



Committee Manager : Carrie O'Connor (Ext 37614)

20 October 2016

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Millennium Chamber, Littlehampton Town Council, Church Street, Littlehampton, BN17 5EW**, on **Wednesday 2 November 2016 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Bower, Brooks, Charles, Dillon, Gammon, Hitchins, Maconachie, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes, Mrs Stainton and Wells

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE ALTERED AT THE DISCRETION OF THE CHAIRMAN AND SUBJECT TO THE AGREEMENT OF THE MEMBERS OF THE COMMITTEE

PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION AT THE COUNCIL'S PLANNING RECEPTION AT THE CIVIC CENTRE AND/OR ON LINE AT www.arun.gov.uk/planning

A G E N D A

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**

Members and Officers are reminded to make any declarations of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating :

- a) the application you have the interest in
- b) whether it is a personal interest and the nature of the interest
- c) whether it is also a prejudicial/pecuniary interest
- d) if it is a prejudicial/pecuniary interest, whether you will be exercising your right to speak at the application

You then need to re-declare your prejudicial/pecuniary interest and the nature of the interest at the commencement of the application or when the interest becomes apparent.

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process Procedure as laid down in the Council's adopted Local Code of Conduct for Members/Officers dealing with planning matters. A copy of the Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

To approve as a correct record the Minutes of the meeting held on 5 October 2016 (attached).

5. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

6. TREE APPLICATIONS

There are no applications to consider.

7. *PLANNING APPLICATIONS

To consider the attached reports.

NB : The applications will be heard in **REVERSE ALPHABETICAL** order.

8. *PLANNING APPEALS

To consider the attached report.

Background Papers

In the case of each report relating to a planning application, or related matter, the background papers are contained in the planning application file. Such files are available for inspection/discussion with officers by arrangement prior to the meeting.

Members and the public are reminded that the plans printed in the Agenda are purely for the purpose of locating the site and do not form part of the application submitted.

Contact Officers : Nikolas Antoniou (Ext 37799)
 Neil Crowther (Ext 37839)
 Daniel Vick (Ext 37771)
 Juan Baeza (Ext 37765)

Note: *Indicates report is attached for Members of the Development Control Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via the website at www.arun.gov.uk.

Note: Members are reminded that if they have any detailed questions would they please inform the Chairman and/or the Head of Development Control, in advance of the meeting. This is to ensure that officers can provide the best possible advice to Members during the meeting.

DEVELOPMENT CONTROL COMMITTEE

5 October 2016 at 2.30 p.m.

Present: Councillors Mrs Maconachie (Chairman), Bower, Brooks, Dillon, Gammon, Hitchins, Maconachie, Mrs Oakley, Oliver-Redgate, Miss Rhodes, Mrs Stainton and Wells.

Councillors Ambler (all) and Ballard (part) were also present at the meeting.

239. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Charles, Mrs Hall and Mrs Pendleton.

240. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

No declarations of interest were made.

Development Control
Committee – 05.10.16.

241. MINUTES

The Minutes of the meeting held on 7 September 2016 were approved by the Committee and signed by the Chairman as a correct record.

242. WITHDRAWN APPLICATIONS

The Chairman advised the meeting that Planning Applications M/59/16/PL and AL/48/16/PL had been withdrawn from the agenda and would not be considered at this meeting.

243. VISIT BY THE SITE INSPECTION PANEL – M/59/16/PL – 1 NO. REPLACEMENT DWELLING, 1 DEEPDENE CLOSE, MIDDLETON ON SEA

The Committee had been advised that this application had been withdrawn from the agenda and would not be considered.

244. PLANNING APPLICATIONS

AL/48/16/PL – Variation of condition 4 imposed under AL/25/13 relating to permanent gypsy traveller use & removal of name Mrs Sarah Keet, The Paddock, 6 Northfields Lane, Westergate Having received a report on the matter, the Committee had been advised that this application had been withdrawn from the agenda and would not be considered.

A/77/16/PL – Leisure development consisting of 9 No. 5 a side pitches, trampoline/laser tag centre, hotel, pub/restaurant, forest adventure kiosk, nursery, sub-station & associated infrastructure & car parking. This application is a Departure from the Development Plan, Rustington Golf Centre, Golfers Lane, Angmering Having received a written report on the matter, together with the officer's verbal update detailing a late representation that had been received objecting to the access arrangements to the site, the Committee now received a comprehensive presentation from the Principal Planning Officer which set out the detail of the application. He was able to advise that, following representation from County Highways, the applicant had agreed to provide an extension to the footpath cycleway on the north side of the A259 between the golf centre and Sainsbury's, which would be secured by a S106 Agreement.

The Committee heard that this was considered to be an acceptable leisure use that had been supported through sequential assessment – the proposal would create jobs and add to the visitor attraction.

Following consideration, the Committee

Subject to approval at the next Committee meeting

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Development Control
Committee – 05.10.16.

RESOLVED

That the application be approved as detailed in the report.

A/113/16/PL – Use of land for storage distribution (B8 Storage or Distribution) & 3 No. storage containers. This application is a Departure from the Development Plan, Land at Barn Farm, Dappers Lane, Angmering Having received a report on the matter, together with the officer's written report update detailing the rationale behind amended conditions relating to the newly submitted block plan and the number of cars stored at the site, the Committee was further advised that it was considered that the attached conditions would ensure that the proposal would not have an adverse impact on the locality.

In discussing the matter, concern was raised with regard to the hours of operation of the site, particularly with respect to the loading or operation of machinery, and it was agreed that that should be restricted on a Sunday to 9.00 am to 5.00 pm.

