

Recommendation Report for Planning Permission

REF NO: P/25/20/PL

LOCATION: Land South East of Commonmead Barn
Pagham Road
Pagham

PROPOSAL: 1 no. container for the storage of gardening & agricultural equipment.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is for the retention the container on the Land South East of Commonmead Barn.
SITE AREA	1480 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by development.
BOUNDARY TREATMENT	The site is enclosed by various hedging and planting with some close boarded fencing to the rear boundary of Field View, behind the hedging, to the south east.
SITE CHARACTERISTICS	In the countryside within the Bognor Regis to Chichester Settlement Gap and is flanked by adjoining properties 1, 2 Field View, Farm Gate Cottage and Commonmead Barn. Part of the field has been used for boat repair and classic car restoration.
CHARACTER OF LOCALITY	Off Main Pagham Road, in countryside, in an enclave of agricultural buildings and farmhouse where a number of the agricultural barns have been converted to residential use.

RELEVANT SITE HISTORY

P/94/18/PL	Erection of 3 No. containers for storage & repair/restoration of cars & boats. This application is a Departure from the Development Plan.	ApproveConditionally 06-03-19
P/139/17/CLE	Lawful development certificate for an existing use - mixed use for the storage & repair of boats & classic cars & agriculture.	Approve 25-05-18

P/139/17/CLE established the mixed use for the storage & repair of boats & classic cars & agriculture was lawful upon the site.

Under P/94/18/PL the location of 3 containers for storage & repair/restoration has been approved.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No objection.

2 letters of objection:

- My comments from P/139/17/CLE still stand with the evidence attached.
- A once green field will be turned into a brown field site.
- Seen no local evidence of this application.
- No container should be sited outside the permitted area as per P/94/18/PL.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted; all planning matters are addressed in the following sections of this assessment.

A site notice was displayed on the entrance of the site on 09/04/2020.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Engineers:

Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

WSSC Mineral Consultation Area (500m Buffer Zone)-Sefter Farm, Pagham Road.

Gaps Between Settlements

Outside Built-up Area - Countryside

Pagham Harbour Access Management Zone B

5km Buffer SSSI - Bognor Reef/Pagham Harbour

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

QESP1	QE SP1 Quality of the Environment
SDSP3	SD SP3 Gaps Between Settlements

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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. 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).

Pagham has an emerging NP.

A Regulation 14 Consultation took place in July 2019. Following feedback gathered during the consultation process and developments at Arun District Council, the Parish Council has decided to undertake a further informal consultation as an extension to the REG 14 Consultation process (April 2020).

Policy 1 of an emerging Pagham Neighbourhood Development Plan is relevant.

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 Policy C SP1 of the Arun Local Plan, criterion a. which refers to development for the operational needs of agriculture and horticulture in that the proposed container is for the storage of gardening and agricultural equipment.

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 site is outside of the built-up area boundary in the countryside and the Bognor Regis to Chichester Settlement Gap where policies C SP1 and SD SP3 of the Arun Local Plan apply.

Policy C SP1 of the Arun Local Plan states within criteria a-f the development which is permitted within the countryside. Criterion a. states 'development will be permitted in the countryside where it is for the operational needs of agriculture, horticulture, forestry...The proposed container is for the storage of gardening and agricultural equipment therefore it is considered that the proposal would comply with criterion a. of policy C SP1 of the Arun Local Plan. Previously granted application P/139/17/CLE established the existing mixed use for the storage & repair of boats & classic cars & agriculture was lawful and later in conjunction with a lawful use of this site the location of three containers on this site was approved under P/94/18/PL.

SD SP3 states the criteria (a-f) by which development will be permitted within the gaps between settlements:

- a. It would not undermine the physical and/or visual separation of settlements;
- b. It would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development;
- c. It cannot be located elsewhere; and
- d. It maintains the character of the undeveloped coast;
- e. or, if a subsequent DPD or Neighbourhood Plan deems it appropriate through an allocation;
- f. If a subsequent DPD or Neighbourhood Plan deems it appropriate through an allocation.

With regards to criteria e and f of Policy SD SP3 the proposal is not deemed appropriate in any DPD or Neighbourhood Plan.

The site is in an enclave of agricultural buildings and farmhouse where a number of the agricultural barns have been converted to residential use. The proposal would comply with criteria a, b and d. With regard to criterion c, the applicant may not be in the ownership of other land that they could utilise for this purpose. The container, used for the storage of gardening and agricultural equipment in conjunction with mixed use for the storage & repair of boats & classic cars & agriculture previously deemed lawful, would need to be located in this location.

The proposal would broadly comply with policies C SP1 and SD SP3 of the Arun Local Plan.

DESIGN AND VISUAL AMENITY:

Given the size of container on the site where a permission for the location of three containers was granted that incorporate similar style features and the fact that the container is removeable the additional container would not have an unsightly and detrimental impact on the countryside.

The container would not have a detrimental impact on the visual amenities of the 'enclave' of agricultural buildings/barn conversions in which the site sits due to existing hedging, planting and trees which sufficiently screen proposed container on the site.

The containers would be in a general conformity with Policy D DM1 of the Arun Local Plan.

NEIGHBOUR AMENITY:

The container due to its position would be a modest size and scale, well screened by hedging and planting and would be set a sufficient distance from neighbouring dwellings. The container would not have a detrimental impact on the occupiers of adjoining properties with regard to overbearing impact, overshadowing or loss of light/sunlight.

As such, the proposal would comply with Policy D DM1 of the Arun Local Plan.

HERITAGE:

Policy HER DM1 of the Arun Local Plan requires proposals affecting statutory Listed Building should protect, and if possible enhance the setting of the building.

NPPF part 15 requires protection and enhancement of valued landscapes, sites of biodiversity of geological value; and NPPF part16 reminds that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations. In para 190 the local planning authority is required to consider the significance of heritage assets (including the setting) that may be affected by the proposal.

NPPF para 193 states that considering the impact of a development on the significance of a designated heritage asset, the great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance; and where a development proposal (para 196) will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that when considering whether to grant permission for development which affects a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its settings or any features of special architectural or historic interest which it possesses.

Rookery Farm Farmhouse, a Grade II Listed Building, is approximately 50m from the development and the land of Rookery Farm does not abut the boundary of the site. The container is screened by hedging and trees on the site and would not have a detrimental impact on the Grade II Listed Building or its setting.

Therefore the proposal would not cause harm to the significance of the heritage assets and would satisfy the requirements of NPPF, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the policy HER DM1 of the Arun Local Plan

SUMMARY:

It is recommended that the planning application is granted subject to 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:

Dwg No SBS/423 Location Plan

Dwg No SBS/423/07 Block Plan

Dwg No SBS/423/08 Plan and Elevations of Container

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 The container, permission hereby granted for, shall only be used in relation to the mixed use for the storage & repair of boats & classic cars & agriculture. as deemed lawful by application reference P/139/17/CLE.

To ensure that the containers and the site are not used for an unlawful use within the countryside and the settlement gap in accordance with Policies SD SP3 and CS P1 of the Arun Local Plan.

- 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.