

Recommendation Report for Planning Permission

REF NO: Y/116/19/PL

LOCATION: Land Southwest of Drove Lane Farm

Yapton

PROPOSAL: Installation of two secure storage containers

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to install two storage containers within the existing solar farm site.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is boarded by trees
SITE CHARACTERISTICS	The site is occupied by a solar farm.
CHARACTER OF LOCALITY	The site is within a countryside setting with Drove Lane Farm to the east.

RELEVANT SITE HISTORY

Y/87/13/	Installation of solar farm comprising erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks & ancillary equipment. Departure from the Development Plan.	ApproveConditionally 13-02-14
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The solar farm was constructed in 2013.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

No response
No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Outside built up area boundary

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
CSP1	C SP1 Countryside
ECCDM1	ECC DM1 Renewable Energy

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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.

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 it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant 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 proposal is located outside of the built up area as set out within both the Yapton Neighbourhood Development Plan and the Arun District Local Plan (ALDP) . However, policy C SP1 of the ADLP does state that development will be permitted in the countryside where it is in accordance with other policies in the Plan which refer to a specific use or type of development , in this case ALDP policy ECCDM1 refers to Renewable Energy. In the event of conflict between development plans, the more recent plan takes precedence (the ADLP). Therefore, subject to compliance with ECC DM1 and other policies of the ADLP, the proposal will be acceptable in principle.

Policy ECC DM1 refers to renewable energy and states the Council will support proposals for appropriately located renewable energy development, and their ancillary development subject to criteria which includes minimise adverse impacts on landscape, habitats, residential amenity.

DESIGN AND VISUAL AMENITY

The site consist of a solar farm. The proposal seeks to construct two containers. These would be used to store equipment for the continued use of the solar farm.

The containers are situated to the eastern side of the solar farm however are contained within, with panels surrounding the containers, near to the access track. This is to ensure they do not appear as an isolated feature.

Container 1 will be 12.1m in length , 2.4m in width and 2.5m in height. Container 2 will be slightly smaller with a length of 6m , width of 2.4 and a height of 2.6m.

The containers are to be green in colour. This is considered to enable the containers to blend in with the surrounding vegetation.

Views of development are extremely limited due to the siting of the proposal and with screening surrounding the site.

As a result of the siting and size, the development is not considered to result in adverse visual impacts upon the area when viewed in context with the solar farm and is considered to accord with D DM1 and ECC DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Due to the siting and type of development which is surrounded by screening, the development is not considered to result to adverse impacts upon amenity by way of visual impacts or noise and is in accordance with D DM1 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is 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

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
 - Proposed Container Location - Block Plan- 6/1/2020
 - Container Drawing 1
 - Container Drawing 2

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

- 3 **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.