

Recommendation Report for Planning Permission

REF NO: P/94/18/PL

LOCATION: Land between Commonmead Barn &
Field View/Farm Gate Cottage
Pagham

PROPOSAL: Erection of 3 No. containers for storage & repair/restoration of cars & boats. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The application site is enclosed by various hedging and planting with some close boarded fencing to the rear boundary of Fieldview, behind the hedging, to the south east.
SITE CHARACTERISTICS	The application site is a plot of land within the countryside within the Pagham to Selsey Settlement Gap. The site is flanked by adjoining properties 1, 2 Field View, Farm Gate Cottage and Commonmead Barn and is enclosed by hedging and planting. Part of the field has been used for boat repair and classic car restoration
CHARACTER OF LOCALITY	Off Main Pagham Road, within countryside, within an enclave of agricultural buildings and farmhouse where a number of the agricultural barns have been converted to residential use.

RELEVANT SITE HISTORY

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
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Previously granted application ref: P/139/17/CLE established that the mixed use for the storage & repair of boats & classic cars & agriculture was lawful upon the site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Pagham Parish Council

Pagham Parish Council:

Updated Comments:

Original objection withdrawn, their comments are summarised as follows:

Willing to withdraw its objection to the proposals.

Not supportive of the proposals and still feels development of this type is unsuitable in this location.

The Council accepts that the granting of the Certificate for P/139/17/CLE has legitimised the use of the site for car repairs etc and therefore the Council feels unable to pursue its objections at Development Control Committee.

Initial Comments:

Object to this application, their comments are summarised as follows:

Departure from the development plan.

Unacceptable development in the Countryside.

The Countryside is protected specifically by Policy C SP1.

Does not accord with any of the reasons for allowing development in the Countryside.

The proposed activity of repair and restoration of cars will inevitably lead to noise and disturbance.

2 neighbour representations have been received. They object to this application and their comments are summarised as follows:

Need to protect our Green Belt Land.

Land in question is of Grade 1 agricultural quality located in the Strategic Gap.

The proposed use for repair and restoration of boats and cars is bound to lead to noise disturbance alien to the rural environment.

The land surrounding Rookery Farm, Grade II listed, overlooks it.

The field in question is green belt land with permission to graze sheep.

From my property view can only be described as looking into a scrap yard.

Dust is overwhelming when work is carried out on boats and vehicles.

Containers would be unsightly development of country side.

Throughout this process the owner has never communicated with me.

Unsightly development of countryside.

COMMENTS ON REPRESENTATIONS RECEIVED:

Officers note that Pagham Parish Council have withdrawn their objection to this application but are not supportive of the proposals and still feels development of this type is unsuitable in this location.

Comments to Pagham Parish Council's initial comments are as follows:

Officers note that the proposed siting of containers for the repair of cars does not fall within the criteria as set out in Policy C SP1 of the Arun Local Plan. However, it should be noted that previously granted application ref: P/139/17/CLE established that the existing mixed use for the storage & repair of boats & classic cars & agriculture was lawful upon the site. Therefore given that the aforementioned repair use has been established by the granting of application ref: P/139/17/CLE, this assessment will not consider the use of the land. Only the impact of the stationing of the proposed 3 containers will be assessed against all relevant Policy.

Objection has been raised with regard to the activity of the repair and restoration of cars leading to noise and disturbance. The general impact of noise resulting from the repair and restoration of cars will not be assessed, as aforementioned the use has been deemed lawful. With regard to noise resulting from the use of the containers officers do not consider that this would be so significant as to warrant refusal of this application. It should be noted that noise from use of the storage containers would only occur if people were to throw items into it. It would be up to the applicant to ensure that this was not the case and that good neighbourly conduct, with particular regard to noise, should be maintained. Should noise levels become an issue as a result of the use of the proposed containers it can be dealt with under appropriate Environmental Health Legislation. An appropriate informative notice would be imposed upon any grant of planning permission whereby:

'The granting of this permission does not in any way indemnify against statutory noise nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.'

Other:

Objection has been raised that the field in question is green belt land with permission to graze sheep.

Officers note that the land in question is not Green Belt land but land within the Countryside and within the Bognor Regis to Chichester Settlement Gap Where policies C SP1 and SD SP3 of the Arun Local Plan apply. As aforementioned officers note that the lawful use of the land for the repair of cars etc. has already been established on the application site.

Objection has been raised whereby, from my property view can only be described as looking into a scrap yard.

