

Recommendation Report for Planning Permission

REF NO: R/90/14/PL

LOCATION: Plot 22 Dinsdale Field Caravan Park
New Road
Rustington

PROPOSAL: Site1 No caravan for permanent residential use.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 120 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to front and close boarded fencing at approximately 1.8m in height along the side boundaries. Metal fencing to the rear at approximately 2m in height.
SITE CHARACTERISTICS	The site is vacant plot with overgrown vegetation. There are caravans located either side on immediately neighbouring plots.
CHARACTER OF LOCALITY	Predominantly residential in character with other caravans in the vicinity.

RELEVANT SITE HISTORY

R/225/92	Renewal of temporary planning permission R/360/87 for siting of one caravan	ApproveConditionally 11-02-1993
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REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Environmental Health

WSSC Strategic Planning
Conservation Officer

Consultations responses received:

Environmental Health

Comment. The caravan should be positioned 3m away from the site boundaries, at least 6m from other caravans and at least 2m from the road, amongst other criteria

West Sussex County Council Highways

Comment.

The site is accessed from a private road and although no site visit has been undertaken there appears to be sufficient visibility in both directions. It is not expected that the road is heavily trafficked as it serves a limited number of dwellings/caravans. No alteration to the access arrangements are proposed and the singular unit will not materially impact the operation of the junction. The Parking Demand Calculator indicates that one space is sufficient for this type of dwelling in Rustington. In terms of its dimensions, the parking space measuring 2.4 x 4.8m meets the standard specification.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[GEN12](#)

Built-up Area Boundary
The Form of New Development
Parking in New Development

[Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections \(February 2014\):](#)

D DM1 Aspects of Form and Quality
D SP1 Design

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

RDS

Rustington Design statement by Rustington
Parish Council

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality due to an insufficiently large plot size to accommodate the proposed caravan.

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 located within the built-up area where the principle of development is acceptable,

subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for a new caravan to measure 8m in length and 2.4m in width on a plot that is 15.8m in length and 9.1m in width. The proposed caravan will be situated approximately 3m from the front boundary of the site. The caravan is considered to be in-keeping in its development type with the other caravans observed in the road.

Environmental Health requires the caravan to be situated away from any boundary by 3m, more than 2m from the road and greater than 6m from any other caravan. There has been a lack of sufficiently accurate information by way of an accurate site plan which has no scale and the dimensions within the plan do not agree so as to provide confirmation that Environmental Health regulations can be satisfactorily met.

This site plan does not provide confirmation that the Environmental Health requirements can be satisfied. Namely, the proposed caravan will be less than 6m away from the caravan at Plot 23 to the east. This also shows that the plot is of insufficient size to accommodate the proposed caravan and would not therefore respond positively to the site and its relationship with other caravans.

It is therefore considered that the proposal conflicts with policy GEN7(ii) of the Arun District Local Plan and policies D DM1 and D SP1 of the Emerging Local Plan.

RESIDENTIAL AMENITY

The proposed caravan will be situated at its closest point to the caravan on Plot 23 which is approximately 4.5m away. This is considered to be a sufficient distance away and so will not cause any overbearing or overshadowing effects or lead to any loss of privacy.

It is therefore considered that the proposed caravan is acceptable in residential amenity terms and so complies with policy GEN7(iv) of the Arun District Local Plan.

However, for the size of the caravan in relation to its plot and inaccurate information on the site plan, the application is recommended to be refused for the following reasons.

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 private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal 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 refusal 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, a neutral impact has 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.

RECOMMENDATION

REFUSE

- 1 The site by virtue of its size would result in a cramped appearance and provide limited amenity area contrary to policy GEN7(ii) of the Arun District Local Plan and policies D DM1 and D SP1 of the Emerging 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 identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.
- 3 INFORMATIVE: The applicant is advised to discuss any future scheme with the Environmental Health department to ensure that it complies with their legislation before submitting any further planning application.