

Report to	<b>Planning Committee</b>
Date	<b>14 February 2013</b>
By	<b>Director of Planning</b>
Local Authority	<b>SDNPA (Arun District Council)</b>
Application Number	<b>SDNP/12/02013/FUL</b>
Applicant	<b>Mr I Tooth</b>
Application	<b>Erection of secure entrance gate to commercial woodland</b>
Address	<b>Fox Rough, Selden Lane, Angmering, West Sussex</b>
Purpose of Report	<b>The application is reported to Committee for a decision.</b>

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**Recommendation: That permission be granted for the reason and subject to the conditions set out at paragraph 10.1 of this report**

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### **Executive Summary**

The proposal seeks to replace an existing agricultural gate with a timber gate at the entrance to Fox Rough woodland, on Selden Lane, to provide additional security for the consented sawmill compound.

The application site is well screened by the woodland with views only available to the north-east and for those using Selden Lane. The replacement gate will have an acceptable impact upon the landscape character of the South Downs National Park and will not have a detrimental impact upon highway safety.

The application, from the Arun District recovered service area, requires committee consideration due to the objections of Angmering Parish Council.

#### **1. Site Description**

- 1.1 The application site constitutes the entrance to Fox Rough woodland to the west of Patching within the Arun District. The site has received previous consents, through agricultural prior notifications, for the use as a sawmill compound constituting a number of buildings and access track. The site is heavily wooded with the entrance onto Selden Lane marking the beginning of the eastern edge of the woodland. This results in the site being well screened from the west, south and south-east with long-range views to the north-east. Public rights of way run to the east and north of the site. The South Downs Landscape Character Assessment 2011 defines the site as being within the Angmering and Clapham Wooded Estate character area.
- 1.2 The application pertains to the entrance to Rough Fox and this currently constitutes a set back vehicular access – forming a break in the hedgerow – with a metal six-bar gate. The hedgerow to either side of the gate is set above road level, on an earth bank, with the road having a minor north to south incline at the point of the entrance.

#### **2. Relevant Planning History**

A/89/11/AG; Agricultural Prior Notification for a fenced saw mill compound and saw mill building; Approved 01/07/2011

A/58/11/AG; Agricultural Prior Notification for saw mill compound; Approved 08/06/2011

A/39/11/AG; Agricultural Prior Notification for a building; Approved 18/04/2011

A/36/11/AG; Agricultural Prior Notification for a proposed road; Approved 21/04/2011

### **3. Proposal**

- 3.1 The application seeks to erect an oak gate at the entrance to the sawmill compound where the access track to the compound meets Selden Lane. The entrance gate would be finished in oak, on a black metal frame, and would measure 8.4m in width by 2.4m in height. The gate would be set behind the existing hedgerow – 4.9m from the highway – and would operate by a sliding mechanism so that when the gate is open it is positioned behind the hedgerow.

### **4. Consultations**

- 4.1 Angmering Parish Council: Object making the following comments:
- Highway concerns due Selden Lane being a national speed limit road in combination with a downwards gradient and poor road surface
  - Large vehicles visiting the site may block Selden lane inconveniencing users of the nearby residential properties
  - The size and construction of the proposed gates will be harmful to the landscape character of the South Downs National Park
- 4.2 West Sussex Highways Officer: No Objections:
- Selden Lane would be likely to see speeds well below the national speed limit and, as a no through road, is lightly trafficked
  - The 4.9m set back would allow a car to leave the highway before entering the site at the beginning of the working day and the gate could remain open thereafter for larger vehicles
  - Forward visibility is adequate in both directions and there is no history of accidents at this location

### **5. Representations**

- 5.1 No third-party representations have been received

### **6. Planning Policy Context**

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the South East Plan and Arun District Local Plan 2003.