The Committee then

RESOLVED

That the application be approved as detailed in the report update and subject to amendment of Condition 5 to read:-

“The approved use of the site including unloading, loading or operation of machinery shall only take place between the hours of:-

7.00 am and 9.00 pm Monday to Saturday and 9.00 am to 5.00 pm on Sunday.”

A/135/16/PL – Replacement of existing bungalow with 3 No. dwellings (resubmission following A/20/16/PL). This application is a Departure from the Development Plan, Caretakers Cottage, Angmering School, Greenwood Drive, Angmering Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

Subject to approval at the next Committee meeting

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Development Control
Committee – 05.10.16.

EP/96/16/PL – 1 No. replacement dwelling including pool & outbuilding, 12 Angmering Lane, Rustington Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/103/16/PL – Demolition of section of wall to provide internal vehicular & staff access to & from the adjoining premises (amendment to FG/45/15/PL), Hangleton Nurseries, Hangleton Lane, Ferring Having received a report on the matter, together with the officer's written report update detailing a change to a representation received, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/104/16/PL – Erection of 3m high security fence around the previously approved car compound, amendments to existing storage buildings & associated lighting, Hangleton Nurseries, Hangleton Lane, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

M/67/16/PL – Replacement dwelling (revised proposal to M/13/16/PL), 27 Central Drive, Elmer Having received a report on the matter, together with the officer's written report update detailing an amendment to the plans condition and confirmation that the Tamarisk bushes would be secured via the proposed landscaping condition 9 and a verbal update advising on a further representation received, the Committee now considered the matter.

In presenting the report, the Planning Team Leader suggested an additional condition should be attached to any approval to require the applicant to provide a construction method statement to provide details of the construction management of the property, i.e. access to the site of construction vehicles and any hours of operation. It was also agreed that a further condition should be attached requiring the existing dwelling to be demolished and resultant materials removed from the site.

In the course of discussion the Head of Development Control advised Members that any concerns over access or damage outside the site were private matters for the applicant and the Beach Estate to resolve.

The Committee

RESOLVED

That the application be approved as detailed in the report update and subject to the following additional conditions:-

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.
- the hours of operation for construction works which shall not exceed 8am to 6pm Monday - Friday, 9am to 1pm Saturdays and none on Sundays and Bank Holidays

Reason: In the interests of highway safety and the amenities of the area.

Upon the first occupation/completion of the building hereby permitted the existing dwelling shown dotted on the application block plan shall cease to be used for any purpose and within a period of 3 months thereafter the existing dwelling shall be demolished, all materials arising from such demolition removed from the site and the site cleared and the land shall become part of the garden area.

Reason: To avoid an over-intensive use of the site in accordance with policy GEN7 of Arun District Local Plan.

Subject to approval at the next Committee meeting

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Development Control
Committee – 05.10.16.

245. PLANNING APPEALS

The Committee received and noted the planning appeals that had been received and 1 appeal that had been heard..

(The meeting concluded at 3.55 p.m.)

DEVELOPMENT CONTROL COMMITTEE

02 November 2016

PLANNING APPLICATIONS

**LIST OF TREE APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION
AT THE DEVELOPMENT CONTROL COMMITTEE**

NONE FOR THIS COMMITTEE

**LIST OF APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION AT
THE DEVELOPMENT CONTROL COMMITTEE**

LITTLEHAMPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
LU/202/16/PL	Retention of built fire escape staircase & 1st & 2nd floor windows to western elevation to three storey extension. This application affects the character & appearance of the Littlehampton Seafront Conservation Area.	7 Western Road Littlehampton BN17 5NP

Case Officer : Mr D Easton
Recommendation: Approve Conditionally

ANGMERING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
A/131/16/OUT	Outline planning application with some matters reserved for 9 No. one & a half storey houses with garaging, including 3No. affordable housing units - This is a Departure from the Development Plan	Land between New Place Bungalow Angmering BN16 4ET

Case Officer : Mr D Easton
Recommendation: App Cond sub to S106

ALDINGBOURNE

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
AL/48/16/PL	Variation of condition 4 imposed under AL/25/13/ relating to permanent gypsy traveller use & removal of name 'Mrs Sarah Keet'.	The Paddock 5 Northfields Lane Westergate PO20 3UH

Case Officer : Simon Davis
Recommendation: Approve Conditionally

[AL/83/16/OUT](#)

Outline application with all matters reserved for residential development of up to 8No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the development plan. Resubmission of AL/8/16/OUT

Land south & west of Barnside & east of pond
Hook Lane
Aldingbourne

Case Officer : Simon Davis

Recommendation: App Cond sub to S106

PLANNING APPLICATION REPORT

REF NO: LU/202/16/PL

LOCATION: 7 Western Road
Littlehampton
BN17 5NP

PROPOSAL: Retention of built fire escape staircase & 1st & 2nd floor windows to western elevation to three storey extension. This application affects the character & appearance of the Littlehampton Seafront Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the retention of the first escape staircase to the rear of the building and the retention of windows at first and second floor level on the western elevation of the building.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Semi-detached three storey dwelling subdivided into flats. The building is subdivided into flats with rendered elevations and a flat roof.
CHARACTER OF LOCALITY	Predominantly residential and features properties of various designs and styles.

