

Recommendation Report for Planning Permission

REF NO: WA/84/17/PL

LOCATION: Fairmeads Farm
Binsted Lane
Arundel
BN18 0LQ

PROPOSAL: Demolition of existing structure & paddock & erection of farm building for the secure storage of farm machinery, fertilizer, hay & straw (resubmission following WA/63/16/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for the removal of an existing small structure and replace it with a building measuring 5.6m high with a width of 10.5m and a length of 18.3m. The building would be made from box profile steel roof sheeting (grey for the roof and green for the walls) and with a concrete block base. The building would have a sectional up and over door at one end and an open bay designated for hay storage at the other end.
SITE AREA	The site (red and blue edges shown on the plan) is approximately 2.65 ha.
TOPOGRAPHY	Predominantly flat.
TREES	None 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. Some fencing to the southern boundary.
SITE CHARACTERISTICS	The site is agricultural land which currently features a number of dilapidated structures.
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 200m to the north of the application site with Meadow Lodge a grade II listed building located 86m to the north.

RELEVANT SITE HISTORY

WA/63/16/PL	Demolition of 3 No. existing agricultural buildings & erection of new agricultural building & farm workshop/office.	Refused 06-10-17
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The site history showing a refusal of a recent application is noted. The development proposed under this application differs from the previous application. The previous application was refused for the following reason:-

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.

It is important to note that the previous application was for two buildings (this application is for one) and there is no longer a proposal for a farm workshop/office.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

WPC object on same grounds as previous application and are concerned about access/highway.

Previous objection (WA/63/16/PL) was:

"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."

12 letters of objection:

- There has never been a paddock on the site.
- The Design and Access Statement title suggests 16 hectares but there is not 16 hectares of land.
- The proposed buildings would affect the setting of the South Downs National Park 200m away.
- The proposed buildings are out of character with the surrounding area.
- No details of materials or colour of the buildings has been provided.
- Part 18 of the form suggests building has a footprint of 293.5 sqm when in fact it is 190 sqm.
- Only previously seen sheep in field for 3 weeks contrary to applicants statement.
- The site could not support the number of sheep stated or the amount of hay production.
- Machinery will only be used for a few weeks of the year.
- Concerned about business use.
- No control over future development.
- Increase in building footprint.
- Replacement of small building with much larger one.
- No control of machinery to be stored.
- Traffic/highway safety.
- Setting of Binsted Park.

- Applicant now owns 6.5 acres.
- Straw will be brought on to the site.
- Potential fire risk from stored items.
- Business is contracting work - do not show number of vehicle movements.
- Potential pollution to watercourse.
- Concern about barn owls, birds, reptiles and bats.
- All structures should be demolished.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

The previous objection from Walberton Parish Council related to the previous scheme and there have been changes since then. Policies GEN1 and GEN4 are not saved policies and can not be considered. Policy GEN8 relates to the provision of infrastructure and there are not considered to be any relevant infrastructure requirements. Policy DEV8 is not applicable. Policy DEV6 allows for the construction of agricultural buildings under certain circumstances.

In terms of the made Walberton NDP - policy GA5 relates to applications that significantly increase the levels of traffic in the villages however there is no objection from WSCC on highway grounds to the proposal. Policy CL1 relates to proposals to upgrade or extend existing employment sites - this is not an existing employment site. Policy VE9 relates to the re-use, conversion and adaption of rural buildings - the proposal is for a new building so the policy does not apply.

The application has been subject to consultation with our ecologist and they raise no objection subject to conditions.

The reference to a paddock relates to the description of the development - the existence of a paddock (or otherwise) is not relevant to the determination of the application.

The site area of the proposal is noted in the report and it is accepted that the building is much larger than the one to be demolished.

The impact of the buildings on the SDNP is discussed later in the report as are character issues.

Details of the materials are on the plans and the dimensions of the building are noted in the report.

The applicants have stated a number of sheep on site/level of hay production which they believe they can achieve. The LPA have no evidence to dispute this however the National Sheep Association website refers to a stocking ratio of 6-10 sheep per acre.

Straw being brought on to the land would not affect the agricultural status of the land.

There is no proposal to demolish the buildings in a state of disrepair adjacent to the entrance.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

WSSC Highways: Impact on highway not severe under NPPF - no objection subject to conditions.

Ecology: Lighting scheme to minimize impact on bats. No works to trees hedging between 1/3 and 1/10. If this needs to be done ecologist to be consulted prior to works.

Engineers: No response received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside built up area.

