

Recommendation Report for Planning Permission

REF NO: Y/57/22/PL

LOCATION: The Potting Barn
5 Hobbs Court
Bilsham Road
Yapton
BN18 0JY

PROPOSAL: Replacement of existing agricultural building. This site is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a replacement agricultural building.
TREES	None affected by the development.
SITE CHARACTERISTICS	The site is occupied by a detached single storey dwelling with an adjoining field used for agricultural purposes.
CHARACTER OF LOCALITY	With the exception of the site, the adjoining Hobbs Farmhouse and some dwellings & industrial buildings to the southeast, the character of the surrounding area is rural.

RELEVANT SITE HISTORY

Y/148/21/CLP	Lawful development certificate for the proposed replacement of the existing storage building with a second hand pre fabricated building of similar size.	PP Required 08-12-21
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A CLP was submitted for the replacement building in 2021 and it was determined that permission was required.

REPRESENTATIONS

Yapton Parish Council provided no objection.

1 letter of support received.
 - The existing shed is beyond repair.
 - The field is in agricultural use.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC DRAINAGE - Due to the scale, location and type of application we have no conditions to request. There is a watercourse to the north of this site, if any alterations are proposed as a result of this development, including connecting surface water to the watercourse, please apply for land drainage consent via WSCC

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Outside Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
CSP1	C SP1 Countryside

[Yapton neighbourhood plan 2014 Policy BB1](#) Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

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

Yapton Neighbourhood Development Plan was made on 5/11/14 and its policies are referred to in this report.

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.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site lies outside the built-up area boundary as set out in both the Yapton Neighbourhood Plan and the Arun Local Plan.

Policy C SP1 applies which permits development for the operational needs of agriculture and where it accords with policy elsewhere in the plan related to the development proposed. The site in which the building is located is in agricultural use and it would be used for agricultural storage in compliance with CSP1 (a).

Yapton Neighbourhood Development Plan (YNDP) policy BB1 states development proposals outside the built-up area boundary will not be permitted unless it falls into a certain category. The proposed development would not accord with any. In the event of conflict between development plans, the more recent plan takes precedence. Therefore, with the scheme in compliance with CSP1 (a), the proposal will be acceptable in principle.

DESIGN AND VISUAL AMENITY

There is a dilapidated wooden building on site and the proposal seeks to construct a replacement. The proposed will be in a different location however there is an existing concrete base which will be utilised, and its re-siting is acceptable.

The building is slightly smaller than the existing with a height of 2.7m, depth of 2.9m and a length of nearly 6m. The development is appropriate in scale for the site and modest in size.

Materials will consist of timber walls which are sympathetic to its countryside location and in keeping with the area.

The Arun Design Guide states 'New development must ensure that the existing character and sense of place of an area is respected and enhanced'. 'Responds to the existing landscape by considering orientation, key views and natural features'. The proposal complies, being appropriate in size and appearance.

Due to its siting, there will be no views from the wider area and the scale and design of the proposed

development is appropriate for its countryside location and will not result in adverse harm upon the character of the area in accordance with D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposal retains 65m to the edge of the field, with further separation to the closest neighbours. As such, due to the separation and modest size of the building proposed it will not result in adverse harm upon neighbouring amenity in accordance with D DM1 of the Arun Local Plan.

SUMMARY

The development complies with development plan policies and 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

- Location and Block Plan - 020 A
- Existing and Proposed Floor and Elevation Plan - 021B

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.