

Planning Design and Access Statement

Planning Application for change of use of land to garden amenity land and retention of building

on land adjoining

48 Hook Lane, Rose Green, Bognor Regis, West Sussex, PO21 3PD.



April 2014

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1.0 INTRODUCTION

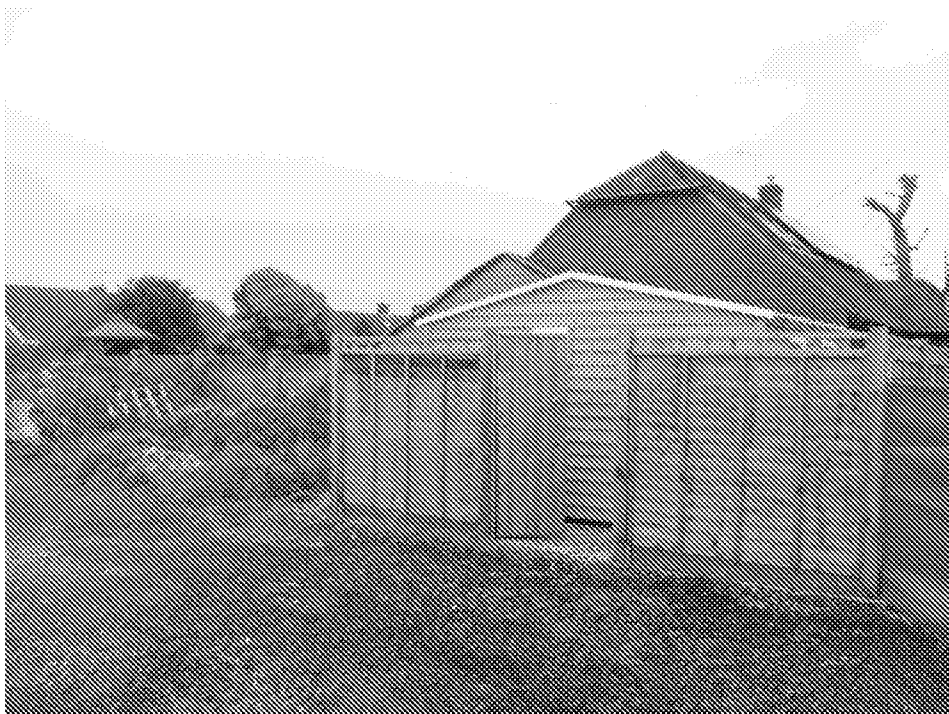
- 1.1 This Planning, Design & Access Statement accompanies a planning application for the change of use of land and the retention of a building on land north of 48 Hook Lane, Rose Green, West Sussex, PO21 3PD.
- 1.2 The proposal has been the subject of investigation and communication with planning compliance at Arun District Council [Ref: ENF/466/13]. The details of this case are explained in section 2 of this report.
- 1.3 Drawings and information submitted in support of the application comprise the following:
- Elevations
 - Floor plan
 - Site location plan
 - Block plan
 - Application form
 - Photographs

2.0 BACKGROUND & RELEVANT PLANNING HISTORY

- 2.1 The application site comprises two disused garage plots. The land has been vacant for in excess of 30 years.



- 2.2 The Google Maps image above illustrates the overgrown and disused nature of the application site prior to development.



Photograph of the application site today.

- 2.2 During the 1950's the land formed part of the Folded Wings Caravan Park until the park was redeveloped in the early 1960s for housing. In 1968 planning permission was given for 20 garages [Ref:P/102/68]. However, only a limited number of garages have been built along the northern boundary of the designated garage compound with none present on the southern part of the site where the land has been vacant and unkempt since at least 1968.
- 2.3 The principal property associated with this development, 48 Hook Lane, was constructed in the 1970's and is located to the south. The development provides an art studio for the owners of 48 Hook Lane utilising the disused land to the north.

Planning Enforcement

- 2.4 On 1 November 2013 a letter was sent from Planning Compliance to the owners of 48 Hook Lane to advise of the need for planning permission for the development carried out. The letter invited Mr & Mrs Simpson to make an application to retain the development. The invitation to make an application indicated that the Council would consider the proposal.
- 2.5 On 5 December 2013 an email was sent from Planning Compliance stating;
“.....I am preparing my **closing report** stating that it is not expedient to pursue this matter and that **we will be taking no further action**.
However please make Mr and Mrs Simpson aware that a Land charge will be registered on their property for not having planning consent, a CON/29/R”.
- Emphasis added.**
This email communication did not caveat the statement or give any indication that the officer sending the email was not authorised to close the case. The applicants therefore understood and believed that as of 5 December 2013 the Council would not pursue the development further and so they proceeded to complete the building on this basis.
- 2.6 In March 2014 Mr & Mrs Simpson received a further letter stating that the Council intends to issue an enforcement notice at the earliest opportunity. No reasons for issuing the notice or the need for expediency in this case were provided.