- 6.2 The South East Plan was adopted by the Secretary of State on 6th May 2009. The Coalition Government's revocation of the Plan in July 2010 has been found to be unlawful so the Plan remains part of the development plan. Policy C2 of the South East Plan states that the purposes of designation should be a material consideration in the making of any planning decision that would affect it.

#### National Park Purposes

- 6.3 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
  - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

#### National Planning Policy Framework and Circular 2010

- 6.4 Government policy relating to national parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular

and NPPF confirm that national parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

- 6.5 Saved Policies GEN3 and GEN7 of the Arun District Local Plan 2003 are considered to be in conformity with both the NPPF and the emerging Arun Core Strategy.

## **7. Development Plan Policies**

- 7.1 In addition to policy C2 the following policies of the South East Plan are relevant to this application:

CC1: Sustainable development

- 7.2 The following policies of the Arun District Local Plan 2003 are relevant to this application:  
GEN3 (Protection of the Countryside),  
GEN7 (The Form of New Development)

## **8. Planning Assessment**

- 8.1 The proposed gate is sought to upgrade the existing gate to provide additional security for the sawmill compound above and beyond the consented compound fencing and access gate which is located further into the site. This will assist in deterring potential theft and fly-tipping at the entrance to the woodland.
- 8.2 The gate is located within a well screened area where visibility is largely restricted to those using Selden Lane and long-distance views to the north-east across the agricultural fields. The proposed gate will be finished in materials – predominantly timber – that are appropriate to its context. However, given that the gate is relatively high – when compared to the existing hedging - a condition is proposed to ensure that the existing hedging is allowed to naturally grow to the height of the gate to reduce any potential impact upon landscape character. This combination of lack of wider views, appropriate materials and the natural vegetation will ensure that there is no significant impact upon the landscape character of the South Downs National Park.
- 8.3 Whilst there would not be a significant landscape impact the gate will be more imposing than the existing gate and, as such, a condition is proposed to ensure the gate is removed should the use of the site as a sawmill compound cease.
- 8.4 An existing gate is located in the same position as the proposed gate and, as such, the proposed gate will not have any impact upon highway safety. Notwithstanding this the WSCC Highway Officer has raised no objections.

## **9. Conclusion**

- 9.1 The proposed gate, suitable conditioned, will have an acceptable impact upon the landscape character of the South Downs National Park and will not have a detrimental impact upon highway safety.

## **10. Reason for Approval and Conditions**

- 10.1 It is recommended that the application be approved for the following reason:

The proposal is of an acceptable design, size and positioning and will have an acceptable impact upon the landscape character of the South Downs National Park. The proposal will have an acceptable impact upon highway safety. The proposal is in accordance with Saved Policies GEN3 and GEN7 of the Arun District Local Plan 2003 and the NPPF.

And subject to the following conditions:

- I. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Should the use of the site as a sawmill compound cease the gate, hereby permitted, shall be removed within 12 months unless otherwise agreed, in writing, by the South Downs National Park Authority.

Reason: To safeguard the landscape character of the South Downs National Park in accordance with Saved Policy GEN7 of the Arun District Council Local Plan 2003 and the NPPF.

3. The development, hereby permitted, shall be undertaken in accordance with the submitted landscape strategy, dated 28/01/2013, unless otherwise agreed in writing, by the South Downs National Park Authority.

Reason: To safeguard the landscape character of the South Downs National Park in accordance with Saved Policy GEN7 of the Arun District Council Local Plan 2003 and the NPPF.

4. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

## **11. Crime and Disorder Implication**

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13. Equalities Act 2010**

- 13.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010.

