



Appeal Decision

Site visit made on 13 July 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/C3810/W/21/3269319

Land at former McIntyre Nursery, Littlehampton Road, Ferring BN12 6PG

- 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 Standby Self Storage against the decision of Arun District Council.
 - The application FG/123/20/PL, dated 5 October 2020, was refused by notice dated 4 February 2021.
 - The development proposed is demolition of a polytunnel, storage building and scaffolders' shelters and racking, use of land for Class B8 container self-storage and the siting of 79 single-stacked storage containers, part regrading of the ground, new fencing, CCTV and lighting.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of a polytunnel, storage building and scaffolders' shelters and racking, use of land for Class B8 container self-storage and the siting of 79 single-stacked storage containers, part regrading of the ground, new fencing, CCTV and lighting on land at former McIntyre Nursery, Littlehampton Road, Ferring BN12 6PG in accordance with the application FG/123/20/PL, dated 5 October 2020, and the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Standby Self Storage against Arun District Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the countryside, including whether it would erode the gap between Angmering and Worthing.

Reasons

4. The site forms part of a cluster of commercial uses accessed by a private drive from the Littlehampton Road. Although previously used for horticultural use, following an appeal against enforcement action in 2014 it now has a lawful mixed use as an office, scaffolders' yard and a firewood yard, including the stationing of storage containers¹. Permission was granted in 2018 on adjoining

¹ APP/C3810/C/12/2184306

land, also subject of the enforcement notice, for a storage use similar to that now sought on the appeal site². That permission has been implemented.

5. The cluster of commercial uses lies in countryside outside any defined settlement boundary, and in a settlement gap between Angmering and Worthing as designated in the Arun Local Plan. There is another commercial operation a field away to the west, and some residential properties to the south, but otherwise the surrounding land is mainly in agricultural or recreational use.
6. Policy C SP1 of the Arun Local Plan recognises the countryside for its intrinsic character and beauty, and Policy SD SP3 protects the generally open and undeveloped gap between settlements. Both support limited forms of development where they are appropriate to the countryside, and would not undermine the physical or visual separation between settlements, either individually or cumulatively. Policy EMP DM1 supports the retention and enhancement of existing employment sites. It also supports the grant of planning permission on employment sites outside built-up areas provided that a number of criteria are met, including that it would be an appropriate sized extension of an existing employment site and/or redevelopment of existing commercial premises, and would have a sympathetic relationship to the surrounding area.
7. The proposal would redevelop an existing site in mixed commercial use and be an extension of the existing container storage use on adjoining land. The introduction of storage containers would increase the number of physical structures on the site. However, the visual impact would be limited because the containers would replace existing structures including a storage building, a polytunnel and scaffolding racks. They would also be surrounded by other commercial uses and buildings including the adjacent container storage use, a car repair yard and a fencing and landscaping supplies yard. The only side on which the containers would be seen from outside the cluster of commercial uses would be along the western boundary, but this would be screened to a large degree from external view by existing trees and hedgerows on adjoining land. The boundary would also be fenced to further screen the site from view.
8. Having regard to the existing commercial use of the site, the existing structures which are to be replaced, and the contained nature of the land surrounded as it is on three sides by other commercial uses, I consider that the proposed storage use would not intrude into the countryside, nor would it physically or visually erode the sense of separation between neighbouring settlements. The storage containers themselves would be no higher than the existing structures on the site, or on land adjoining. The potential for stacking containers higher than a single layer could be controlled by condition.
9. I conclude that the proposed redevelopment of the site for container storage use is supported by Policy EMP DM1. Criterion (f) of Policy C SP1 allows for development in the countryside where it is in accordance with other policies in the Plan which refer to a specific use or type of development. As the proposal is supported by Policy EMP DM1 and does not harm the character or appearance of the countryside I conclude that it would therefore accord with Policy C SP1 of the Arun Local Plan.

² FG/33/18/PL

10. The proposal would not undermine the physical and/or visual separation of settlements and would not compromise the integrity of the gap between Angmering and Worthing, either individually or cumulatively with other existing or proposed development. As the use would be an extension of an existing use on adjacent land it would be impractical to locate it elsewhere. I therefore conclude that it accords with Policy SD SP3 of the Arun Local Plan, which seeks to prevent coalescence and retain the separate identity of neighbouring settlements.
11. The storage containers would be utilitarian in appearance but would be the same as those permitted on the adjacent site and have the advantage of being easy to install and avoid disruption through extended construction activity. I conclude that they would accord with Policy D DM1 of the Arun Local Plan, which relates to form and design quality.
12. Lastly, I conclude the proposal would not conflict with Policy 7 of the Ferring Parish Neighbourhood Plan as it would not result in a change of use from a horticultural use (that already having taken place as a result of the enforcement appeal) and meets the criteria as set out in that policy.