RELEVANT SITE HISTORY

LU/386/07/	One studio flat at second floor above existing first floor	ApproveConditionally 14-01-2008
LU/233/07/	One studio flat at first floor above existing ground floor.	ApproveConditionally 14-08-2007
LU/65/07/	Conversion of existing first & second floor maisonette into 2 s/c flats (1 x 1bed & 1 x 2 bed).	ApproveConditionally 16-04-2007
LU/38/07/	Conversion of existing ground floor flat into 2 x 1 bed flats.	ApproveConditionally 02-04-2007

Planning permission was first granted for the addition of a external staircase at the property under reference LU/233/07/ (albeit only to first floor level). This original approval granted permission for the use of the external staircase as the only means of access into the first floor flat. An additional approval was granted for the second floor flat under reference LU/386/07 which did not feature the

windows installed on the western elevation. This scheme also included an external staircase to first and second floor level and the floor plans show this was again intended to be the only means of access into the flats. It is acknowledged that the originally approved staircase was slightly different in design to that the subject of this new application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

The Town Council's Planning and Transportation Committee considered this matter at its meeting held on Monday 22nd August 2016 and object to the application on the grounds that the development is overbearing and out of character in terms of its appearance compared with existing development in the vicinity. It was also observed that the planning notice was not in evidence at the site.

2 No. letters of objection:

- The Staircase is not a fire escape, it is the only entrance to flats 2 and 3. Which asks the question how would people get out in the case of a fire?
- Absolutely no privacy at all from stair case, can not relax in our courtyard without being completely over looked from 2nd and 3rd floor. Stairway needs to be enclosed as in original planning application.
- Obstructs natural light to surrounding properties, there is no other such extension having been built onto the back of properties in the Conservation Area.

COMMENTS ON REPRESENTATIONS RECEIVED:

The objection from the Town Council does not make specific reference to what element of the development it considers overbearing. It is presumed this objection relates to the retention of the fire escape rather than to the windows on the western elevation of the building. It must be considered that the original approval (LU/386/07) included the installation of a fire escape to the rear of the building of a similar design to that now proposed.

It should be noted that the site notice was posted in accordance with Council policy. There is photographic evidence of it having been displayed on site.

In response to the 2 no. letters of representation:

- The adequate provision of means of escape falls within the remit of building control and as such is not a matter for consideration as part of this planning application. However, it must be considered that when planning permission was originally granted for these flats under reference LU/233/07/ and LU/386/07/ the external staircase was shown as being the only means of access into the flats.
- The original application (LU/386/07) did not enclose the proposed fire escape.
- The extension is not to consideration as it benefits from planning permission (LU/386/07). This application relates to the retention of the first escape and windows on the western elevation.
- The fire escape also acts as a stairwell to the rear flats - as it did in LU/386/07.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Area Advisory Committee:

Objection - too dominant - suggest alternative ways of fire exit.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted - it must be considered that the original approval (LU/386/07) featured a fire escape to the rear of the building of a similar design and construction.

POLICY CONTEXT

Designation applicable to site:
Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	AREA2 GEN2 GEN7	Conservation Areas Built-up Area Boundary The Form of New Development
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design HER DM3 Conservation Areas SD SP2 Built-Up Area Boundary	

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered

alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

The Littlehampton Neighbourhood Plan has been made but there are considered to be no relevant policies to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site falls within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are AREA2 and GEN7 of the Local Plan and the NPPF.

DESIGN AND VISUAL AMENITY

The fire escape will be situated to the rear of the building and will measure a maximum of approximately 6m in height and extend 2.5m to the rear of the building with a width of approximately 2.8m. Planning application LU/386/07 featured a fire escape to the rear of the building measuring 6.7m high and extend 2.5m to the rear and 1.6m in width.

It is considered the fire escape as constructed is similar in appearance and for a similar level of use to that approved under LU/386/07 and as such does not give rise to any unacceptably adverse impacts to the visual amenity of the locality in conflict with policies GEN7(ii). Nor is it considered to conflict with policy AREA2 of the Local Plan given that no objection was raised in LU/387/07 by the Conservation Officer.

The retention of windows on the west elevation at first and second floor level are not considered to have an adverse impact on the character of the locality or the host property. The retention of the windows are deemed to accord with policy GEN7(ii) of the Local Plan and is deemed to preserve the character of the Conservation Area.

RESIDENTIAL AMENITY

The fire escape is very similar in design to that originally approved and it is considered that it would be unreasonable to raise any objection in relation to harm to the residential amenity of neighbours. The fire escape will match in dimension that originally approved with the exception of the additional 1.2m of width. However, it will serve the needs of the same amount of occupiers.

The proposed windows on the west elevation are capable of overlooking to the west of the property. The windows provide direct views into the rear garden areas associated with 1, 3 and 5 Western Road and are deemed to fail to accord with policy GEN7(iv) of the Local Plan. It is considered the adverse overlooking generated by the windows in the western elevation could be overcome through condition restricting them to be obscurely glazed and non-opening below 1.7m from floor level.

SUMMARY

The proposal is considered to accord with relevant development plan policies subject to the below conditions. Therefore, it is recommended that planning permission is granted.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans: Site Location & Block Plan - HPL 81/RA01; Ground, First, Second and Roof Plans - HPL 81/RA02; Proposed Drawings - HPL 81/33; North & Western Elevation - HPL 81/RA03; and Proposed Elevations - HPL 81/35.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

