

**Recommendation Report for Planning Permission**

**REF NO:** Y/87/14/PL

**LOCATION:** Unit 4  
Glebelands Farm  
Yapton Road Barnham

**PROPOSAL:** Additional use of premises for MOT testing (B2 General Industry)

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION**

This application seeks planning permission for the use of part of these premises as an MOT Testing Station. The building concerned is split internally into 3 main units, of which the application site is the front most unit, closest to Yapton Road.

**SITE AREA**

The floor area of the part of the building is 413 square metres.

**TOPOGRAPHY**

Predominantly flat.

**TREES**

None of any significance affected by the proposed development, although there are trees on the site boundary with adjoining residential development.

**BOUNDARY TREATMENT**

The boundary of the site with adjoining development is formed by a hedgerow which includes some specimen trees.

**SITE CHARACTERISTICS**

The subject building is of a portal framed construction and has been subdivided into 3 units. It is clad in grey material that has a corrugated appearance. The roof is also corrugated and is also grey coloured. The present use is as an operating centre for a haulage business, storage, maintenance, parking and repair of vehicles with some sales.

The building is set back from adjoining development and has area of hard standing surrounding it, with an access way between the building and adjoining development. Access to the units is by means of large roller shutter doors which face away from the adjoining development. There are no openings in the rear of the unit facing adjoining

development. The front and sides of the building are partially screened from the road by a hedgerow.

#### CHARACTER OF LOCALITY

The general character of the locality is that of open countryside, although this is interspersed with groups of dwelling this north east side of Yapton Road. Opposite and to the north west side and rear of the site is open arable land.

#### RELEVANT SITE HISTORY

|             |                                                                                                                                                                                                                                                                                                                                                                                                                    |         |            |                          |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|------------|--------------------------|
| Y/31/88     | To operate a skip hire business from the farm                                                                                                                                                                                                                                                                                                                                                                      | Refused | 19-09-1988 | <i>Appealed</i>          |
|             |                                                                                                                                                                                                                                                                                                                                                                                                                    |         |            | <b>Appeal: Dismissed</b> |
|             |                                                                                                                                                                                                                                                                                                                                                                                                                    |         |            | <b>22 06 1989</b>        |
| Y/42/95/CLE | Application for a Certificate of Lawfulness for an existing use - 1) Operating centre for haulage business for storage, maintenance, parking, repairs of vehicles inc. sale of vehicles & distribution centre and contracting use inc. agricultural contracting in barn and adjoining land. 2) Use of mobile office and two units in association with above. 3) Two caravans (one permanent use/one seasonal use). | Approve | 21-11-1997 |                          |

It is apparent that the site has long established us for business purposes, as indicated in the planning history.

#### REPRESENTATIONS

##### Representations received:

Yapton Parish Council

Yapton Parish Council raises no objection. It does however comment that its Planning Committee is concerned about the general appearance of the site which has many vehicles parked on the surrounding land and which gives the appearance of a scrapyards. It requests that some effort be made to tidy up the area to make it more visually acceptable.

No representations have been received from neighbouring occupiers.

##### Comments on Representations received:

This application is concerned with the use of a unit at the existing premises and does not propose additional parking provision. parking provision remains 10 spaces. Although the use might be expected to possibly give rise to additional vehicles visiting the site and parking prior to MOT and collection, the use is unlikely to give rise to additional visual impact. It would therefore not be reasonable to accommodate the request of the Parish Council and in any event this Council has other powers which could be utilised to secure tidying up of the site should the need arise.

## CONSULTATIONS

Southern Water Planning  
Engineering Services Manager  
Engineers (Fluvial Flooding)  
Environmental Health  
WSCC Strategic Planning

### Consultations responses received:

Southern Water raises no objection. It advises that the applicant should contact the Environment Agency direct regarding drainage and other matters. A copy of Southern Water's comments has been forwarded to the applicant's agent.

Arun District Council's engineer (fluvial Flooding) has no comments.

West Sussex County Council, highways and Transport raises no objection and recommends conditions in respect of parking provision and restricting the MOT use to cars and vans only (no HGVs).

### Comments on Consultation responses:

None.

