

Recommendation Report for Planning Permission

REF NO: LY/8/21/PL

LOCATION: Crossbush Farm Shop
Lyminster Road
Lyminster
BN17 7QN

PROPOSAL: Variation of previously approved LY/20/18/AG to move the location of agriculture barn for storage of straw.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The applicant is seeking to relocate an approved agricultural barn approx. 25.6m south of the approved position due to the presence of a gas main at the originally proposed location. The application follows approval of the barn the prior approval section of the Town and Country Planning Act (General Permitted Development) Order 2015 (as amended) Part 6, Class A, A.2, (2), (a). The Local Planning Authority had no objections with regard to the siting, design & external appearance of the agricultural storage barn of the following dimensions: 42m long; 23.5m wide; 5.5m to the eaves; and 8.7m to the ridge. Materials to be steelwork hot dipped galvanised framework with Natural Grey Fibre Cement barge boards to gable ends
SITE AREA	987 sq m
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging to road frontage.
SITE CHARACTERISTICS	Agricultural field
CHARACTER OF LOCALITY	Predominantly rural. Agricultural fields surround site. Classified road to west (A284).

RELEVANT SITE HISTORY

LY/20/18/AG	Prior notification for agriculture-barn for storage of straw. No Objection
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LY/28/17/PL

Change of use of existing building from farm shop & cafe to a brewery tap room (bar), fresh coffee bar & cafe & retail space & provision of over spill car park.

ApproveConditionally
11-05-18

REPRESENTATIONS

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection

It is not considered that this proposal would 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 National Planning Policy Framework (paragraph 109), and there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

QESP1	QE SP1 Quality of the Environment
SDSP3	SD SP3 Gaps Between Settlements
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
CSP1	C SP1 Countryside
TSP1	T SP1 Transport and Development
LANDM1	LAN DM1 Protection of landscape character
ENVDM5	ENV DM5 Development and biodiversity

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.

Lyminster does not have a Neighbourhood Plan.

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."

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 considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site lies outside the built up area boundary of the Local Plan where the principle of an agricultural barn in this location is acceptable and in this particular case has already been approved under reference LY/20/18/AG. The proposal requires assessment against policy C SP1. This application only relates to the position of the barn. Other matters relating to the permission remain unaltered.

The proposal accords with part (a) of policy CSP1 which requires development to meet the operational needs of agriculture. The previous application included adequate justification to demonstrate that it is required for the operational needs of the farm. The site is in agricultural use and the building would be used for associated agricultural storage and does not require further consideration in respect of this variation of condition application.

The National Planning Policy Framework at para. 84 supports the development of rural business stating that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. It is considered that the building would accord with this paragraph since it is of appropriate design and sufficiently justified.

VISUAL AMENITY AND DESIGN

Arun Local Plan policies D SP1 and D DM1 (1) require that development proposals should reflect the characteristics of the local area in terms of character and design. The building is a typical modern storage barn appropriate to its rural setting which does not result in material harm to the visual amenities of the locality.

One of the main considerations in respect of this application is the impact on the landscape resulting from the change in position of the building. It would not be significantly more visible in the landscape as a result of the proposed changes. The visual impact would be limited from views across the site and the change in position is negligible when the development and its setting next to the road and nearby buildings are considered. The shape and design of the building is appropriate for its proposed use and countryside location and is as approved. It would also not have a significant impact on views into or out of the National Park to the north given its distance from it and the intervening A27. In fact the repositioning has moved the structure further from the boundary. It would therefore accord with the first part of policy LAN DM1 and policies D DM1 and DSP 1 of Arun Local Plan. Furthermore, given its siting and design it would not form a prominent or obtrusive feature in the rural landscape and would reflect the particular characteristics of the landscape in compliance with paragraph 2 of the policy.

GAP BETWEEN SETTLEMENT POLICY

Crossbush Farm is located within the Littlehampton to Arundel Settlement Gap which is covered by policy SD SP3 of Arun Local Plan. This policy seeks to ensure that development does not undermine the physical or visual separation of settlements, that the integrity of the gap is not compromised and that there is no opportunity for the development proposed to be located elsewhere.

The building is located close to another existing barn which limits its visual and physical incursion into the Gap and maintains the visual separation of built form within the Gap. The principle of a barn in this area has already been approved and the proposal moves it nearer to an existing structure which reduces its visual incursion.

The design (which is a typical utilitarian type associated with modern farming practices), materials and colour of the building assist in its assimilation into the landscape, reducing its visual impact further ensuring that the development does not compromise the integrity of the gap, either individually or cumulatively with other existing development.

The proposal therefore complies with policy SD SP3 of Arun Local Plan.

RESIDENTIAL AMENITY

The site is not close to residential properties and noise generation resulting from additional storage would not adversely impact on residential amenity. There is therefore no conflict with policy D DM1 (3) of the Arun Local Plan in this respect.

HIGHWAY SAFETY

The proposal has been subject to consultation with County Highways who have raised no concerns in terms of highway safety. The proposal utilises an existing access and is the same as previously approved. The application is therefore acceptable in terms of compliance with policy T SP1 of Arun Local Plan.

ECOLOGY CONSIDERATIONS

The development site falls outside the boundaries of any designated sites of biodiversity or geographical importance and green corridors would be unaffected by the proposal. Whilst the proposal does not include any additional planting or biodiversity net gain to fully accord with policy ENV DM5 of Arun Local Plan it would not be appropriate to seek such requirements given that the development is the

repositioning of a barn which benefits from permitted development.

CONCLUSION

There will be no change to the scale of the development or the activity associated with the use and the change in position does not result in a development which is not substantially different from the one which has been approved. The application is therefore recommended for approval 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 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans :
 - PA 01 P01 Location Plan and Block Plan which are the subject of this approval
 - and the Proposed Floor Plan and Elevations (including gable elevation) and agent's letter dated 31-10-2018 approved under LY/20/18/AG.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 2 INFORMATIVE: The applicant is advised and reminded that the planning informatives attached to the original permission LY/20/18/AG apply to this permission.
- 3 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.