Officers consider that the proposed containers would allow for the storing of vehicles and their paraphernalia (parts etc.) which is considered would lead to the site having a tidier appearance. Also the application site is a part of the field to the front away from the rear boundary of Farm Gate Cottage. As such, officers consider that should views of the container be available to the occupiers of Farm Gate Cottage, given the proposed location and the longer separation distance from the property, they would be limited and not cause any detrimental harm.

Objection has also been raised whereby, throughout this process the owner has never communicated with me.

Officers note that this is not a material planning consideration but instead a civil matter.

Objection has also been raised whereby it is considered that dust is overwhelming when work is carried out on boats and vehicles. Should this be a problem this would be a matter for the Council's Environmental Health Department and would be dealt with under the necessary Environmental Health legislation.

Objection has been raised that the land surrounding Rookery Farm, Grade II listed, overlooks it.

Officers note that Rookery Farm is a Grade II Listed Building but note that the portion of the field forming the application site does not abut the boundary of Rookery Farm. Additionally the containers would be sited 50+ metres away from the main Rookery Farm Farmhouse. Additionally the proposed containers would be screened by hedging, planting and trees. Therefore, it is considered that the proposed containers would not have a detrimental impact on the occupiers or on the Grade II Listed Building or its setting.

Objection has also been raised that the containers would be unsightly development of countryside.

Officers note the modest size and scale of the containers, with a height of approximately 2.45 metres, along with the hedging and planting which would sufficiently screen the proposed containers. Therefore, it is considered that the proposed containers would not have an unsightly and detrimental impact on the countryside.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Environmental Health

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer: Does not object, subject to the imposition of a condition upon any grant of planning permission. Their comments are as follows:

Follow-up comments:

I am happy to remove our request for the condition for easement to watercourse as the plans and information provided evidence that the proposed containers will not be sited within 3m of the culverted ordinary watercourse.

Initial Comments:

There is a culverted ordinary watercourse in the area. The exact location of this should be established. Recommends the imposition of a condition.

Environmental Health:

Follow-up Comments:

With regard to the long established planning use for the site I can confirm that the proposed conditions given in my comments on the 02/01/2019 would not be reasonable in this given instance,

Recommends an informative re: statutory noise nuisance could still be taken.

Initial Comments:

Do not object to this application subject to the imposition of conditions dealing with the following areas of concern:

1:control of Noise (tools and activities). No development to take place until a scheme for the control of noise has been submitted to and approved in writing by the LPA.

2: Hours of operation - machinery and hand tools.

3: Noise levels at site boundaries - shall not exceed 'measured residual background' etc.

COMMENTS ON CONSULTATION RESPONSES:

Comments Noted.

POLICY CONTEXT

Designation applicable to site:

WSCC 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 POLICES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP3	SD SP3 Gaps Between Settlements
ENVDM2	ENV DM2 Pagham Harbour
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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.

The relevant Neighbourhood Plan is the: Pagham Neighbourhood Plan. The following Policies apply:

Policy 1: A Spatial Plan for the Parish

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 be contrary to Policy C SP1 of the Arun Local Plan. Policy C SP1 of the Arun Local Plan states within criteria a-f the development which is permitted within the countryside. The proposed containers would not, as aforementioned, be used for any use stated within Criteria a-f .

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. Even though the proposal is considered to be contrary to Policy C SP1 of the Arun Local Plan. However, it should be noted that previously granted application ref: P/139/17/CLE established that the existing mixed use for the storage & repair of boats & classic cars & agriculture was lawful upon the site. Therefore these containers would be used in conjunction with a lawful use of the site.

CONCLUSIONS

PRINCIPLE:

The site is located outside of the built-up area boundary within the countryside and the Bognor Regis to Chichester Settlement Gap Where policies C SP1 and SD SP3 of the Arun Local Plan apply. Policy 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 proposed application site is set within an enclave of agricultural buildings and farmhouse where a number of the agricultural barns have been converted to residential use. Therefore, it is considered that the proposal would comply with criteria a, b and d. With regard to Criterion c, Officers note that the repair of cars and boats etc. doesn't specifically have to be carried out in this location and technically could be carried out elsewhere. However, the applicant may not be in the ownership of any other land that they could utilise for this purpose. Therefore the proposed containers, which are to be used in conjunction with the car repair use previously deemed lawful, would need to be located in this location.

Therefore Officers consider that the proposal would broadly comply with Policy SD SP3 of the Arun Local Plan.