- 2.7 On 21 March 2014 Planning Compliance stated in an email:
“If [your client] wishes to apply to regularise the breach of planning consent they can do, however any application received is unlikely to be recommended for approval by Arun District Council. Arun District Council intend to serve the Enforcement Notice in the near future and the best way forward for your client may be to then appeal against this Enforcement Notice, stating that they think planning permission should be granted under Ground A”.

It is noted that despite this assertion, a planning application had been invited in November 2013.

- 2.8 On 27 March 2014 Planning Compliance stated in a further email that:
“The Enforcement Notice is currently being prepared by Arun District Council, therefore I cannot give a definitive timescale as to when it will be served. In the Notice the two General Policies that Arun District Council refer to are in the Local Plan. Gen 7 – The Form of New Development and GEN12 – Parking in New Development.” Confirmation of the reason for issuing the notice has not been provided.

- 2.9 Paragraph 207 of the NPPF states that “Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control”.

- 2.10 Having regard to the positive contribution that this development makes within the built up area of Pagham, enforcement action is not considered a proportionate response to this breach of planning control. See below.

3.0 PLANNING POLICY CONSIDERATIONS

3.1 The proposal is for minor development within a parcel of land designated for development as a garage compound. The land is surrounded by residential properties of various styles. On this basis, the planning considerations relevant to this planning application are principally concerned with development management issues guided by Local Plan 'saved' Policies GEN7 and GEN12.

3.2 The Arun District Local Plan was adopted on the 17th April 2003 and covers the period up to 2011. Certain policies have been saved for development management purposes pending the adoption of the replacement Local Development Framework.

3.3 Policy GEN7 states:

Planning permission will only be granted for schemes displaying high quality design and layout. Development will be permitted provided it:

- (i) makes efficient use of land or buildings;
- (ii) demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness;
- (iii) promotes sustainable development, including the effective use and conservation of energy and reducing the need to travel, particularly by private car;
- (iv) does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property and, where relevant, facilitates the development of adjoining sites;
- (v) takes account of any unacceptable adverse impacts that may arise from adjoining land uses or property;
- (viii) provides for vehicle parking in accordance with Policy GEN12

In all cases, the District Council will expect a high standard of design and layout and all applicants will be encouraged to improve the visual amenities of the particular locality in scale, external appearance, hard and soft landscaping and materials.

3.4 The development results in a building that sits comfortably on the site and maintains an appropriate relationship with surrounding residential development and as such would not cause harm to the amenities of neighbouring properties.

3.5 Policy GEN12 states:

The Local Planning Authority will base its consideration of the need for on-site parking provision on its parking standards contained within this Plan. Provision of parking in excess of these standards will not be allowed.

In considering the extent of reduced on-site parking provision, the Council will have regard to environmental and highway safety issues, together with the following factors:-

- (i) the availability, type and proximity of public parking;
- (ii) the availability of alternative means of transport;
- (iii) potential highway safety problems;
- (iv) potential environmental harm arising from parking demand being met elsewhere;
- (v) the extent and nature of parking restrictions in force on highways in the vicinity;
- (vi) the scale of development proposed; and
- (vii) the suitability of "specific use" and "personal" conditions attached to planning permissions.

3.6 This development serves the occupiers of 48 Hook Lane. It is for private hobby use and does not give rise to any additional car parking. The owners will continue to keep their private motor vehicles within the curtilage of their property. In addition, as the land was previously unused and overgrown the development does not give rise to a loss of parking. For these reasons there is no adverse impact relating to parking within the locality.

3.7 Policy GEN1 – Sustainability – states “All development must take full account of the need to protect the environment so that present-day demands do not compromise the ability of future generations to meet their own needs or enjoy a high quality environment. All development must reflect the need to safeguard and improve the

quality of life of residents, conserve energy resources and protect and, where possible, enhance the Plan area's essential character and environmental assets..."

