Report of the meeting of the Development Control Post-Committee Site Inspection Panel held on

REF NO: **PA/20/11/**

LOCATION: Caravan
Wychway Farm
Selden Lane Patching

PROPOSAL: Placing small storage container on land / small holding for storage of gardening equipment, motorbike & tools. This application lies within the South Down National Park Authority.

Present:- Councillors Haymes (Chairman), Charles, Mrs Hall, Mrs Hazlehurst, Mrs Stainton.

Also present Jeremy Fox of Patching Parish Council.

Apologies:- Councillors Bower, Evans.

The planning merits of the proposal were discussed in detail in particular with regard to the position, size, materials and colour of the container, together with its impact on the South Downs National Park and it was agreed by 4 votes for and 1 against to agree with the Officers recommendation.

PA/20/11/

Recommendation Report for Planning Permission

REF NO: **PA/20/11/**

LOCATION: Caravan
Wychway Farm
Selden Lane Patching

PROPOSAL: Placing small storage container on land / small holding for storage of gardening equipment, motorbike & tools. This application lies within the South Down National Park Authority.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The container is proposed to be painted green and measure 2.3 m wide x 5.2 m deep x 2.3 m high. It is proposed to be used by the occupier of the mobile home who is a recognised Gypsy.
SITE AREA	0.08 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A

TOPOGRAPHY	The site rises slightly from the road to the rear as it fronts Selden Lane.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There are a number of trees/hedgerows around the whole of the boundary of the site. Hedgerows are approximately 2m in height.
SITE CHARACTERISTICS	Open countryside now part of the South Downs National Park. Site has some areas of hardstanding that have been created.
CHARACTER OF LOCALITY	Rural area. Open fields with sporadic dwellings fronting Arundel Road and farm yards/agricultural buildings with mature landscaping along Selden Lane. North of and abutting the rear curtilage of the neighbouring Public House, The Fox.

RELEVANT SITE HISTORY

PA/8/09/	Use of land for the stationing of one caravan for residential occupation with associated hardstanding - This application also falls within the Parish of Angmering.	Approve Conditionaly 09-09-2009
PA/12/11/	Retention of existing caravan permanently on the site. This application lies within the South Downs National Park Authority.	Approve Conditionaly 06-10-2011

REPRESENTATIONS

Representations received:

Patching Parish Council

Objection.

Application for the retention of the caravan on this site (PA/12/11) was approved for a limited period only being the period of 24 months from the date of this permission. At the end of this period the use hereby permitted should cease and all mobile homes, caravans, vehicles, materials and equipment brought onto the land in connection with the use should be removed from the site and the land restored to its former condition.

However, it is quite clear that the applicant rather than make preparations for moving from the site in two years time is making preparations for a long-term stay - even down to referring to the caravan as Wychway Farm.

Patching Parish Council has no animosity towards the applicant but if every person who wished to settle in a caravan in the Parish let alone the National Park was allowed so to do the whole area could become one large caravan park.

Patching Parish Council strongly objects to this continued erosion of planning regulations and asks that the application be refused.

Comments on Representations received:

This application does not seek permission to retain the mobile home. That decision will be taken by the South Downs National Park in October 2013 when the temporary permission expires.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None to report.

POLICY CONTEXT

Designation applicable to site:
Outside Built up Area
South Downs National Park

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	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 the issue of principle, impact on the newly designated South Downs National Park and the personal circumstances of the applicant.

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

BACKGROUND
Planning permission was granted by Committee on the 6th October 2011 for a two year period to retain the mobile home for the use of the applicant only who is a recognised Gypsy. This application seeks approval for a metal container to provide much needed storage.

AMENITY IMPACT
The container is proposed to be sited in the front corner of the site where the existing boundary hedging will largely screen the container from view. This together with the fact that it is to be painted green will ensure that it has an acceptable impact on the visual and residential amenity of this South Downs National Park location.

CONCLUSION
The site being located within the South Downs National Park supports the proposed form of development in principle, however this is subject to compliance 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 proposal is considered to comply with the above criteria given that the proposed container will have a limited and acceptable impact on the visual and residential amenity of the area.

It is considered appropiate that temporary permission be granted for the container so as to expire at the same time as the temporary permission for the mobile home. At such time the deciding authority the South Downs National Park can come to a view on the future planning status of the home and container. Planning permission is therefore recommended subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL
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 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

Not applicable in this instance.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 5 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 building hereby permitted shall be removed permanently and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on 6th October 2013.

Reasons: In order not to prejudice consideration of future proposals for the area.

3 The development hereby approved shall be carried out in accordance with the following approved plans:1:500 Block Plan, 1:50 Floor Plan of container, 3 x colour photographs of proposed container.

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

4 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 POLICIES: NPPF

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