportunities and specifically to encourage local small business and tourism ventures to grow. Objective 4 is to accommodate development and change without undermining the natural beauty of the landscape.

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 highway safety, 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 the legislative background.

CONCLUSIONS

PRINCIPLE

Council and National policies make provision for the diversification of the rural economy, including horticultural, activities providing that such proposals are in accord with other policies. The application is supported by material which clearly indicates that the financial situation of the nursery is such that diversification would contribute to a more viable business and that the existing glasshouse is in use for shrub growing. This is not a case where it is proposed to cease horticultural use and the proposal seeks permission to utilise only a limited part of the site for caravan and motorhome storage. There can therefore be no objection to the proposal in principle as it would be consistent with Adopted Local Plan policy GEN3 and Publication Local Plan 2011-2030 policy C SP1 both of which relate to the open countryside and both of which make provision for diversification in the rural economy. It would also be consistent with the National Planning Policy framework which seeks to support a prosperous rural economy and seeks to promote the development and diversification of agricultural and other land-based rural businesses.

VISUAL IMPACT

There have been material changes to the circumstances of the site since the previous refusal of planning permission and dismissed enforcement notice appeal. Substantial screen planting has been established on the south and west site boundaries and this is between 3m to 4m in height. The nature of the screen planting, leylandii, means that this screen planting can be expected to rapidly increase in height and that screening and visual mitigation will only improve. The impact of

the proposed use would not be the same as the unscreened use previously refused. It is not considered that refusal on the grounds of visual impact on the open countryside, on the strategic gap or on the setting of Arundel is now justified. The proposal is considered, given the established screening to be in accord with policy. There is no adverse affect on views of the town of Arundel, its castle, cathedral and its special setting (policies AREA3, AREA10, SD SP3 and LAN DM2).

The circumstances of the site have changed with the recent permission (LU/385/14/PL) for the solar farm to the south. This application includes boundary landscaping adjoining the south and west boundaries of the site in the form of native hedgerow planting which would further reduce any potential for visual impact.

HIGHWAY IMPACT

Highway impact was not previously a reason for refusal. The impact on highways has been considered in highway safety terms and there would not be detrimental impacts on highway or pedestrian safety. The additional traffic generated would be limited to that associated with 30 caravans/motorhomes. The nature of the use is for storage whilst these are not in use, traffic movement would not be daily for all vehicles and it can be reasonably expected that on many days, traffic movements would be extremely low or nil. The maximum traffic movements associated with movement of all caravans/motorhomes on a single day would not be excessive. There are some 43 dwellings with access to Old Mead Road and in addition the existing nursery businesses. The vehicle movements associated with the site are comparatively limited. The absence of an objection from WSCC Highways on safety grounds supports the conclusion that there are no unacceptable highway impacts.

IMPACT ON RESIDENTIAL AMENITY

As previously stated, vehicle movements are considered to be comparatively limited. In addition, the nature of the vehicles (towing cars or vans and motorhomes) are such that they are unlikely to give rise to the kind of noise generation that could be expected from commercial or good vehicles. It is not considered that there would be an unacceptable adverse noise impact on the amenity of residents.

CONCLUSIONS

The circumstances of the site and material planning considerations have materially changed since the previous Appeal dismissal. The impacts of the use as they were at that time have been mitigated to a degree where there is little if any impact visually. It is open to the Council to reach a different decision where material considerations or circumstances have changed and this is such a case where a different decision from the previous one is justified.

It is recommended that planning permission is granted 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 (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

In assessing this proposal the following impacts (negative, Neutral or positive) 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 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).

- 2 The development hereby approved shall be carried out in accordance with the following approved plan:

Promap Site Location Plan - Scale 1:1250 - Submitted as part of application.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN2, GEN3 and AREA10 in the Adopted Arun Local Plan and policies SD SP3, LAN DM1 and LAN DM2 in the Publication Arun Local Plan 2011-2030.

- 3 The combined total number of caravans and motorhomes stored at the site shall not exceed 30 at any time without the permission of the Local planning Authority to an application for planning permission on that behalf.

Reason: To prevent an uncontrolled intensification of the use in the interests of visual amenity and highway safety and to prevent detrimental impact upon the amenity of nearby residents as a consequence of noise in accordance with policies GEN2, GEN3, GEN32 and AREA10 of the Adopted Arun District Local Plan.

- 4 The use shall shall not commence until details of the layout for the parking of the caravans and motorhomes shall have been submitted to and approved by the Local Planning Authority and no caravans or motorhomes shall be stored at the site until such time as the parking spaces for the caravans or motorhomes have been marked out in accordance with the details so approved. The parking layout so approved shall be thereafter maintained.

Reason: To ensure a satisfactory parking layout and to thereby minimise the potential for visual impact in accordance with policies GEN2, GEN3 and AREA10 of the Adopted Arun District Local Plan.

- 5 The existing screen planting on the boundaries of the site shall be retained and shall not be damaged, uprooted, felled, topped or lopped at any time without the prior written consent of the Local Planning Authority.

Reason: To prevent removal of screen planting and to thereby detrimental visual impact in accordance with policies GEN2, GEN3 and AREA10 of the Adopted Arun District Local Plan.

- 6 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 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.