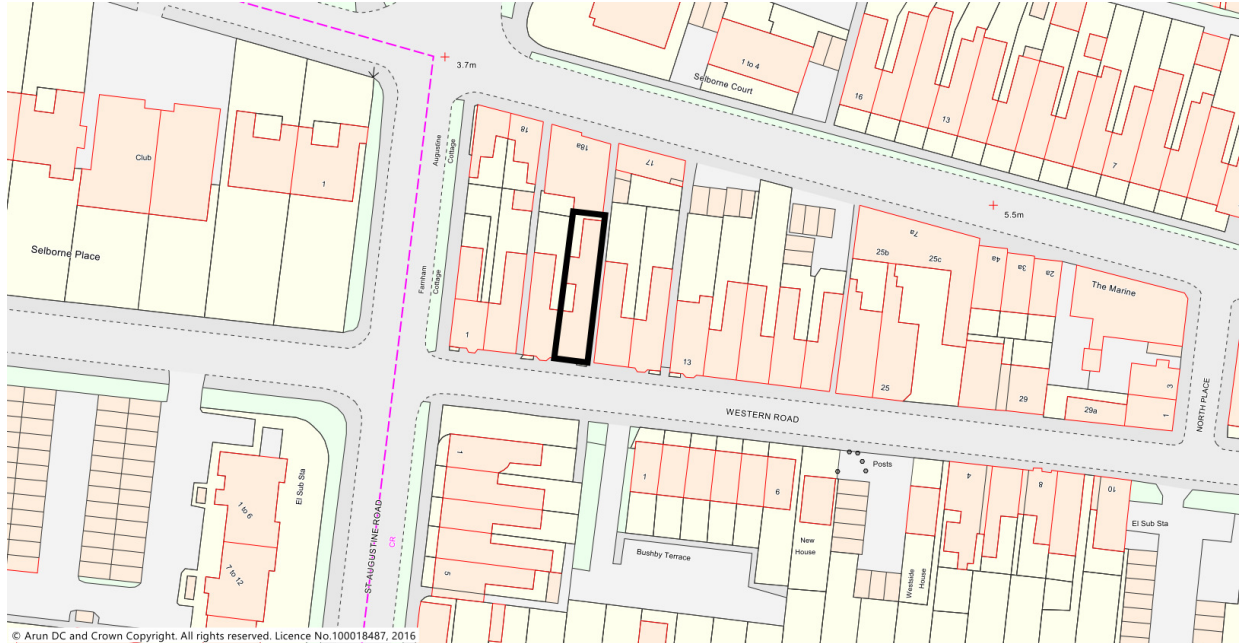
- 3 The proposed windows at first and second floor level on the western elevation of the dwelling shall be obscurely-glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

LU/202/16/PL Indicative Location Plan
(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT**REF NO:** A/131/16/OUT**LOCATION:** Land between New Place Bungalow & /
Angmering
BN16 4ET**PROPOSAL:** Outline planning application with some matters reserved for 9 No. one & a half storey houses with garaging, including 3No. affordable housing units - This is a Departure from the Development Plan**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks outline approval for the construction of 9 no. dwellings (3 no. affordable units). All matters are reserved with the exception of access.
SITE AREA	Approximately 0.7 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 12.85 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The boundaries of the site consist of mature planting and trees of various heights and species.
SITE CHARACTERISTICS	The site is currently vacant overgrown land with limited areas of hard-standing.
CHARACTER OF LOCALITY	The character of the locality is rural with the site being situated outside of the built area boundary.

RELEVANT SITE HISTORY

A/154/92/CLE	Certificate of Lawfulness of Existing Use for closed storage for removals business and builders materials, open storage land for removals business, builders materials and turning area, hardstanding for commercial vehicles.	Part Granted 06-07-1993
A/113/66	Outline application for residential development	Refused 27-09-1966
A/95/58	Outline application for 10 bungalows	Refused 21-01-1959
A/29/50	Bungalow for use in connection with agriculture	Approve 17-08-1950

A Certificate of Lawfulness was previously granted under reference A/154/92/CLE for the use of the site as closed storage for removals business and builders materials, open storage land for removals business, builders materials and turning area, hard standing for commercial vehicles on the 6th July 1993.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

The subject site lies outside the built-up area boundary as set out in the Angmering Neighbourhood Plan and as such, the application is not in compliance with Neighbourhood Plan Policy HD1.

1 No. letter of objection:

- Whilst acknowledging the need for suitable local housing, we do not believe that this application proves that no other land is suitable for such development, without building upon land outside the development area.
- The visibility splays indicated from the proposed access onto Arundel Road, will be severely reduced during term times with the regular parking of parents' vehicles along the western side of Arundel Road, north from the school (well into the national speed limit section).
- There appears to be no realistic means of disposing of surface water from the site without substantial underground attenuation or bunkering at the southern end of the proposed development, which presumably reduces the viability of the 9th building at that end of the plot
- Foul water disposal is proposed via connection to the existing local network, some 150 m south. Already some 11 years ago, similar proposals yielded information that the existing properties between the main sewer connection opposite the school and the proposed site, experienced capacity difficulties with drains regularly backing up.

1 No. letter of no objection:

- Arundel Road does not have a 30mph restriction along its whole length
- Entrance to Acorn Caravan Park shown on block plan was closed and relocated to a different, safer point
- 30mph limit should be introduced to whole of Arundel Road and thereby ensure safety of school children

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments from the Parish Council are noted and will be considered further in the conclusion to this report.

In response to the 1 no. letter of objection:

- The principle of the proposed development will be considered in the conclusion to this report.
- The Local Highway Authority have been consulted in relation to this development and they have raised no objection.
- The Council's Engineers have been consulted and the conditions requested included in the recommendation.
- Southern Water have been consulted in relation to the proposed development and no objection has been received.

In response to the 1 no. letter of no objection:

- Comments noted. However County Highways do not object to the proposal on highway safety grounds.

CONSULTATIONS

WSCC Strategic Planning
Environment Agency
Surface Water Drainage Team
Southern Water Planning
Planning and Housing Strategy
Engineers (Drainage)
Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER:

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The applicant is advised to consult the Environment Agency directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to subsoil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

ENGINEERS (DRAINAGE):

Infiltration to be investigated for surface water drainage.

Please apply standard conditions ENGD2A.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information.

Please investigate foul sewerage with Southern Water prior to considering private treatment systems.