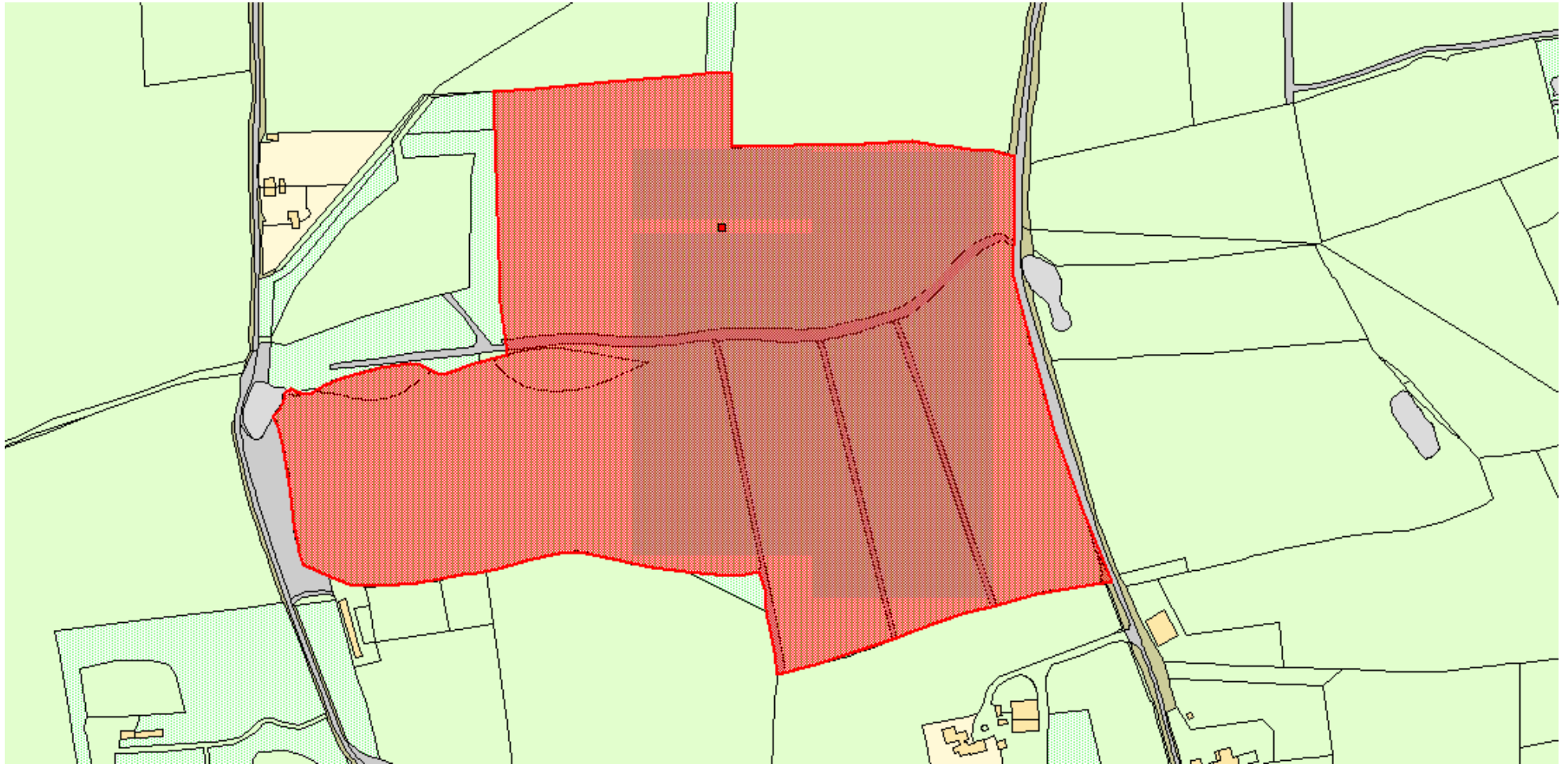
## **14. Proactive Working**

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included dialogue with the applicant during the application process and the acceptance of a proposed landscaping strategy.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

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Appendices	I. Site Location Map
SDNPA Consultees	Director of Planning & Legal Services

**Agenda Item 8 Report PC 08/13 Appendix I - Site Location Map**



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