

Recommendation Report for Planning Permission

REF NO: **WA/63/16/PL**

LOCATION: Fairmead Farm
 Binsted Lane
 Arundel

PROPOSAL: Demolition of 3 No. existing agricultural buildings & erection of new agricultural building & farm workshop/office.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks planning permission for the demolition of 3 no. redundant/dilapidated agricultural buildings and the erections of a new agricultural building and farm workshop/office.

SITE AREA

Approximately 0.17 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The boundaries of the site consists of a mixture of hedging and trees of various heights and species.

SITE CHARACTERISTICS

The site is agricultural land which currently features a number of dilapidated structures and various outdoor storage including vehicles, tyres, rubble and scrap.

CHARACTER OF LOCALITY

The character of the locality is rural with agricultural land surrounding the application site and sporadic residential development situated to the north and south. The South Downs National Park is situated approximately 210m to the north of the application site with Meadow Lodge a grade II listed building located 86m to the north.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Walberton Parish Council

WPC considers the proposed development of new buildings on this 2.3 acre site is not

supported by Arun District Local Plan (GEN 1, 3, 4, 7, 8, and Policy Dev 6, 8).

Further, that Walberton NDP policies (VE 9, GA 5, CL 1) are either not supportive or not engaged.

WPC also considers that these new buildings will not be within GDO Sched 2 Part 3 Class R (Permitted development of agricultural buildings to a flexible commercial use).

WPC notes that under "Environmental Assessment" the application does not refer to a number of biodiversity issues including protected species and the Barnham Rife, and attaches a report from Sussex Biodiversity.

17 letters of objection:

- 1] Site is going to be used as a hire company business and will result in a massive increase in large vehicles using Binsted Lane.
- 2] Large vehicles using the lane will pose a risk to the safety of pedestrian and other vehicles.
- 3] The proposed buildings would affect the setting of the South Downs National Park.
- 4] The proposed buildings are out of character with the surrounding area.
- 5] No details of materials or colour of the buildings has been provided.

Comments on Representations received:

Comments noted and will be considered in the conclusion to this report.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Ecology Advisor
WSCC Strategic Planning

Consultations responses received:

WSCC Highways;

Comments received 29.03.2017

- The Local Highways Authority considers that the proposal would result in an intensification of use at the site.
- The applicant would be requested to demonstrate the maximum achievable levels of visibility at this access point in line with the principles and guidance set out within Manual for Streets. This is to allow the Local Highways Authority to assess if the access point is adequate in terms of visibility to accommodate the increased vehicular activity anticipated.
- From inspection of the existing vehicle crossover serving the site improvements could be made to the construction of the crossover with the access point being upgraded to a heavy duty specification.
- While the existing access crossover is wide and splayed the applicant should demonstrate that the access point's geometry is adequate to meet the needs of vehicles intended to use the access point. This can be done by way of swept path tracking plans.
- The applicant has detailed that the proposal will result in 6 to 8 vehicular movements in any one day. It is accepted that Binsted Lane is narrow in nature with limited passing places however I'm mindful of the rural location where vehicular movements from larger agricultural vehicles would be anticipated and importantly are already being generated by neighbouring farms/enterprises.
- In principle substantiating a highway capacity reason for objection on the basis of 6 to 8 vehicular movements per day would be extremely difficult. However I would request the applicant provide more detailed information pertaining to these vehicle movements.

Conclusion

- In conclusion the Local Highways Authority would request that the points raised above are brought to the attention of the applicant and WSCC re-consulted on the application.

Comments received 21.04.2017

- Given the access is unmade, as shown in the photos, and will be taking heavy vehicles on a regular basis the access crossover should be made up to current heavy duty WSCC specifications. Break-up of the crossover, which while not surveyed to date, will in part be considered publically maintained highway would therefore be the burden of WSCC to maintain so any access should be constructed to an appropriate specification obtained from WSCC Highways.
- The applicant has outlined that the proposal will result in very few (one or two) vehicular movements twice per day, morning and afternoon/evening. This is significantly less than I was anticipating when providing comments dated 29/03/2017 given the details in the original application were somewhat vague. On this basis it would be extremely difficult for the Local Highways Authority to demonstrate that any material intensification of use would result and therefore in principle the application would be difficult to resist from a Highway Safety or Capacity perspective.
- Nevertheless the access geometry needs to be designed to accommodate the vehicles intended to access the site. On this basis I would advise the access is improved by way of construction and geometry. The photos provided show significant verge overrun, again a maintenance burden on the Local Highways Authority. Below I provide some wording for an access condition (& Informative Note), whereby the Local Highways Authority would seek plans and details to improve the access point, including swept path tracking to demonstrate the geometry is adequate.
- 2 No. conditions proposed.

Engineers (Drainage):

- Please apply standard conditions ENGD2A.