WSCC STRATEGIC PLANNING:

Background and Summary

The application seeks Outline planning consent for access only for 9 dwellings. The site currently comprises of an area of vacant land positioned adjacent to Arundel Road in Angmering. The proposals will access Arundel Road, a 'C' class road subject to national speed limit. To the north of the site Arundel Road links to the A27 trunk road, maintained by Highways England (HE).

The LHA may wish to seek the views of the HE on any potential increase in traffic movements from the proposals onto this network. The proposals are supported by way of a Transport Statement (TS) which includes TRICS data and a speed survey. In summary the outline proposals are considered acceptable from the highways perspective, further consideration of the sites layout will be given at a latter Reserved Matters stage.

Access and Visibility

The proposed development is accessed from an existing gated access off Arundel Road; it is proposed that the access is improved as part of the development proposals, which will include a realigned kerb. An ATC survey has been undertaken over a weekly period which has ascertained vehicle flow rate and 85th percentile road speeds along Arundel Road, for ease of reference the recorded speeds were:

Northbound: 43.8 mph
Southbound: 40.3 mph

Visibility splays of 120 metres to the north and south of the access are achievable. These sightlines exceed the requirements set out within Manual for Streets 2 (MfS2) and are in line with the advice of Design Manual for Roads and Bridges (DMRB) given the recorded road speeds. Taking account of local context and traffic flows, the LHA consider that DMRB guidance is appropriate in this instance. As such, this junction is considered to be adequate to accommodate the vehicular movements arising from this proposal.

The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents in the vicinity of the site access onto Arundel Road. There is no evidence to suggest that the road is operating unsafely, or that the proposed would exacerbate an existing safety concern.

In conclusion the principle of the access is acceptable. The improvement works for the access would be subject to a Section 278 Agreement with WSCC's Implementation Team.

Layout

Whilst it is acknowledged that permission for the sites layout is not sought, there are no initial concerns with the indicative layout. The access road should take the form of a 5.0 metre wide shared surface arrangement as stated within the TS. This is considered suitable as this will be a low speed, low traffic environment. MfS2 identifies that shared space is appropriate where vehicles flows are less than 100 per hour, the proposal would meet this criteria. It is assumed that refuse collection will take place from within the site. Swept path diagrams have been provided demonstrating how larger vehicles turning paths within the site. The applicant should liaise with ADC's Waste Collection Team to discuss the suitability of this arrangement from their perspective.

It has not been stated if the access road will be constructed to adoptable standards; this would be achieved under a Section 38 Agreement. This however can be confirmed at a later stage if this is to be the case.

Parking provision must meet the requirements of the WSCC PDC (Parking Demand Calculator) evidence should be provided demonstrating in the form of print outs from the PDC that the allocations are in line with the recommendations of the PDC.

Trip Generation and Capacity

The TS provided in support of this application does estimate potential vehicular trip generation arising from this proposal. It suggests that there will be 6 two way movements in the morning and evening peak hours, with 44 two-way vehicle trips. The LHA acknowledges that the TRICS outputs are based upon sites considered to be comparable in terms of planning use class and location to that proposed, in accordance with TRICS Best Practice Guidance. As such the trip rate generated provides a realistic indication of likely trip generation from the new dwellings. This proposal would not trigger the 30 vehicle movement threshold to warrant formal junction assessments.

It is recognised that this proposal would give rise to a more intensive use of Arundel Road; however, this proposal is not anticipated to result in a severe cumulative impact on the operation of the local network in accordance with paragraph 32 of the National Planning Policy Framework

Sustainability and Accessibility

The TS considers the accessibility of the site by walking, cycling, and passenger transport. There is a footway connecting to the north and south of the sites access. To the south of the site the LHA accept that traffic conditions within the village are conducive for walking and cycling. There is however a very limited range of services and facilities within Angmering village itself that could be reached by these modes. Notably, the only facility that could be used to meet some day to day needs is the village store/post office in the village which is approximately 1 km away from the site. This would not though meet all needs and travel to a larger retail store would be necessary. There are otherwise no notable employment, retail or health provisions within the village or the surrounds that could reasonably be reached on foot. In terms of bus stops there are stops located along Arundel Road to the south of the access. These are served by an hourly service which link to Worthing and Shoreham. Angmering railway station is location further south of the site; this is linked to by bus services. Services from Angmering link to Worthing, Brighton and London Victoria.

There is no dedicated cycle infrastructure or off road cycle routes located in Angmering. The low speed traffic conditions may facilitate cycle movements within the village; however the narrow carriageways and potential of vehicle/cyclist conflict may make some routes unattractive. Journeys to wider services and employment centres of Worthing and Littlehampton would be mainly along the A259 and are not conducive to safe cycling due to higher speed limits and road layout.

The National Planning Policy Framework (NPPF) states that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. In this respect, the site is located within a reasonable walking distance of the village store and passenger transport infrastructure. Paragraph 29 of the NPPF also states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Whilst paragraph 29 goes on to say that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas, residents of the proposed development would inevitably still be reliant upon the use of the private car for the significant majority of daily trips, however it is recognised that this is a small scale development intended to be provide for local housing needs.

The previous 3 years personal injury accident data has been checked and this indicates no accidents have been recorded that involve pedestrians or cyclists within the immediate vicinity of the site and Angmering village. There is no evidence to suggest that the existing arrangements for pedestrians are inadequate or result in safety issues.