## POLICY CONTEXT

Outside of Built Up Area  
Class B Road  
Area of Special Control for Advertisements

### DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

[GEN2](#)  
[GEN3](#)  
[GEN7](#)  
[GEN12](#)  
[GEN32](#)  
[DEV1](#)

Built-up Area Boundary  
Protection of the Countryside  
The Form of New Development  
Parking in New Development  
Noise Pollution  
Conversion of Rural Buildings for Industrial or Business Use

Publication Version of the Local  
Plan (October 2014):

SD SP1 Sustainable Development  
SD SP2 Built-Up Area Boundary  
C SP1 Countryside  
LAN DM1 Protection of Landscape  
Character  
D DM1 Aspects of Form and Design  
Quality  
D SP1 Design  
ECC SP2 Energy and Climate Change  
Mitigation  
EMP DM1 Employment land:  
Development Management  
QE DM1 Noise Pollution  
QE SP1 Quality of the Environment  
T SP1 Transport and Development

Yapton neighbourhood plan 2014 Policy BB1  
Yapton neighbourhood plan 2014 Policy BE1

Built-up Area Boundary  
Protection of existing commercial premises or  
land

**PLANNING POLICY GUIDANCE**

NPPF

National Planning Policy Framework

**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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton.

The policies in the Yapton Neighbourhood plan have been taken into account 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 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 or the landscape.

#### **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. A planning condition restricting the formation of additional openings would afford control of potential noise impacts which might arise from such alterations to the building.

#### **CONCLUSIONS**

The proposal is for an additional use to be added to those which exist at the site. The proposed use is a vehicle related one and is clearly associated with the existing use at the site.

WSCC has raised no objections on highway grounds, the site enjoys a large area of car parking, albeit that this is not formally laid out. Car parking is considered to be adequate and access satisfactory.

This 'untidy' issue raised by the Parish Council could be dealt with under other District Council powers if this is justified. The site is part screened from the road and it is not considered that the proposed use is likely to give rise to an increase in any perception of it being untidy.

In terms of noise impact, any as yet to be fully assessed noise impact on nearby dwellings can be mitigated and this aspect can be dealt with by way of a planning condition. The subject unit faces away from the adjoining dwelling and therefore noise emanating from the proposed use is likely to be directed away from that dwelling in any event. In addition, it could be reasonably expected that any repair activities associated with MOT use are not likely to be significant in terms of noise.

In terms of impact generally, this site is in an existing employment use and the proposal will not result in a significant intensification of use. The development would not result in significant increased visual/landscape impact or harm. Whilst the location is not particularly locationally sustainable in some respects, given the MOT nature it is one which would inevitably give rise to vehicle movements notwithstanding location perhaps in a larger settlement. Additionally, such vehicle related uses are hard to locate in terms of surrounding development in built up areas. The proposed location has the benefit of not being a built up one and there is thus considerably less likelihood of impacts on large numbers of surrounding occupiers.

It is therefore recommended that planning permission is granted, subject to the following conditions.

#### **HUMAN RIGHTS ACT**

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 for 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 a neutral impact has 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).

#### **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 Plan, Scale 1:1250.

FL PLAN 02, substitute floor plan received 25.11.14.

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 Before the use hereby permitted is first commenced, the applicant shall prepare and submit a Noise Impact Assessment report in respect of the use to the Local Planning Authority for its prior approval. Where identified and required as necessary in the interests of the amenity of adjoining residential occupiers the Assessment shall include measures to mitigate the impact of noise to acceptable agreed levels. The use shall not be commenced until such time as any mitigation so required has been implemented to the satisfaction of the Local Planning Authority and the mitigation measures shall be retained in perpetuity.

Reason: To safeguard the amenities of nearby residents in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 4 No windows or other openings (other than those shown on the plans hereby approved)

shall be formed in the south west side wall or south east rear wall of the building without the prior permission of the Local Planning Authority on an application for planning permission in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7 of the Arun District Local Plan.

- 5 The use hereby permitted shall not commence until a plan has been submitted to and approved in writing by the Local Planning Authority indicating the location, number and size of parking to serve the MOT use hereby permitted. The use shall not commence until the parking so approved has been provided in accordance with the details so approved and the parking so provided shall thereafter be kept available for parking to serve the MOT use only.

Reason: To ensure that parking is provided in accord with approved guidance and to prevent parking on the adjacent public highway in the interests of highway safety in accordance with policy GEN7 of the Arun District Local Plan.

- 6 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.