Statement of Case for:

Site Address: 1 Farm Way, Southwick, West Sussex, BN42 4NU.

Applicant: Mr Mark Johnston

LPA Ref: AWDM/0906/16

Date: 14th December 2016



Nigel Locke Planning Consultant, The Office, 129 Tarring Road, Worthing, West Sussex, BN11 4HE.

M: 07470 512090;
E: planningappeals@gmail.com;
W: www.nigellockeplanning.vpweb.co.uk

The Site and its Surroundings

The site is a separate parcel of land situated to the rear of 1 Farm Way, with frontage onto and access from Manor Hall Road.

Immediately adjoining the site to the east is an extensive industrial building. Manor Hall Road has a mix of residential, commercial and retail properties, with the Chalex Industrial Estate close by.

The site does not form part of the residential curtilage of 1 Farm Way, which is a semi-detached 1930s built house occupying a good-sized plot with gardens to the front, side and rear.

I understand from the applicant that the land was a separate vacant site just used for dumping/storage when he purchased it in 2014.

Due to the nearby industrial estate and other commercial buildings in the area, Farm Way and Manor Hall Road have become highly congested as far as parking of vehicles is concerned, largely due to overspill parking from the industrial sites.

The Proposal

Is for the retention of change of use of land to the east for vehicle parking and storage (no commercial activity) with use of existing access from the east (retrospective).

I would emphasise that the proposal is for the storage of vehicles only. The site will be occupied by a local garage owner and will provide parking for vehicles awaiting repair or collection.

No commercial activities will be carried out on site and repairs/maintenance to vehicles will be done at the garage premises. Vehicles will be driven or towed to the site within normal working hours.

Reasons For Refusal

The Local Planning Authority has given the following reasons for refusal and I would like to comment upon these as follows.

By virtue of the nature of the use and the type of activity proposed the use of this residential land (and the associated loss of rear garden) is detrimental to the residential amenities of the occupiers of No. 1 Farm Way. Additionally the appearance of this site within the street scene is detrimental to the visual amenities of the area. As such the proposal is contrary to Saved Adur Local Plan policies AG1 and AH7 and Submission Adur Local Plan Policy 15 and the harm so resulting demonstrably and significantly outweighs the benefits arising from the proposal and the proposal is consequently at variance with National Planning Policy Framework.

This site is separate from 1 Farm Way and it has its own vehicular access off Manor Hall Road. The council state that they consider that the proposal will be detrimental to the residential amenity of 1 Farm Way, however the use of the land for vehicle parking only is probably better than a vacant site, which will encourage fly tipping etc.

With regard to the council's statement about the loss of a rear garden, it must be emphasised that this is not part of the garden

of 1 Farm Way and I am informed that it has not been for some years.

Being situated on a corner plot, 1 Farm Way has reasonable garden and amenity space to three sides of the property.

The proposed use for vehicle parking only can be secured by a suitably worded planning condition, with no commercial activities to take place on the site – therefore safeguarding residents from noise/pollution nuisances.

With regard to the appearance of the site, as shown on the application plans the intention is to tidy it up from a open eyesore site to one that is security and screen fenced in accordance with the application drawings, or to any other requirements that the Local Planning Authority may have, which can be secured by a planning condition.

Application drawings show how the site will be laid out for the parking of a maximum of 13 cars and it also shows that adequate turning space will be retained on site, so that all vehicles will enter and exit the site in forward gear.

The proposals will in fact tidy up the site and make it more visually attractive in the street scene and it must be born in mind that the property immediately to the east of the site is an extensive light industrial premises. Therefore I do not consider that the proposal will have any adverse impact upon the street scene, in fact it will improve it.

I think it is significant that there has been only one neighbour objection from a property at 180 Manor Hall Road, which is not directly affected by the site. There have been no objections from immediate neighbours.

The Environmental Health Officer confirms that the business is currently operating from the land without complaints from local neighbours concerning environmental amenity, noise or smell etc., and the EHO continues to raise no objections subject to suitable safeguards being carried forward in the form of appropriate conditions.

