Recommendation Report for Planning Permission

REF NO: Y/22/18/PL

LOCATION: Building at Drove Lane Farm
Drove Lane
Yapton
BN18 0EB

PROPOSAL: Replacement open sided agricultural storage barn

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is for a part open-sided steel framed barn located within and on the west side of the existing farm yard as part of an existing complex of farm buildings to replace a concrete framed, asbestos clad barn that was severely damaged by fire and has subsequent been cleared from site. The new building will be similar in scale, location and appearance to the fire damaged barn it replaces. The overall dimensions are 7.55m wide by 27.75m long, with an eaves height of 5.0m and ridge height of 7.0m. The barn will be open-sided to the north-east and south-east elevations, partially clad down to 2m above ground level on the north-west elevation and clad down to ground level to the south-west elevation. The footprint of the building will be finished in rolled stone to match the adjoining part gravelled yard. There are no requirements for any electrical lighting associated with the proposed building. The proposed building will provide seasonal storage of straw bales with associated farm vehicle movements in line with that which occurred previously.
SITE AREA	2,670 sq m
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The farmyard is partially enclosed by buildings and the remainder with 1.2 m open timber fencing and hedges.
SITE CHARACTERISTICS	The site is a working farmyard with farm buildings to the north and south and the access onto the road on the eastern side. Immediately to the east is a pair of semi detached properties. The nearest cottage has 3 windows at first floor in the gable end facing onto the site.
CHARACTER OF LOCALITY	Open countryside.

RELEVANT SITE HISTORY

Y/72/16/PD	Prior Notification under Class Q for change of use from agricultural building to a dwelling house (C3)	No Object'n + Conds 25-11-16
Y/42/16/AG	Prior Notification under Part 6 - agricultural & forestry for new storage barn	No Objection 25-07-16
Y/111/14/PD	Prior notification under Class MB for change of use of agricultural building to 1 No. dwellinghouse (Use Class C3)	Objection 17-02-15
Y/84/14/PD	Prior notification under Class MB for change of use of agricultural building to a dwellinghouse (C3)	Objection 23-12-14 **Appeal: Dismissed 27-07-15**
Y/64/14/PD	Prior notification under Class MB for change of use of agricultural building to a dwellinghouse(C3)	Objection 12-09-14 **Appeal: Allowed+Conditions 21-04-15**
Y/63/14/PD	Prior Notification under Class MB for change of use from agricultural building & land within its curtilage to a dwellinghouse	
Y/100/13/PD	Prior Notification under Class M (Flexible Uses) for change of use from agricultural to B1 (Business)	No Objection 28-01-14
Y/101/13/PD	Prior Notification under Class M (Flexible Uses) for change of use from agricultural to B1 (Business)	No Objection 28-01-14
Y/102/13/PD	Prior Notification under Class M (Flexible Uses) for change of use from agricultural to B1 (Business)	No Objection 28-01-14
Y/84/13/	Barn conversion to provide residential accommodation	
PE/Y/33/96/AG	.....	No Further Actn 24-09-96

Noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

No objection

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

- none

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Countryside

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN3	Protection of the Countryside
DEV6	Agricultural Buildings
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

C SP1 Countryside

D SP1 Design

D DM1 Aspects of Form and Design Quality

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 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. 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 Yapton Neighbourhood Plan has been made but there are no policies 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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have 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

The site is located outside the built up area in the countryside. Policy GEN3 states that development will not be permitted in the countryside unless it meets the operational requirements of agriculture. The barn is to be used for the storage of agriculture crops and therefore meets the first criteria. It will be located within the existing farmyard and grouped with other similar agricultural buildings and replaces a barn of the same size and appearance so there is no additional impact on the landscape or the amenities of adjoining occupiers. As such the proposal complies with policies GEN3, DEV6 and GEN7 of the Arun District Local Plan and policies C SP1, D SP1 and D DM1 of the Arun Local Plan 2011-2031.

HUMAN RIGHTS ACT

FOR APPROVAL
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 plan:1724 001 rev 04

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 and DEV6 of the Arun District 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.