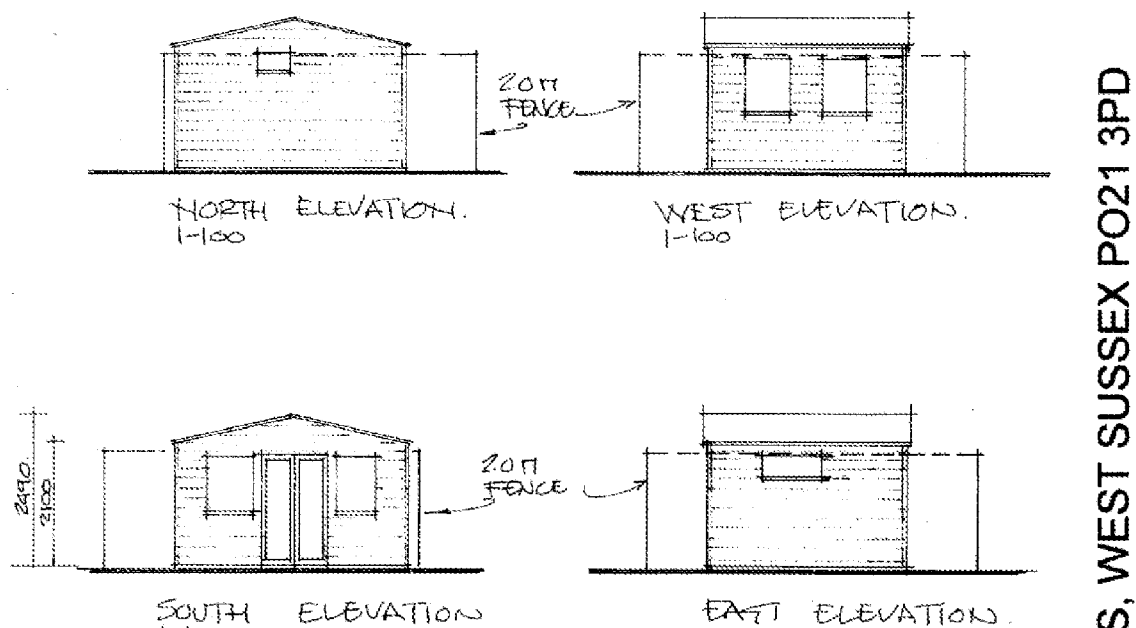
This development does not impact upon either the landscape, open countryside or the setting, character and form of the settlement of Pagham.

- 3.8 In terms of the NPPF, it is the applicants assertion that this proposal is compliant with the aims and objectives of sustainable development.

4.0 CONSIDERATIONS FOR THE DEVELOPMENT PROPOSAL

Contextual Assessment and Evaluation

- 4.1 As set out above, the land is situated within the built area up area boundary of Pagham and planning permission has been granted for the development of the site comprising 20 garages.
- 4.2 This application relates to the use of two garage plots as garden amenity land and the retention of a small scale, low rise, building for use as an art studio by the owners of the adjoining dwellinghouse, 48 Hook Lane.
- 4.3 As demonstrated by the submitted drawings, the enclosure of the land by a 2m high close boarded fence, with the ridge of the building above, the structure is comparable to a garage.