After requesting further information regarding access and layout of the site, which was provided, the Highway Authority raised no objection to the proposal. I set out an extract from the Planning Officer's Delegated Report stating the Highway Authority's position on this application, which I think is very significant:

"Initially the LHA were not satisfied that safe and suitable access had been demonstrated in line with paragraph 32 of the NPPF. Further information was requested to allow a full assessment of the access arrangements for this proposal. This was supplied and the following comments were received: -

- *The LHA are satisfied with the revised access point, now set away from the footway instead of on the corner of the plot.*
- *The LHA are also satisfied with the proposal for the gates to open inwards off of the private access drive, set away from the footway.*

- *LHA do not support the use of mirrors to aide visibility. There is no guarantee that the mirror could be used – for example, adverse weather conditions or damage to the mirror could result in the mirror being unavailable for use.*

- *The fence line next to the footway should be no higher than 900mm and should extended back from the access point for 2m, to allow for pedestrian visibility. So a pedestrian using the footway can see a vehicle leaving the access and vehicles leaving can clearly see pedestrians.*

- *The LHA would not consider a warning sign to be appropriate.*

- *The trip information of 1-2 vehicle trips per day is noted. This is not expected to give rise to any significant highway capacity issues. The vehicle spaces on the plan are too short. If these were parking spaces the LHA would advise 2.4 x 4.8 m (in line with guidance in Manual for Streets). It appears 13 spaces will be provided on site. There is space for vehicles to turn on site to allow entry on to the highway in forward gear. The LHA would advise that the parking and turning area on the plan is conditioned, to make sure the turning space is kept clear. Also some restriction put in place relating to how many vehicles can be stored/parked on the site. This would also keep vehicle movements minimal. Subject to the above points being addressed and the parking/turning plan secured via condition, the LHA would raise no highway safety concerns to this application. The applicant has demonstrated that improvements are proposed to improve on the existing situation. The National Planning Policy Framework states that*

development should only be prevented or refused on highway grounds where the residual cumulative impacts of the development are severe. The LHA do not considered that this development would result in any impacts on the local highway network that could be considered severe. No highway objection would be raised. Condition: Vehicle parking and turning - No works shall commence until the vehicle parking and turning spaces have been constructed in accordance with a plan submitted to and approved by the Local Planning Authority (LPA). These spaces shall thereafter be retained for their designated use. Reason: To provide adequate on-site car parking and turning space for the development."

With the area suffering from overspill car parking from the industrial estate nearby and other commercial properties, this proposal will make a positive contribution to relieving car parking congestion in the area, which I presume could be one of the reasons why the local residents are not objecting to the proposal.

Planning Policies

Local Planning Policies

In their decision notice the Local Planning Authority consider the proposal to be contrary to Saved Adur Local Plan Policies AG1 and AH7 and Submission Adur Local Plan Policy 15. I would therefore like to comment upon these policies as follows.

Policy AG1

This policy relates to built up area boundaries. This states that within the boundary the principle of development will normally be permitted, subject to it not detracting from the existing local urban environment.

The environment surrounding the site is one of mixed residential and industrial use. I do not consider that the proposal will have any adverse upon the local environment.

Policy AH7

This policy primarily relates to extensions and alterations to existing properties. The only relevant part of the policy to this application is paragraph c, which states – *"The proportion of the garden area taken by the proposal would not be excessive having regard to the character of the site".*

I would confirm that in this case the site has already been separated from the residential garden and is a separate stand-alone site.

Policy 15

This policy relates to the quality of the built environment.

I consider that with a suitably worded condition excluding all commercial operations on site, other than vehicle storage, will be sufficient to protect the local environment from any potential noise or pollution issues that could affect local residents.

The National Planning Policy Framework

Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date, permission should be granted, unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits.

In this case the emerging Local Plan has not yet been adopted so the National Planning Policy Framework can be considered to outweigh the existing Development Plan.

Paragraph 18 states that the Government is committed to securing economic growth in order to create jobs and prosperity. It also states in Paragraph 21 that investment in business should not be overburdened by the combined requirements of planning policy expectations, they should support existing business sectors.

It is clear that the NPPF expects local councils to support the growth and continuance of local businesses. In this case the proposal will enable the local garage owner using the site to continue his business at the existing level, which is reliant on there being enough car parking spaces available for him in the locality.

Conclusion

I set out below a summary of the appellant's grounds of appeal and rebuttal of the council's reasons for refusal.

✓ The site is separated from the garden of 1 Farm Way and is a stand-alone site.

✓ The site has previously been used as a dumping ground and the proposal will improve its visual appearance in the street scene.

✓ There have been no objections from the immediate neighbours.

✓ It is situated adjacent to large light industrial premises, in an area of mixed residential and commercial properties.

✓ Subject to conditions, the Highways Authority has no objection to the proposal.

✓ Also subject to conditions, the Environmental Health Department has no objection to the proposal.

✓ In accordance with the aims of the National Planning Policy Framework, the proposal will assist the continuance and expansion of a small local business.

I would respectfully ask the Inspector to allow the appeal.