



Appeal Decision

Site visit made on 29 November 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/C3810/W/22/3290113

Area of Land (formerly Former McIntyre Nursery), North of Highdown Vineyard, 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 Mark Wood of Premier By Design Ltd against the decision of Arun District Council.
 - The application Ref FG/142/21/PL, dated 4 August 2021, was refused by notice dated 15 November 2021.
 - The development proposed is use of the land for storage of building materials, 2no. proposed storage containers and 2.4m high palisade or paladin fencing (coloured green) to perimeter with access gates.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mark Wood of Premier By Design Ltd against Arun District Council. This application is a subject of a separate decision.

Main Issues

3. The main issues are:
 - the effect of the development proposed on the character and appearance of the area, including the gap between the settlements of Angmering and Worthing, and;
 - the effects of the development proposed on ecology.

Reasons

Character and Appearance

4. The appeal site is outside the Built-up Area Boundary (BUAB) as defined by the Arun Local Plan 2018 (ALP), and is within the settlement gap between Angmering and Worthing.
5. The appeal site was part of a former agricultural nursery and comprises grassland with sections of bare ground, used recently for the storage of building materials. It is bound by rows of tall trees and hedgerows to all except its northern side. While other commercial operations exist further to the west, the surrounding land to the north, south and west comprise predominately open land with isolated buildings and structures separated by verdant

boundaries. This rural character and the perception of a gap between the settlements forms a part of the setting of the South Downs National Park, which lies to the north.

6. By contrast, the site adjoins a cluster of commercial and light industrial uses to the east which extend from Littlehampton Road. These include a fencing contractor's yard, storage container site and other commercial and light industrial uses, bound by varying boundary treatments. Together these uses have a clearly defined edge and appear as a compact and contained cluster of development in the landscape.
7. Ariel photographs suggest there has previously been activity on the appeal site and the planning history would suggest these were agricultural uses. However, there would not appear to have been structures and boundary treatments on the land comparable to those now proposed and there is not substantive evidence to support the assertion that buildings formerly existed on the site. I do not find that its former association with a wider nursery results in the land forming a part of the adjoining cluster of development, indeed its visual ties to that land have been severed by boundary treatments and the appeal site displays very different physical characteristics, more akin to the surrounding countryside.
8. The proposed development would introduce utilitarian features to the site that are characteristic of the cluster of development to the east, including metal fencing, gates, storage containers and open storage. As a result, the proposal would appear as an irregular extension to the well defined adjacent cluster, and would constitute the encroachment of that character into the countryside. While the Council consider the proposal would not undermine the physical and/or visual separation of settlements, there would nonetheless, be an impact on the gap through the creep of development into the countryside, lessening the extent of the gap and its rural nature.
9. The proposals would benefit from a degree of screening from surrounding trees, and additional screening is proposed to the northern site boundary. However, the development would remain visible in glimpses from the surrounding areas, particularly during winter months, and in views from the higher ground to the north. In those views the development would appear in stark contrast to the rural setting. While colouring the storage containers green would help to reduce their contrast with the surrounding landscape, this would not sufficiently reduce, or mitigate, the harm to the rural character, particularly given the changing palette of colours in the landscape.
10. The appellant would accept a condition preventing external storage. However, this would not meet the test of reasonableness, given that the proposal relates to the use of the land for storage and is annotated on the supporting plans.
11. For the reasons above, the proposal would not have a sympathetic relationship to the surrounding areas and landscape, nor show consideration for built environment contexts, failing to comply with the criteria of Policy EMP1 DM1 for employment sites outside the BUAB.
12. While the proposal relates to a fairly modest area compared to the size of the adjacent commercial uses, given the confined nature of those developments and the position of the extension proposed, I do not consider the extension would be appropriately sized for the purposes of Policy EMP DM1. There is not

strong evidence before me to suggest that the proposal needs to be in this location and could not reasonably be located elsewhere. This presents further conflict with the criteria of policies EMP DM1 and SD SP3 of the ALP.

13. As the proposal is not supported by those policies there would also consequently be conflict with policies SD SP2 and C SP1 of the ALP which seek to resist development outside the BUAB and in the countryside subject to consideration against other policies in the Plan.
14. There is little evidence before me regarding the effect of the proposal on the views out of the SDNP. Given the change in ground levels to the north and the presence of public footpaths nearby, the above impacts are likely to be perceivable from the SDNP. The consequent creep of development into the countryside would cause harm to its setting.
15. For the reasons given, the proposal would cause harm to the identity and purposes of the settlement gap. The proposal would conflict with policies SD SP2, C SP1 and SD SP3 and of the ALP, which together seek to protect the intrinsic character of the countryside and prevent coalescence and retain separate identity of settlements. It would also conflict with Policy EMP DM1 insofar as it provides criteria for economic growth outside the BUAB.
16. The proposal would cause harm to the character and appearance of the area, in conflict with policies D SP1, D DM1 and LAN DM1 of the ALP which include the need for design to reflect the characteristics of the local area, and for development within the setting of the SDNP to respect the natural features of the landscape and reinforce its character.
17. Furthermore, the proposal would conflict with the aims of Policies 1A and 7 of the Ferring Parish Neighbourhood Plan 2014 insofar as they repeat the aims of the ALP and seek to minimise visual impacts on the countryside and maintain existing patterns of development.

Ecology

18. The appellant has provided a Preliminary Ecological Appraisal Statement (PEAS) which considers the likely presence of protected species on the site. The PEAS concludes the site is of low ecological value and that there were no suitable habitats for protected species. Based on the evidence before me, I find those conclusions to be reasonable and have no reason to dispute them. Consequently, there is not a reasonable likelihood of legally-protected species being present and being adversely affected by the proposal. Biodiversity enhancements, in line with the submitted documents, could be secured by condition if the proposal was otherwise acceptable.
19. The proposal would comply with Policy ENV DM5 of the ALP which relates to the need to net gain in biodiversity and for appropriate consideration of protected species.

Other Matters

20. I note the planning history surrounding the adjacent commercial and light industrial uses, which have been brought to my attention by the appellant¹. However, based on the evidence presented, the circumstances of those sites

¹ FG/123/PL and APP/C3810/W/21/3269319, FG/74//19/PL and W/4000626 and FG/59/10/

are notably different to the appeal scheme, primarily due to their position within an existing cluster of development and as those sites already incorporated development of varying degrees. As such, they do not justify the proposed development nor provide reason to alter my judgement.

21. While a decision notice relating to another site in the immediate vicinity has also been provided² I do not have detailed information about the circumstances of that site to be satisfied that it is comparable to the appeal scheme in terms of its effects.
22. Some other commercial enterprises exist on sites to the south and west of the appeal site, including Highdown Vineyard. I do not have details of the planning history of those uses, however I observed that those buildings are set within substantial plots which retain a predominantly open and verdant character which reflects the rural character of the area.
23. The proposal would deliver economic and employment benefits through providing storage which would, in turn, support the construction industry. The proposals would also be cost effective to the appellant. While these are benefits of the proposal they do not attract sufficient weight to outweigh the harm identified above.
24. The appeal site is close to the Highdown Conservation Area and grade II* listed park and garden, as well as Highdown, which is a Grade II listed building. Due to the distance of the appeal site from these designated heritage assets, and their separation by areas of mature trees, open space and landscaping, the appeal site does not form part of their setting. As such the proposal would not affect their significance.

Conclusion

25. There are no material considerations that are worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal is therefore dismissed.

C Shearing

INSPECTOR

² FG/59/10/