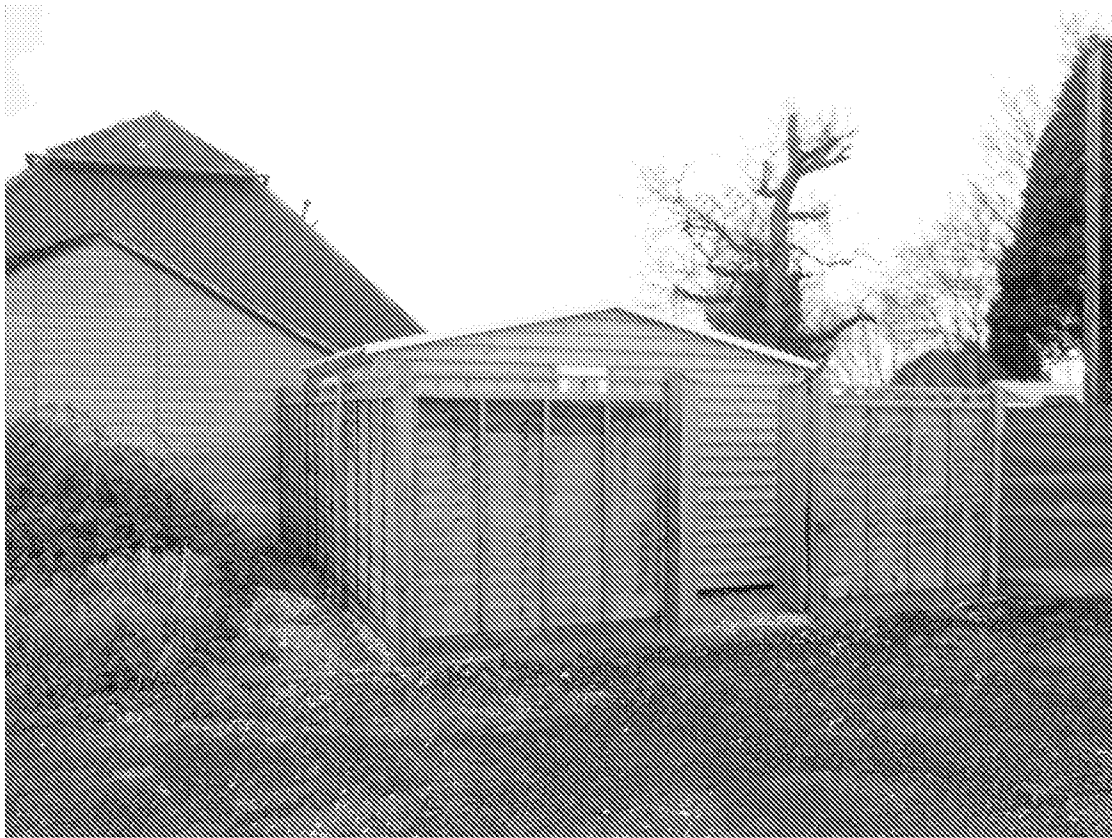
Involvement of Local Interests

- 4.4 No pre-application consultation has been carried out due to the scale and nature of the proposals.

Design Principles and Appearance

- 4.5 The design is in keeping with the nearby development:

- It has a pitched roof conducive with the surrounding residential development
- It is constructed in timber that will weather to blend with the north gable elevation of the extension to 48 Hook Lane



- It has a polycarbonate roof (which is not visible from outside of the site) to provide natural light to the studio area
- All windows in the side elevations are obscured by the height of the surrounding fence to prevent overlooking.

- 4.6 The design has paid full regard to the site's relationship with neighbouring properties such that there is no significant effect on the residential amenity of the neighbouring properties and is in keeping with the general design and appearance of a garage compound. For these reasons the development is considered to be

compliant with Councils visual and functional aims of design and making places better for people.

Layout and Scale

- 4.7 The development does not affect the layout of the garage area as it has been specifically designed to be of a compatible scale. As such it does not materially



alter the visual amenities of the area and is in keeping with the surrounding built up area [GEN2 – Built Up Area Boundary]. The aerial photograph [above] taken from Bing Maps shows the site in the context of the built up area and the nature of the surrounding development.

Landscaping

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- 4.8 The site boundaries comprise 2m high close boarded fencing to the north east and west boundaries. The south boundary is formed of the existing brick built wall of no. 48 Hook Lane. No soft landscaping is proposed.
- 4.9 Under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) it is permitted development to erect a 2 metre high means of enclosure. It follows therefore that an application to the local planning authority is not required in respect of this development and that a fence could be provided around the vacant garage plots regardless of the use taking place.

Amount and Use

- 4.10 The amount of development is considered to be appropriate in context with the surrounding residential development and would make more efficient use of the land.
- 4.11 The proposal is therefore considered to be compliant with emerging local plan policy D SP1 through the efficient use of land, its layout, setting and scale.

Access and Parking

- 4.12 There are no changes proposed to the existing access and parking arrangements. The site can be accessed via the existing garage compound via Dukes Meadow. Gates open into this area and provide pedestrian access for maintenance purposes.
- 4.13 The principle point of access is via a pedestrian gateway which leads from the garden of 48 Hook Lane.
- 4.14 It is **not** development to provide a pedestrian walkway in the boundary wall of no.48 Hook Lane onto the garage plot.



Access from the garden of 48 Hook Lane.

- 4.15 As the site has been unused for 30 years or more no vehicles are displaced as a result of this development and no additional on street parking in adjacent roads arises [Policy GEN12].
- 4.16 The aerial image [front cover] shows the development in the context of the surrounding development, the overgrown nature of the ground and the number of garages built.

5.0 CONCLUSION

- 5.1 The proposal is for the change of use of land and the retention of a building. No significant visual or amenity harm arises from the proposal.
- 5.2 The proposal does not prevent the use of the adjoining land for the purpose of parking and garaging.
- 5.3 The proposal makes efficient and effective use of previously vacant land within the built up area and presents an opportunity to improve the surroundings of the residential area in which it is situated.

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- 5.4 The proposal adheres to the Council's vision for places in that it reduces the need for travel and protects the natural environment through the use of redundant land. Also, the Council's objectives, as stated in Section 1 of the Local Plan, are not undermined by this development.
- 5.5 For the reasons set out in this statement the application proposal complies with the adopted Saved Arun District Council Local Plan policies and other National Planning Policy Guidance.