

Recommendation Report for

REF NO: WA/81/21/AG

LOCATION: Lower Farm
Yapton Lane
Walberton
BN18 0AS

PROPOSAL: Prior approval under Schedule 2 Part 6 for a proposed new reservoir on farm to hold harvest rain water to irrigate horticultural crops.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is a prior notification under the Town and Country Planning Act (General Permitted Development) Order 2015 as amended under Schedule 2, Part 6, Class A 'agricultural development on units of 5 hectares or more' to determine whether the Local Planning Authority has any objections with regard to the siting of a reservoir.
SITE AREA	250 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is predominately open in appearance although features some trees and hedging to the south and western boundary.
SITE CHARACTERISTICS	The application site is in agricultural use.
CHARACTER OF LOCALITY	The area is predominately rural, located outside the built up are boundary. There are some dwellings located to the west of the site along Yapton Lane.

RELEVANT SITE HISTORY

WA/70/21/DOC	Approval of details reserved by condition imposed under ref WA/62/20/PL relating to Condition No 6 - hard and soft landscaping	DOC Approved 13-09-21
WA/24/21/DOC	Approval of details reserved by condition imposed under ref WA/62/20/PL relating to Condition Nos 3 - surface water drainage, 4 - discharge flows to watercourses, 5 - maintenance & management of surface water drainage, 6 - hard & soft landscaping, 7 - Construction Management Plan, 8 - ecology, 12 - cycle parking, 13 -	DOC Part Approved 28-05-21

archaeology, 16 - contamination and 17 - verification report.

WA/62/20/PL	Construction of 5 hectares of glasshouses, a service area & a reservoir on agricultural land. This site is in CIL Zone 3 (Zero Rated) as other development.	ApproveConditionally 29-01-21
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REPRESENTATIONS

Walberton Parish Council provided support for the application.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted however comments cannot be taken into account. The proposal is being considered in respect of compliance with legislation and whether it meets the requirements of permitted development. It is not being assessed on planning merit.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Outside Built up area boundary.

DEVELOPMENT PLAN POLICIES

POLICY COMMENTARY

N/A

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

This application falls to be determined under Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) Order 2015.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site is an existing agricultural field which lies outside the built up area boundary. However, the principle of agricultural/horticultural development is permitted subject to receipt of a Prior Notification under Part 6 A.2 (2) (c) (i) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). In respect of excavations, aside from compliance with the conditions of the Order, the Local Planning Authority is only able to assess whether prior approval is required in terms of its siting.

SITING:

As stated above, the local planning authority is only able to assess the proposal in respect of its siting. It is considered that the reservoir is sited appropriately, a suitable distance away from Yapton Lane. There is some landscaping to the boundaries which will help screen in places. The reservoir is unlikely to be visible from the wider area due to its location.

CONCLUSION:

The reservoir is considered to be necessary for agricultural purposes and its siting is considered to be appropriate. The proposed excavation and reservoir complies with relevant criteria and constitutes permitted development under Part 6 Class A of the Town and Country Planning (General Permitted Development) Order 2015.

It is recommended that no objection be made in relation to the siting.

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

NO OBJECTION

1 For the avoidance of doubt the approved details are the Site Location Plan - PA21 03, Site

Block Plan- PA21 04, Reservoir Details - PA04 01 submitted on 31st August 2021.

- 2 INFORMATIVE: The applicant is advised that under Part 6 A2 (7) you are required to notify the Local Planning Authority in writing within 7 days of the date on which the development is substantially completed.