

Recommendation Report for Planning Permission

REF NO: WA/38/26/PL

LOCATION: Binsted Nursery
Lake Lane
Barnham
PO22 0AL

PROPOSAL: Remove an existing modular office building (portacabin) and replace it with a new modular building. This application is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to remove an existing modular office building (portacabin) and replace it with a new modular building.
SITE CHARACTERISTICS	This site is a single storey office building at the entrance to the horticultural site.
CHARACTER OF LOCALITY	The site is in a largely rural setting, with various horticultural business and associated development in immediate vicinity of the site. Sussex Business Village lies to the west of the site.

REPRESENTATIONS

Walberton Parish Council - No comments received.

No objections were received from nearby occupiers.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Area of Special Control (Adverts)

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

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 the development provides a modest extension to an existing business within a rural location and does not harm the character of the area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The site is outside of the built up area boundary, and is in the countryside for the purposes of planning policy. Arun Local Plan (ALP) policy SD SP2 seeks to concentrate development within the existing built up area and ALP policy C SP1 resists development within countryside, other than for the operational needs of agriculture, horticulture or forestry. In this instance, the office building is connected to the wider horticultural enterprise at Binsted Nursery, and the replacement of part of this structure would result in a modest increase in the size of the building. ALP policy EMP DM1(6) also states that planning permission will be granted outside of the built up area boundary where the proposal is for an appropriately sized

extension of an existing commercial premises. The application seeks to replace a modular portacabin building used as an office associated with the horticultural business, resulting in a small increase in its footprint. The application accords with ALP policy EMP DM1. The proposal is acceptable in principle subject to compliance with the relevant development plan policies.

DESIGN AND VISUAL AMENITY

The office building is adjacent to the site access and is a single storey portacabin style building. The proposal seeks to replace an element of the existing modular portacabin style building. The existing building in this location is well screened from the road by mature hedging. The alterations will not result in any change to the height of the building, and building would remain similarly screened. The element of the building which is to be replaced is on the west side of the building. The new modular element would measure approx. 3.9m by 12.6m and would project further to the north of the existing building. The proposal is for a modest extension to the existing building, and the replacement section remains subservient to the main building in accordance with ALP policy D DM4.

The proposal will not harm the character or visual amenity of the area and is in accordance with ALP policies D DM1 and D DM4.

NEIGHBOURING AMENITY

The office building is located away from residential dwellings and would not have any harmful impacts on occupiers of nearby land or buildings, in accordance with ALP policies D DM1 and D DM4.

TRAFFIC AND HIGHWAYS

The proposed increase in the size of the office is not anticipated to result in any significant alteration to vehicular movements. The site has a large parking area to the north of the office, and the proposed extension would not result in an increased parking need according the Arun Parking Standards, as the area of the extension is less than 30sqm.

The proposals will not detrimental impact parking or highways in accordance with ALP policy T SP1.

SUMMARY

The development complies with the relevant development plan policies and recommended for approval subject to the following conditions and informatives.

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

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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 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).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan
- Block Plan
- Proposed Floor Plan
- Proposed Elevations

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 The development hereby permitted shall be used solely for purposes related to the operation of the horticultural enterprise operating from the site and shall not be used for any other purposes.

Reason: The site lies in an area where development associated with agriculture in accordance with Arun Local Plan policies CSP1 and EMP DM1 (6).

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.