

Recommendation Report for Planning Permission

REF NO: P/87/14/PL

LOCATION: 172A Pagham Road
Pagham

PROPOSAL: Retention of single storey timber shed

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Retrospective application for the retention of a single storey timber shed.
SITE AREA	Approximately 255 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8 metre high fencing to the rear of the property.
SITE CHARACTERISTICS	The shed is located to the rear of 172A Pagham Road, 1.5 metres from the primary access to the 'bungalow' located to the rear of the property.
CHARACTER OF LOCALITY	The area is a mixture of residential and commercial premises of various styles and designs.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Pagham Parish Council

No objection - subject to landowner consent.

Having reviewed the plans and papers, members expressed concern in regard to the relevance of this application.

The application is made by the tenant and not the landowner. Members felt if the landowner agrees to the erection of a shed, and planning permission is required, then the application should have been submitted by the landowner.

Members decided they would not object to this application provided the landowner gives permission.

Comments on Representations received:

It is not necessary to be the landowner to submit a planning application. Although, it is necessary to serve a notice of your intention prior to the submission of the application if you do not own the land. Confirmation of this taking place has been provided by the application through the completion of Certificate B and the land owner would need to give their consent.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Adopted Local Plan

Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development

D DM1 Aspects of Form and Design Quality

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a

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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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

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

PRINCIPLE

The site is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case is policy GEN7. GEN7 seeks to prevent development where it would have an adverse impact upon the visual and residential amenity of the area.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for the retention of a 2.4 metre high shed erected to the rear of 172A Pagham Road.

The shed is located to the rear but is just visible within the street scene of Nyetimber Lane as it exceeds the height of the existing fence by approximately 1 metre. However, another shed is already visible to the rear of this property and as such the impact of this additional shed is minimal upon the visual amenity of the area.

RESIDENTIAL AMENITY

The proposed shed is located approximately 1.5 metres from the main entrance of the property to

the rear of 172A Pagham Road. This has the potential to cause some adverse impact upon the residential amenity of this property. However, this impact would appear to be minimal given the position of the shed in relation to the property, the size of the shed and the fact that the shed is located in close proximity to a door rather than a window associated with a habitable room.

CONCLUSION

Therefore, it is recommended that this application is approved as the proposal is deemed to be in accordance with policy GEN7 of the Arun District Local Plan.

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 has been determined that its approval would result in 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).

As such, there is no requirement for any mitigation measures to be implemented.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The single storey timber shed hereby approved shall be used solely for the storage of household items in association with the occupation of 172A Pagham Road. Should the use of the shed for this purpose cease then it shall be removed, within one month from the date the use ceases, and the land returned to its previous condition prior to its construction.

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

- 2 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.