Policy C SP1 of the Arun Local Plan states within criteria a-f the development which is permitted within the countryside. The proposed containers would not, as aforementioned, be used for any use stated within Criteria a-f. Therefore the Proposal would be contrary to Policy C SP1 of the Arun Local Plan. However, it should be noted that previously granted application ref: P/139/17/CLE established that the existing mixed use for the storage & repair of boats & classic cars & agriculture was lawful upon the site. Therefore these containers would be used in conjunction with a lawful use of the site.

Policy 1 of the Pagham Neighbourhood Plan states that the plan directs development proposals within the Built-up Area Boundary, provided they accord with other provisions of the Neighbourhood Plan and development plan. Development proposals outside of the Built Up Area Boundary will be required to conform to development plan policy in respect of the control of development in the countryside.

The proposed containers are not being suited within the Built-up Area Boundary, therefore they should comply with Policy C SP1 as aforementioned above.

DESIGN AND VISUAL AMENITY/IMPACT ON A LISTED BUILDING:

As aforementioned within the Officers comments on reps section above, given the modest size and scale of the containers, along with the hedging and planting which would sufficiently screen the proposed containers it is considered that they would not have an unsightly and detrimental impact on the countryside. Additionally the proposed containers would not have a detrimental impact on the visual amenities of the 'enclave' of agricultural buildings and barn conversions etc. in which the site sits.

Additionally, it is considered given the screening available and that the containers would be set over 30 metres away from the rear of the highway, they would not have a detrimental impact on the street scene along the Pagham Road. Therefore, it is considered that this proposal is not unsightly development within the countryside.

As aforementioned above, objection has been raised that the land surrounding Rookery Farm, Grade II listed, overlooks it.

Officers note that Rookery Farm is a Grade II Listed Building but note that the portion of the field forming the application site does not abut the boundary of Rookery Farm. Additionally the containers would be sited 50+ metres away from the main Rookery Farm Farmhouse. Additionally the proposed containers would be screened by hedging, planting and trees. Therefore, it is considered that the proposed

containers would not have a detrimental impact on the Grade II Listed Building or its setting.

As such, it is considered that the proposed containers would comply with Policies D DM1, HER SP1 and HER DM1 of the Arun Local Plan.

NEIGHBOUR AMENITY:

The proposed containers would be of a modest size and scale, would be well screened by the existing hedging and planting and would be set a sufficient distance from neighbouring dwellings. Therefore it is considered that the containers would not have a detrimental impact on the occupiers of adjoining properties with regard to overbearing impact, overshadowing or loss of light/sunlight.

no overlooking would occur as the containers would feature no windows and to be used for storage not residential habitation.

Objections have been received with regards to neighbour amenity. These objections have been discussed in the Officer's comments on reps section above. One such objection has been raised with regard to the activity of the repair and restoration of cars leading to noise and disturbance.

The general impact of noise resulting from the repair and restoration of cars will not be assessed, as aforementioned the use has been deemed lawful. With regard to noise resulting from the use of the containers, as discussed in the Officer's comments on reps section, it would not be significant as to warrant refusal of this application. Noise from use of the storage containers would only occur if people were to throw items into it. It would be up to the applicant to ensure that this was the not case and that mind was had to good neighbourly conduct, with particular regard to noise. Should noise levels become an issue as a result of the use of the proposed containers it can be dealt with under appropriate Environmental health Legislation. An appropriate informative would be imposed upon any grant of planning permission whereby:

'The granting of this permission does not in any way indemnify against statutory noise nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act.

It is considered that the proposal would not have a detrimental impact on the residential amenity of the occupiers of neighbouring properties with regards to overbearing impact, overshadowing or loss of light/sunlight.

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

IMPACT ON NEARBY CULVERTED ORDINARY WATERCOURSE:

From an assesment of the submitted plans and the Drainage Engineer's comments, Officers note that the culverted ordinary watercourse (overflow from pond behind site) does not run across the application site and as such would not be impacted by the proposed siting of the containers.

SUMMARY:

It is recommended that, having regard to the above assessment, the planning application is granted subject to appropriate and reasonable conditions.

HUMAN RIGHTS ACT

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:

Location Plan
SBS/423/01 C
SBS/423/02

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 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).

- 3 The 3 containers hereby granted shall only be used in relation to the mixed use for the storage & repair of boats & classic cars as deemed lawful by previous application 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.

- 4 **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.

- 5 INFORMATIVE: The granting of this permission does not in any way indemnify against statutory noise nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act be received.