Construction

Matters relating to access during the construction of the proposal would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from Arundel Road. A comprehensive construction management plan would be sought through condition should permission be granted. The construction management plan should amongst other things set out how deliveries are to be managed along Arundel Road in light of the carriageway width and presence of other vulnerable road users. Given the construction of Arundel Road, the applicant would be required to enter into a Section 59 agreement under the 1980 Highways Act. Such an agreement would enable the LHA to recover from the developer the cost of repairing any damage

that occurs to the highway as a consequence of the development. The developer should seek early engagement with the WSCC Asset Management team to prepare the s59 agreement should permission be granted.

Conclusion

The LHA does not consider that the proposed would have 'severe' residual impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

In the event that planning consent is granted, the following conditions are recommended,

Access

No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

Visibility

No part of the development shall be first occupied until visibility splays of 2.4 by 120 metres have been provided at the proposed site vehicular access onto Arundel Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

INFORMATIVES

S278 Works

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The

Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Section 59 of the 1980 Highways Act - Extra-ordinary Traffic

The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

HOUSING STRATEGY:

The Council has a preference for 1 and 2 bed dwellings for rented affordable housing for intermediate housing 2 and 3 bed dwellings are preferred. I have no objection to this application.

ENVIRONMENTAL HEALTH:

A noise report was submitted to the Local Planning Authority on the 10th October 2016 with the typo in Section 8, Sentence 4 being amended by confirmation of the agent on the 11th October 2016 to read;

"Noise levels in the gardens of the houses will also be relatively low as they are below the WHO low limit value of 50dBA."

Environmental Health on the basis of this correction have raised no objections to this application on noise grounds.

The site appears a low risk from a contamination perspective, therefore please apply ENV 5 only

ENV 5 Unsuspected contamination

Environmental Health position

We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy DEV1 of the West Sussex Structure Plan and policies GEN7 and GEN31 of the Arun District Local Plan

ECOLOGY

Comments awaited and will be provided as a report update.

GREENSPACE

Comments awaited and will be provided as a report update.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and requested conditions included in recommendation.

POLICY CONTEXT

Designation applicable to site:

Outside built area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN2	Built-up Area Boundary
	GEN32	Noise Pollution
	GEN9	Foul and Surface Water Drainage
	GEN7	The Form of New Development
	GEN33	Light Pollution

Publication Version of the Local Plan (October 2014):	C SP1 Countryside
	D DM1 Aspects of Form and Design Quality
	D DM2 Internal Space Standards
	D DM3 External Space Standards
	D SP1 Design

Angmering Neighbourhood Plan 2014 POLICY HD1	Built-up Area Boundary
Angmering Neighbourhood Plan 2014 POLICY HD3	Housing Mix
Angmering Neighbourhood Plan 2014 POLICY HD7	Housing Density

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of

the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

The Angmering Neighbourhood Plan has been made and policies HD1, HD3 and HD7 are considered relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The site is outside of the built up area. Due to the location of the site it is not considered to accord with policy GEN3 of the Local Plan and HD1 of the Angmering Neighbourhood Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

INTRODUCTION

The application is a reserved matters application for the construction of 9 no. dwellings (3 no. affordable units). The application relates solely to the proposed access with all other matters being reserved to a further application if this application is approved.

PRINCIPLE

The site is outside of the built up area of Angmering in a location that is not allocated for housing. In the Publication Version of the Local Plan (2014), policy H SP1 establishes strategic housing, parish and town allocations - this site is not identified.

However, it must be considered that the Local Planning Authority are unable to demonstrate an

adequate 5 year supply of housing land as required by paragraph 49 of the NPPF. Furthermore, the Examination into the emerging Local Plan was suspended by the Planning Inspector on the grounds that the Council's Objectively Assessed Housing Need (OAN) should be reviewed higher than that proposed in the Local Plan (580 units p.a). The Council will therefore need to identify more suitable land supply to meet additional housing requirements. The OAN figure has now been increased to 919 units per annum as of October 2016. Additional strategic sites are currently being assessed and allocated in order to meet this higher figure.

The NPPG has provided clear guidance on the issue of the weight that can be given to both the adopted local plan and emerging or made Neighbourhood Plans where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. Therefore the adopted development plan policies relating to housing supply are out of date and the emerging Local Plan policies carry limited weight at this time. The relevant policies in relation to development outside of the built area boundary within the Angmering Neighbourhood Plan can also not be considered up to date as they do not reflect the Council's updated OAN.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites"

The Secretary of State decision in relation to Land to the South of Ford Lane, East of North End Road, should be noted (APP/C3810/A/14/2228260). In the decision, the Secretary of State disagreed with the appeal Inspector's conclusions that the appeal be allowed and planning permission be granted. The proposal was for 100 dwellings on land outside the built up area boundary in the made Yapton NP. The decision appears to run contrary to the advice in the NPPF and NPPG referenced above; that the housing policies of a NP should not be considered up to date where there is no demonstrable 5 year housing land supply. ADC are seeking legal advice on the implications of this decision for similar sites outside the built up area boundary of made Neighbourhood Plan - It is hoped an update will be available at the meeting to inform members of the outcome of this legal advice.

However, it is considered that the Angmering Neighbourhood Plan does not make the same provision in the wording of Policy HD1 as is made in Policy H1 of the Yapton Neighbourhood Plan. Policy H1 states that "additional allocations will be made if the emerging Arun Local Plan requires such action or if the identified housing sites do not proceed". The Secretary of State identified this flexibility in policy H1 of the Yapton Neighbourhood Plan as allowing any shortfall in housing supply to be met - as such significant weight was given to the housing policies of the Yapton Neighbourhood Plan. It must therefore be noted that no such provision is made in policy HD1 of the Angmering Neighbourhood Plan with Policy HD1 stating "the Neighbourhood Plan allocates sufficient land to deliver at least the minimum housing requirement in the emerging Arun Local Plan..."