Other Matters

13. The site lies some 130m south of the Highdown Conservation Area, with the listed building known as Highdown even further away. Given these separation distances and intervening screening, I am satisfied that there would be no appreciable impact on the setting of the listed building or the setting of the Conservation Area.
14. My attention has been drawn to an appeal decision³ where a proposal for a dwelling on land north of Littlehampton Road was dismissed on the grounds that it failed countryside and settlement gap policies. This proposal differs from the current appeal in relating to residential rather than commercial development, and therefore not having the support of Policy EMP DM1, being in a different location, and on garden land rather than land with existing commercial use and containing commercial structures. The appeal decision can be distinguished from the current proposal for these reasons, and I therefore give it limited weight.

Conditions

15. I have considered the conditions suggested by the Council against the tests set out in paragraph 55 of the National Planning Policy Framework. I have imposed the conditions which I consider meet those tests, subject to rewording where necessary in the interests of simplicity, consistency and precision. Pre-commencement conditions have been avoided. The conditions imposed have been reordered in accordance with the advice in the Planning Practice Guidance.
16. In addition to the standard time limit, a condition listing the approved plans has been imposed in the interests of certainty. Conditions requiring the installation of fencing, controlling the external colour of the containers, their height, and external lighting are necessary in the interests of the character and appearance of the area. A condition requiring the provision of parking space is necessary for the operation of the use and to help avoid off-site parking

³ APP/C3810/W/20/3255546: White Lodge, Hangleton Lane, Ferring.

causing disruption to neighbouring uses. A condition requiring a fire hydrant or equivalent water storage facility is necessary for the safety of the site and adjacent premises in the event of fire. A construction management plan is necessary to minimise disruption to neighbouring occupants during the construction phase. A condition requiring any surface dressing to be permeable to surface water is necessary in the interests of surface water drainage on the site.

17. Conditions requiring assessment and remediation of ground contamination are unnecessary in this case because no evidence has been advanced that the site suffers from ground contamination, and the proposed storage containers would in any event not be affected or exacerbate any contamination were it present. Details of proposed ground levels are already contained in the approved drawings and do not therefore need to be submitted again. A condition requiring ecological enhancement, while desirable, is not strictly necessary given that the habitat affected by the proposals has been assessed as being of low ecological value.

Conclusion

18. I conclude that the proposal accords with the development plan and that there are no material considerations which indicate a decision contrary to its provisions. Accordingly, I conclude that the appeal should be allowed.

Guy Davies

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan 5320-1
 - Proposed Site and Block Plan 5320-2 Rev d
 - Section Lines 5320-3
 - Proposed Timber Fence 5320-4
 - Proposed Containers 5320-5 Rev a
- 3) The containers shall not be used until the external paint colour of the storage containers has been submitted to and approved in writing by the Local Planning Authority. The storage containers shall be painted in the approved colour prior to their use for storage and thereafter retained in the approved colour.
- 4) The containers shall not be used for storage until the car parking spaces shown on drawing 5320-2 Rev C have been laid out. The parking spaces shall thereafter be retained and made available for their designated use.
- 5) The containers shall not be used for storage until details of a fire hydrant or stored water supply have been submitted to and approved in writing by the Local Planning Authority. The approved fire hydrant or stored water supply

shall be installed and thereafter retained prior to use of the storage containers.

- 6) The containers shall not be used for storage until the fence shown on drawings 5320-2 Rev d and 5320-4 has been erected. The fence shall be retained thereafter.
- 7) The storage containers shall not be stacked, stored or otherwise positioned on the site to a height exceeding 2.6 metres measured from ground level.
- 8) The development shall proceed in accordance with the submitted Construction Management Plan dated 5 October 2020.
- 9) All external lighting on the site shall accord with the submitted lighting assessment, dated December 2020 and drawing 5320-2 Rev d, dated 23 December 2020.
- 10) Any surface dressing shall be permeable to surface water, including any sub-base.

*****End of Conditions*****