The Planning Inspectorate

# Appeal Decision

Site visit made on 24 April 2017


**by Joanna Reid BA(Hons) BArch(Hons) RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**



**Decision date: 11 May 2017**


**Appeal Ref: APP/Y3805/W/16/3165328**
**1 Farm Way, Southwick, West Sussex BN42 4NU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Mark Johnston against the decision of Adur District Council.
- The application Ref AWDM/0906/16, dated 6 June 2016, was refused by notice dated 22 November 2016.
- The development is "To use the section of the land to the rear of 1 Farm Way for vehicle parking/vehicle storage. No work, trading or storage of hazardous substances to be carried out. Plot accessed from the rear via existing crossover which is shared access to the industrial building next to it. If required, I am happy to fence the area and the gate so as not to be visible from the road."

## Decision

1. The appeal is dismissed.

## Procedural matter

2. Notwithstanding the description of the development given on the application form, the Council dealt with the application as being for "retention of change of use of land to east for vehicle parking and storage (no commercial activity) with use of existing access from east (retrospective)". Although the change of use has been carried out, there are no powers in the *Town and Country Planning Act 1990* as amended for granting permission for a continued use or for retention, as they do not constitute an act of development as defined under section 55 of the Act. I shall deal with the appeal as though it were for an application made under Section 73A of the *Town and Country Planning Act 1990* as amended, as inserted by paragraph 16 of Schedule 7 of the *Planning and Compensation Act 1991*, which states that planning permission may be granted for development carried out before the date of the application without planning permission. Permission may be granted from the date on which the development was carried out.

## Reasons

3. The main issue is the effect that the development has on the character and appearance of the surrounding area.

4. The appeal site faces Manor Hall Road to roughly north. It adjoins the back of the unusually short back garden of the dwelling at 1 Farm Way to the west, the side of the longer back garden of 3 Farm Way to the south and a private drive to the east. The drive leads to the site and back gardens of dwellings in Farm Way, where the vegetation and low-key outbuildings in most of them contribute positively to the suburban street scene in Manor Hall Road.

5. There is a good-sized sheet-clad light industrial building with parking in front immediately east of the drive, and an electricity substation to the south. The light industrial building is not as tall as the 2-storey pitched-roofed dwellings in Farm Way and to the east. Its simple clean design and set back siting blends in fairly comfortably with the suburban street scene in Manor Hall Road, and with the character and appearance of the surrounding mainly residential area.

6. The use of the site for parking significant numbers of vehicles contrasts starkly with the low-key outbuildings and greenery that would reasonably be expected in back gardens in the area. Because the hard surfaces and tightly-packed parked vehicles at the site have a commercial character that looks incongruous, the development unacceptably erodes the mainly residential character and appearance in the locality.

7. The tall boundary fencing proposed along most of the frontage with Manor Hall Road would be insufficient to hide views of parked vehicles through and around the metal mesh gates and panels or similar by the access onto the drive, which would be necessary to provide visibility by the access in the interests of highway safety. The timber fencing would also be insufficient to hide the tops of taller vehicles. So, the fencing and gates would fail to overcome the significant harm that the proposal causes to the Manor Hall Road street scene.

8. Moreover, the site adjoins the back gardens of the dwellings at 1 and 3 Farm Way. Due to its closeness to these homes and back gardens, noise and disturbance associated with the use of the site, including the parking and manoeuvring of vehicles are and would be unacceptably out of keeping with the occupiers' reasonable expectations in the mainly residential area. Due to the scale, siting and orientation of the partly enclosed side garden at 1 Farm Way, it is poorly sunlit and subject to the activity in Manor Hall Road, which is a main route between Southwick and Portslade. So, it does not and would not make up for the loss of character in the modest back garden at 1 Farm Way. The outlook over densely-parked vehicles from rear-facing first floor windows at 1 Farm Way is and would be harmfully at odds with local character.

9. Whilst the development supports a local business and thus, economic growth, this is outweighed by the harm that it causes to the local environment. The appellant's suggested conditions to control commercial activities and operating hours would be insufficient to overcome that harm. Moreover, the site could be kept tidy without the need to allow this damaging scheme.

10. Thus, I consider that the development harms the character and appearance of the surrounding area. It is contrary to Policy AG1 of the *Adur District Local Plan* (LP) which aims for development to not detract from the existing local urban environment, and the thrust of LP Policy AH7 which seeks for the proportion of garden area taken by a proposal to not be excessive having regard to the character of the area, as well as emerging Policy 15 of the Adur Submission Local Plan which aims for development to respect and enhance the character of the site and the prevailing character of the area. It is also contrary to the *National Planning Policy Framework* which aims to take account of the character of different areas. For the reasons given above and having regard to all other matters raised, the appeal fails.

*Joanna Reid*

INSPECTOR