



Appeal Decision

Site visit made on 14 February 2023

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2023

Appeal Ref: APP/C3810/C/21/3287807

Land at former Bairds Farm Shop, Crookthorne Lane, Climping, West Sussex BN17 5SN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Spencer Wrench of Brightfield Group against an enforcement notice issued by Arun District Council.
 - The enforcement notice was issued on 4 November 2021.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of twin overhead sail canopies mounted on a metal pole framework (width of 10.15 metres by depth 4.6 metres by an approximate height of 4.5 metres) sited adjacent to the north boundary of the site with an associated independent timber clad cabin building (width of 6.36 metres by depth of 2.5 metres by height of 2.47 metres) sited adjacent to the west boundary of the site.
 - The requirements of the notice are: (a) Remove in their entirety, both the twin overhead sail canopies mounted on a metal pole framework (width of 10.15 metres by depth 4.6 metres by an approximate height of 4.5 metres) and 3 No. associated concrete mounting pads situated adjacent to the north boundary of the site and the associated independent timber clad cabin building (width of 6.36 metres by depth of 2.5 metres by height of 2.47 metres) situated adjacent to the west boundary of the site. (b) Following removal of the 3 No. associated concrete mounting pads situated to the north boundary of the site, restore the land to its former grass frontage condition.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Summary of Decision

1. The appeal is dismissed and the enforcement notice upheld.

Preliminary Matters

2. During my site visit it was evident the developments the subject of the enforcement notice had been removed or largely removed. Nevertheless, the notice as well as the ground (a) appeal remains before me which I shall determine on the basis of the written evidence, which includes photographs, as well as my site visit.
3. I appreciate plans have been put before me pursuant to a car wash, but these also include a PVC screen, and it would appear a different location for the building, potentially amongst other things. This therefore amounts to a different scheme which thus goes beyond the scope of the deemed planning

application before me, which simply relates to retaining two sail canopy structures and a timber clad building (the structures). I am therefore unable to consider the different scheme further as it is not part of the matters enforced against.

Main Issue

4. The main issue is the effect of the developments on the character and appearance of the area.

Reasons

5. The site is located in the countryside and has a semi-rural character. The site itself is accessed via the car park of a garden centre. It is located towards the front corner of the car park, albeit behind a wide verge with trees when viewed from the highway.
6. Whilst the site might be regarded as within the curtilage of previously developed land, being that of the garden centre, there is no assumption that it should be developed¹. Indeed, in this location there is merely a car park and therefore an absence of built form.
7. The structures, being approximately 10m in depth and 4.5m in height and 6m in width and 2.5m in height respectively, are not insignificant in scale. Coupled with the design of the sail canopies, in particular, which are at-odds with the intrinsic character of other built form in the area, it would be obtrusive and prominent from surrounding public viewpoints, despite the presence of the wide verge and trees.
8. The structures are also located within the Littlehampton and Middleton settlement gap, which is intended to maintain gaps and prevent coalescence. Given their location, the introduction of the structures would result in the linear expansion of built form across the site, and so the structures would be poorly related to the nucleus of built form associated with the garden centre. This combines to undermine physical and visual separation which detracts from the semi-rural character of the area. These are harms to which I attach considerable weight.
9. I recognise the site is not within a Conservation Area and the structures result in less than substantial harm to a heritage asset, no harm to living conditions and there is a low risk of flooding. It is then not disputed between the parties that additional hardstanding has not been created or that development has extended into the open countryside.
10. The absence of such harms therefore only attracts neutral weight and do not outweigh the harm I have identified. Furthermore, I do not accept there is an imperative in this semi-rural location to make a more efficient use of land. Given the deemed planning application only relates to the structures, as opposed use of the site as a car wash, there are then negligible employment benefits.
11. In light of my findings, planning conditions would not make the development acceptable in planning terms.

¹ Annex 2 Glossary to the National Planning Policy Framework, July 2021

12. I conclude the developments are harmful to the character and appearance of the area in contravention of Policies SD SP3, C SP1, D DM1 and D SP1 of the Arun Local Plan 2011-2031 adopted July 2018, as well as Policies CPN7 and CPN11 of the Clymping Neighbourhood Plan 2015 – 2030 made January 2016. These policies, amongst other things, seek to maintain gaps and prevent coalescence, recognise intrinsic character and beauty, require development to reflect or improve upon character in terms of scale and siting, seek to protect the open landscape character of the countryside and ensure a high quality of design.

Conclusion

13. For these reasons and having regard to all other relevant matters raised, I conclude that the appeal on ground (a) should fail. I shall therefore uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

14. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Paul T Hocking

INSPECTOR