Given that the emerging Local Plan Examination was suspended by the Planning Inspector on the grounds that the Council's OAN should be reviewed higher than that proposed, it is considered that Policy HD1 of the Angmering Neighbourhood Plan cannot be considered up to date and as such can only be attributed minimal weight in the determination of this application.

CHARACTER & APPEARANCE

The proposed development falls outside of the built area boundary and as such it is necessary to assess if the proposed development would have a significant and demonstrable impact upon the character of the locality.

The application site is situated to the west of Arundel Road and is screened on the eastern boundary by a row of trees and as such the proposed development will have limited presence within the street scene when viewed from Arundel Road. It must also be considered that residential development is already present to the west of Arundel Road to the south of the application site.

The land immediately to the west of the application site (New Place Nursery) benefits from planning permission for the dismantling of vehicles and storage of vehicles and parts and to the south-west planning permission has been granted for the outdoor storage of caravans. This could be a possible source of noise disturbance to potential occupiers which has been considered further later in this report.

Examples of residential development are present in close proximity to the application site with New Place Bungalow to the west; 60m to the south of the site is linear residential development (adjacent to Arundel Road) which falls within the built-up area boundary; and approximately 60m to the north of the site is a two storey detached dwelling (Wilmington).

As such, it is acknowledged that whilst the site falls outside of the built area boundary it makes a limited contribution to the visual amenity or character of this rural locality.

Therefore, it is considered that the proposed residential use of the site (subject to appropriate design and layout) would not result in unacceptable harm to the character of the locality and is deemed to accord with the limitations of GEN7(ii) of the Arun District Local Plan.

SUSTAINABLE LOCATION

The planning statement accompanying the application does provide detail in relation to the sustainable location of the site. This includes analysis in relation to the accessibility of the site and identifies distances to key local facilities. These are identified as being;

- Recreation Ground, off Decoy Drive - <200 metres
- St Margaret's C of E Primary School and Nursery, Arundel Road - <200 metres
- St Wilfrid's Catholic Primary School, Arundel Road - <750 metres
- Play Area, Rectory Lane - 850 metres
- St Margaret's Church - <950 metres
- Village centre (Retail uses, public house, employment opportunities) - circa 1km
- Angmering Medical Centre, Station Road - <1.2km
- The Angmering School (Secondary & Sixth Form), Station Road - circa 2km
- Angmering Railway Station - circa 2.5km

The accessibility and sustainability of the site is considered to be enhanced through the presence of an existing footway running along the eastern boundary of the site adjacent to Arundel Road.

In terms of access to public transport the closest bus stop is situated approximately 450m to the south of the site on Arundel Road. Whilst, 400m is identified as the desirable maximum (equating to approximately 5minutes of walking time) this additional 50m is not considered to severely or demonstrably outweigh the benefits of the proposal.

Therefore, it is considered that there would be a choice as to the means of transport, either by foot,

cycle, or public transport and as such it is considered that a refusal on sustainability of location cannot be supported.

NPPF TEST ON SUSTAINABILITY

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. It is considered that the proposals meet this definition in that new housing will (1) increase Council Tax receipts; (2) provide for jobs during the construction stage; (3) support the local community by providing housing to meet future needs; and (4) as demonstrated elsewhere in this report, not have an adverse effect on protected wildlife species

RESIDENTIAL AMENITY

As this application seeks outline approval with all matters reserved except for access it has not been necessary to consider the proposals accordance with the Nationally Described Space Standards or policy D DM3 of the emerging Local Plan. These matters will be considered further in the reserved matters application. If outline approval is granted.

Having considered the indicative site plan it is considered that the proposed scheme would be unlikely to result in any unacceptably adverse impacts upon the residential amenity of neighbours or future occupiers of the site.

The close proximity of the vehicle dismantling and storage use to the west as well as the impact of vehicular movements on nearby roads have been the subject of an 'Environmental Noise Assessment'. This assessment has identified that the "noise levels affecting the site are relatively low and with windows open internal noise levels achieve the WHO/BS8233 internal noise criteria" and that "Noise levels in the gardens of the houses will also be relatively low as they are below the WHO low limit value of 50dBA".

An error has been identified in the Noise Assessment (J2132) in Section 8, Sentence 4. But it has been confirmed by the agent (in an email dated 11th October 2016) that this was a typographical error and that the sentence should read "Noise levels in the gardens of the houses will also be relatively low as they are below the WHO low limit value of 50dBA."

On this basis Environmental Health have raised no objections in relation to noise impacts associated with the development. Therefore, the proposal is deemed to accord with policy GEN7(iv) of the Arun District Local Plan.

AFFORDABLE HOUSING

The proposed development makes the provision of 3 No. affordable units which exceeds the requirements of Emerging Plan Policy SP9. However, it must be considered that there is no legal requirement to provide affordable housing on developments of 10 units or less - therefore, the proposed affordable housing provision if delivered is considered to further enhance the sustainability (social) of the scheme in accordance with Paragraph 7 of the National Planning Policy Framework.

ACCESS

The proposed access, the one element that is not reserved by this outline application, will be located in the north-eastern corner of the site to the west of Arundel Road. This is an existing access from Arundel Road and has been the subject of consultation with the Local Highways Authority (LHA).

The LHA has raised no objection in relation to the proposed means of access identifying that the proposed visibility splays (120m) to the north and south of the access which exceed the

requirements set out in 'Manual for Streets 2' and are in accordance with the advice of 'Design Manual for Roads and Bridges' given the recorded road speeds.

The LHA in their consultation response state that the principle of the access is acceptable but that the improvement works for the access would be subject to a Section 278 Agreement with WSCC's Implementation Team. Therefore, the proposed access is considered acceptable in accordance with Paragraph 32 of the National Planning Policy Framework.

