

Recommendation Report for Planning Permission

**REF NO:** LU/366/18/PL

**LOCATION:** The Lodge  
Courtwick Lane  
Littlehampton  
BN17 7PA

**PROPOSAL:** Enclosure of vacant land to form part of garden

**SITE AND SURROUNDINGS**

|                            |                                                                                                               |
|----------------------------|---------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | The application seeks to enclose an area of land, and change the use of land to become residential curtilage. |
| SITE AREA                  | Approximately 41sq.m.                                                                                         |
| TOPOGRAPHY                 | Predominantly flat.                                                                                           |
| TREES                      | None of any significance affected by the proposed development.                                                |
| BOUNDARY TREATMENT         | Open plan at current.                                                                                         |
| SITE CHARACTERISTICS       | The site is currently empty.                                                                                  |
| CHARACTER OF LOCALITY      | Residential.                                                                                                  |
| Noted.                     |                                                                                                               |

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Littlehampton Town Council  
Parish Council - No objection.

No comments received from occupiers of nearby dwellings.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

**CONSULTATION RESPONSES RECEIVED:**

None.

**COMMENTS ON CONSULTATION RESPONSES:**

N/A.

**POLICY CONTEXT**

Designation applicable to site:

Within built up area boundary

## DEVELOPMENT PLAN POLICES

[Arun Local Plan 2011 - 2031:](#)

DDM1 D DM1 Aspects of form and design quality

SDSP2 SD SP2 Built-up Area Boundary

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

## PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

### POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

The Neighbourhood Development Plan

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).

### 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 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/or legislative background.

### CONCLUSIONS

PRINCIPLE

The proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. As stated in SDSP2, the key policies considered are DDM1 of the Arun Local Plan and Policies 1 & 2 of the Littlehampton Neighbourhood Plan.

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary and will be permitted subject to consideration against other policies in the Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy 1 of the Littlehampton Neighbourhood Development Plan states that permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan. It goes on to set out circumstances where an application conflict with Policy 1 would be acceptable.

Policy 2 of the Littlehampton Neighbourhood Development Plan seeks to focus development within the built up area boundary.

#### **DESIGN AND VISUAL AMENITY**

The application seeks to change the use of the land from vacant land to residential curtilage. The land is currently empty, and runs alongside an informal pathway between Courtwick Lane and Seaton Park.

The surrounding area is predominately enclosed, as the area of land is bordered to the South and West with fencing.

Whilst the change of use would not in a visual change, due to the addition of close boarded fencing, this is not considered to appear out of character within the locality, as a result of the significant presence of this material within the locality.

#### **RESIDENTIAL AMENITY**

The change of use to residential curtilage would not result in any adverse impacts upon the neighbouring residential amenity.

#### **SUMMARY**

The proposed development is considered to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives.

|                         |
|-------------------------|
| <b>HUMAN RIGHTS ACT</b> |
|-------------------------|

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**

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.

#### **RECOMMENDATION**

##### **APPROVE CONDITIONALLY**

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

- Site Plan - R.Brown

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 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 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.