DEVELOPMENT PLAN POLICESArun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN29	Nature and Conservation Across the District
GEN33	Light Pollution
GEN7	The Form of New Development
DEV6	Agricultural Buildings

Publication Version of the Local Plan (October 2014):

C SP1 Countryside
D DM1 Aspects of Form and Design Quality
HER SP1 The Historic Environment
QE DM1 Noise Pollution
HER DM1 Listed Buildings
QE SP1 Quality of the Environment
QE DM2 Light Pollution
D SP1 Design
LAN DM1 Protection of Landscape Character
SD SP2 Built -Up Area Boundary

Walberton Neighbourhood Plan Policy 2017 GA5 Traffic Management

Walberton Neighbourhood Plan Policy 2017 HP13 Design Guidance

Walberton Neighbourhood Plan Policy 2017 VE7 Surface Water Management

Walberton Neighbourhood Plan Policy 2017 VE8 'Unlit village' status

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 and is 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.

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 has taking place. 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. The examination was completed in September 2017. The Main Modifications to the Arun Local Plan (2011-2031) were out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

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.

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 the relevant policies in it have been taken into account in 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 comply with relevant Development Plan policies in that the siting of a building on the position proposed for agricultural purposes would not cause unacceptable harm to the character of the area, residential amenities of the area, ecology or the setting of the Listed Building to the north or the setting of the National Park.

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

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.

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 development plan (Arun District Local Plan and Walberton Neighbourhood Plan) and any other material considerations.

Policy DEV6 of the adopted Local Plan allows for the construction of agricultural buildings if their scale, siting, design and materials minimise the visual impact on the landscape. It requires that new buildings are grouped around any existing buildings in order to minimise impact on the landscape. Alternatively isolated buildings are acceptable where their location is essential to the agricultural activity being undertaken and they are not in a prominent location.

It is considered that the application complies with this policy in that the scale etc of the building will have an acceptable visual impact on the landscape. The applicants have submitted a statement in support of agricultural need which states:-

"The machinery list seems reasonable for the proper management of the holding, and most of this will have to be stored inside for security and maintenance. I would therefore consider the proposed building to be of adequate size to allow for storage and access, together with feedstock, and miscellaneous tools etc together with a workshop/maintenance area for servicing the machinery. I assume part of the building may also be required to meet animal welfare requirements where stock on the farm need to be handled or require veterinary treatment and supervision."

DESIGN AND VISUAL AMENITY

The proposal seeks planning permission for the erection of one agricultural barn on the site which will be used for the storage of agricultural equipment and hay. The building with its narrow side facing the highway and positioned on the north side of the site replaces a very small building.

The building measures 18.3m x 10.5m and would be constructed from concrete blocks and block profiled sheeting. It is considered that the size, design and siting of the agricultural building is such that the application would not cause unacceptable harm to the visual amenities of the predominantly rural area.

RESIDENTIAL AMENITY

The proposed building will be situated approximately 6m from the northern boundary and 50m from the southern boundary. It is considered that the proposed building by virtue of its size, design, position and use will not give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts upon neighbouring residential properties.

The proposed use of the buildings for the storage of agricultural vehicles and hay will not generate unacceptable noise or impacts upon the residential amenity of nearby occupiers beyond what could be expected in a rural farming community.

HIGHWAYS IMPACTS

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

ECOLOGY

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

SETTING OF LISTED BUILDINGS

The proposed building is due to be positioned some 70m to the south of Meadow Lodge and Morley's Croft is even further to the north on the opposite side of the road. Due to the size and design of the building and the landscape features in between it is not considered that the proposed building would have an adverse impact on the setting of the listed buildings given the agricultural nature of the area.

SETTING OF THE NATIONAL PARK

The South Downs National Park is sited approximately 195m to the north of the proposed building. Due to the height, position and design of the building together with intervening features it is not considered that the building would have an unacceptable adverse impact on the setting of the National Park.

SUMMARY

The application is considered to comply with relevant development plan policy as it would result in a modestly sized building located on agricultural land for a stated agricultural purpose.

It is therefore recommended that the application be approved subject to conditions.

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

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:-
RA/671/120 Site Plan
RA/671/500 Block Plan
RA/674/100 D

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The building hereby approved shall be used only in connection with the agricultural land within the red and blue edge and the building shall not be used for any other business purpose including agricultural contracting or for vehicle repair except in relation to vehicles used in connection with Fairmead Farm.

Any farm equipment stored within the building must be needed in connection with Fairmead Farm.

Reason: Business use other than that related to agriculture on the site would be likely to give rise to traffic movements and disturbance to nearby residents contrary to GEN7 of the Arun Local Plan.

- 4 No part of the development site shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details (including swept path tracking for appropriate vehicles) submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety in accordance with GEN7 of the Arun Local Plan.

- 5 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests within 24 hours prior to the vegetation being cleared and it is confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policies GEN7 and GEN29 of the Arun District Local Plan.

- 6 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 7 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.

- 8 INFORMATIVE: The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.