Ecology:

Comments received 02.12.2016

- I note the results of the bat and barn owl survey that there is negligible potential for bats and barn owls to be using the buildings and therefore provided they are demolished within the next two years, no further surveys are required.
- the site appears to have suitable habitat for reptiles and no assessment has been made regarding the impact on reptiles of the proposed new buildings. Ideally we would require reptile surveys to be undertaken, however since these will need to be undertaken in the late spring, a reptile habitat suitability survey would be acceptable providing mitigation was proposed that assumed reptiles were present.

Comments received 15.03.2017

- No objection raised concerning ecology at the site. Full comments available on the Arun District Council website.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN33	Light Pollution
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		C SP1 Countryside
		D DM1 Aspects of Form and Design Quality
		D SP1 Design
		SD SP2 Built-Up Area Boundary
Walberton Neighbourhood Plan Policy 2017 HP13		Design Guidance
Walberton Neighbourhood Plan Policy 2017 GA5		Traffic Management
Walberton Neighbourhood Plan Policy 2017 VE7		Surface Water Management
Walberton Neighbourhood Plan Policy 2017 VE9		Rural Buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

The Walberton Neighbourhood Plan has been made and policies VE7, VE9, GA5 and HP13 are relevant to the determination of this application.

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 and 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 proposed development is situated outside of the built up area boundary where the principle of development should be resisted and as such the proposed development is deemed to conflict with policy GEN2 of the Arun District Local Plan. Policy GEN3 states that development will not be permitted in the countryside unless;

(i) it meets the operational needs of agriculture, forestry, the extraction of minerals or the deposit of waste; or (iii) for the diversification of the rural economy.

It is considered that the proposed agricultural farm buildings would meet the requirements of GEN3 and as such the principle of the proposed development is considered acceptable subject to accordance with relevant policies within the Arun District Local Plan; emerging Local Plan; the Walberton Neighbourhood Plan; and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposal seeks planning permission for the erection of 2 no. agricultural barns on the site which will be used for the storage of agricultural equipment. The two buildings will be situated in similar locations to two derelict buildings previously present on the site. Although it must be noted that the proposals will cover a significantly larger portion of the site.

The northern most building is proposed to be used as a hay barn and farm machinery store and will measure approximately 12m x 16m with an eaves height of 4m and a maximum ridge height of 5.6m. The southern most building will be used as a 'farm workshop' and will measure approximately 7m x 18m with a eaves height of approximately 5m and a maximum ridge height of 8m.

Justification of the height of the proposed farm machinery store has been provided by virtue of the machinery intended to be stored within the building. However, no such justification has been provided for the farm workshop. Comments were made by the agent that the proposed workshop height would allow for the equipment to be worked on whilst extended. However, it is considered that a building of such significant height would have an unacceptably adverse impact upon the established character of the rural area in conflict with policy GEN7(ii) of the Arun District Local Plan; policies D DM1 and D SP1 of the emerging Local Plan; and policy HP13 of the Walberton Neighbourhood Plan. Whilst, it is noted that the application site features mature planting on the western and southern boundaries the building will nevertheless appear overly dominant given its rural setting.

RESIDENTIAL AMENITY

The proposed farm workshop will be situated approximately 12m from the southern boundary and 22m from the western boundary. The northern most building will be situated 14m from the northern boundary of the site. It is considered that the proposed buildings by virtue of their location will not give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts upon neighbouring properties.

It is considered that the proposed use of the buildings by farm vehicles will not generate unacceptable noise or impacts upon the residential amenity of nearby occupiers beyond what could be expected in a rural farming community. However, it must also be considered that any noise or disturbance could be adequately controlled through the use of condition restricting the hours of operation of vehicles at the site.

HIGHWAYS IMPACTS

The proposal has been the subject of consideration by WSCC who have raised no objection in relation to the proposed scheme subject to the inclusion of suitably worded conditions regarding the proposed access point.

Objections have been raised in relation to the impact of vehicular movements along Binsted Lane. This was considered by the Highway Authority with the applicant identifying that very few (one or two) vehicular movements would occur twice per day (morning and afternoon/evening). Therefore, it was determined that the number of vehicular movements would not result in any material intensification of use that would result in a Highway Safety or Capacity issue.

ECOLOGY

The Council's Ecology advisor has considered the proposal and it is considered that suitably worded conditions could overcome their concerns.

SUMMARY

The proposed building are considered to conflict with relevant development plan policy and as such are recommended for refusal for the reasons identified below.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). 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 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

REFUSE

- 1 The proposed southernmost agricultural barn by virtue of its height and design would result in unacceptably adverse harm to the visual amenities of the rural locality in conflict with policy HP13 of the Walberton Neighbourhood Plan; GEN7 of the Arun District Local Plan; D DM1 and D SP1 of the emerging Local Plan; and the National Planning Policy Framework.
- 2 **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 identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.