

Recommendation Report for Planning Permission

REF NO: PA/18/11/

LOCATION: Selden Court
France Lane
Patching

PROPOSAL: Erection of an enclosure to a maximum height of 4m to form a Padel Tennis Court. (This application lies within the South Downs National Park Authority)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The tennis court measures 20 metres in length by 10 metres in width and will be hard surfaced. The court will be enclosed by wire mesh fencing with sections of toughened glass along the north and south ends. The enclosure will be 3 metres high to the side, other than the final panels at each end which will be 4 metres high, as will be the northern and southern sections.
SITE AREA	Approximately 0.75 hectares.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is enclosed by a dense line of trees and hedging.
SITE CHARACTERISTICS	The site is occupied by a detached two-storey dwelling surrounded by landscaped grounds.
CHARACTER OF LOCALITY	The site is located outside of the built-up area alongside a country lane which features intermittent groups of residential and agricultural buildings. The road is lined by trees and hedgerow which largely conceal many of the buildings. There are paddocks and open fields to the immediate north of the site and the surrounding area forms part of the South Downs National Park.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Awaited.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:

Outside Built-Up Area

South Downs National Park

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN3](#)

[GEN7](#)

Protection of the Countryside

The Form of New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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, with extra weight given to visual impact given the location of the site within the South Downs National Park.

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

The proposed tennis court has the potential to be visually intrusive in this rural location due to the height of the fencing surrounding it and the use of solid toughened glass panels. The visual impact can be adequately mitigated through the provision of the landscaping scheme which has been supplied by the applicant, with the proposed trees, hedging and shrubbery providing a natural continuation of the existing greenery to the front of the site and screening the tennis court from view. Any approval given will be on the proviso that this landscaping scheme is in place prior to development and is maintained thereafter.

It is therefore considered that, due to its minimal visual impact, the character and appearance of the surrounding area will not be adversely affected. This also applies to the wider surrounding area of the South Downs National Park, as such, the proposal will be compatible with the statutory purposes of the National Park under section 61 of the Environment Act 1995 namely (1) Conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park; (2) Promoting opportunities for the understanding and enjoyment of the special qualities of areas by the public

The low visual impact and modest height of the proposed works will ensure that the development would not appear overbearing towards neighbouring properties nor will it cause undue levels of overshadowing. Further, the court will be at current ground level and it is not considered that it will offer any opportunity for intrusive views towards neighbouring properties.

Although the presence of a tennis court in this location is acceptable as an ancillary feature within the curtilage of a residential dwelling, it is considered that any intensification of use that may occur through it being employed for commercial purposes would lead to unacceptable levels disruption that would harm the amenities of neighbouring residents and detract from the quiet, rural nature of the surrounding area.

It is therefore recommended that the application is approved, 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

Duty under the Equalities Act 2010

In assessing this proposal it is deemed that the proposal would have a neutral impact 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 plans:-

Proposal 01;
Proposal 02;
LLD423/01 Revision 1;
LLD423/02 Revision 1;

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The landscaping scheme detailed in plans LLD423/01 and LLD/423/02 shall be carried out before commencement of the approved use. In the event that any trees or shrubs within the scheme die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of similar size and species.

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

- 4 The tennis court hereby permitted shall be used solely for purposes incidental to the occupation and enjoyment of Selden Court as a dwelling.

Reason: To accord with policies GEN3 and GEN7 of the Arun District Local Plan and to prevent the over-intensive use of the tennis court, which would detract from the rurality of the surrounding area.

- 5 No external lighting for the tennis court shall be installed without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: In the interests of the visual amenities of the local environment, which forms part of the South Downs National Park, and the preservation of its rural characteristics, in accordance with AruN District Local Plan policies GEN7 and GEN33.

- 6 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN3, GEN7

NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.