ECOLOGY

Comments are awaited and this section of the report will be updated to reflect these comments.

Evidence has been provided with this application of a 'Phase 1 Habitat and Ecological Assessment' and a 'Phase 2 bat and reptile survey' having been undertaken at the site. This has identified a number of key considerations in relation to the impact of the proposal upon reptiles and bats. No evidence of bats roosting on the site was identified but the Ecology report make a number of mitigation recommendations - these are the subject of condition.

SUMMARY

The proposed development based upon the details submitted is not considered to result in any adverse impacts which significantly or demonstrably outweigh the benefits of the proposed scheme. Therefore, the proposal is considered to accord with relevant development plan policy and is recommended for approval subject to the below conditions.

SECTION 106 DETAILS

A legal agreement is being prepared in relation to the provision of 3 no. affordable housing units at the site although this is not a requirement for development of 10 units or less. This Section 106 legal agreement will also require a contribution towards the off-site provision of public open space/play facilities.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal no impacts have been identified upon any protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3 The development hereby approved shall be carried out in accordance with the following approved plans Location 1356/PL.01, Opportunities and Constraints 1536/PL.02, Proposed site access and visibility splays 17253-05 and swept path 17253-06.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

5 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation

strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

- 6 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 7 No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

- 8 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt during demolition and construction,
- lighting for construction and security,
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with Arun District Local Plan policy GEN7 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because the purpose of the condition is to mitigate the impact of construction.

- 9 No part of the development shall be first occupied until visibility splays of 2.4 by 120 metres have been provided at the proposed site vehicular access onto Arundel Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

- 10 No development including site access, demolition or associated construction activities, shall take place on the site unless and until a hedge/tree retention & protection scheme in accordance with BS 5837:20012 "Trees in relation to construction" has submitted to and

approved by the Local Planning Authority. The hedge/tree retention & protection scheme so approved shall be implemented for all retained trees including trees whose root protection areas fall within the construction zone from neighbouring land.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because otherwise trees might be harmed during the construction process.

- 11 No development including site access, demolition or associated construction activities, shall take place on the site unless and until 'A Mitigation Statement' that details all of the protection measures for reptiles and other wildlife on the site at Arundel Road has been submitted to and approved by the Local Planning Authority.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition to prevent damage/harm to the ecology of the site.

- 12 No lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 13 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 14 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

- 15 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

- 16 INFORMATIVE: The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the

Highway Officer (01243 642105) in order to commence this process.

- 17 **INFORMATIVE:** This decision has not been granted in conjunction with a Section 106 legal agreement relating to affordable housing.

A/131/16/OUT Indicative Location Plan
(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT**REF NO:** AL/48/16/PL**LOCATION:** The Paddock
5 Northfields Lane
Westergate
PO20 3UH**PROPOSAL:** Variation of condition 4 imposed under AL/25/13/ relating to permanent gypsy traveller use & removal of name 'Mrs Sarah Keet'.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The applicant seeks to make an existing plot (plot 5) permanent and no longer name restricted so that it will be available to a new gypsy/traveller occupier.
SITE AREA	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	The plot is located adjacent to the existing hedge. No trees.
BOUNDARY TREATMENT	3m high Leylandii hedging along Northfields Lane. Fencing at Level Mare Lane end.
SITE CHARACTERISTICS	The site has five mobile homes and some other non-domestic buildings. The surface is largely gravelled or concrete hardstanding.
CHARACTER OF LOCALITY	Rural location with some housing along Level Mare Lane and towards the southern end of Northfields Lane. The eastern side of Northfields Lane is predominantly in occupation by gypsy or travellers.

RELEVANT SITE HISTORY

AL/25/13/	Application for the variation of condition 4 (residential units) following the grant of planning permission AL/94/11 to replace the word 'four' with the word 'five'. Departure from the Development Plan.	ApproveConditionally 12-06-2013
AL/85/12/	Application for variation of conditions 6 & 7 of planning approval AL/94/11/ relating to position of mobile home & tree planting	ApproveConditionally 11-02-2013
AL/4/12/	Single storey extension	ApproveConditionally 20-03-2012

This application seeks to vary AL/25/13 which included a restriction on Plot 5 so that it could only be occupied by a Mrs Sarah Keet (the applicant's mother in law). The reason given for this restriction

AL/94/11/	Use of land as a private gypsy and traveller caravan site consisting of 4 no. mobile homes (2 of which have extensions) and associated works - Resubmission of AL/32/11 - This application is a Departure from the Development Plan	ApproveConditionally 05-01-2012
AL/32/11/	Use of land as a private gypsy and traveller caravan site consisting of 4No. mobile homes (2 of which have extensions) and associated works. This application is a departure from the Development Plan	Refused 08-09-2011
AL/67/10/	Change of use of land to a private gypsy and traveller caravan site consisting of 3 no. mobile homes (2 of which have extensions), and associated works - This application is a departure from the development plan	ApproveConditionally 19-08-2010
AL/23/08/	Use of land as a private gypsy caravan site for a single family group.	ApproveConditionally 11-06-2008
AL/5/07/	Change of use of land for the stationing of 2 no. mobile homes for gypsy and traveller family.	Refused 05-09-2007 <i>Appealed</i> Appeal: Withdrawn 05 03 2008
AL/15/04/	Siting of 2 no. residential mobile homes for settled accommodation and including a single storey extension	Refused 08-07-2004

was:

"The development is contrary to the provisions of the development plan in that the site lies within the rural area and is unrelated to the needs of agriculture or forestry. Planning permission has only been granted in this instance because of the specific circumstances of the applicant namely the status as a member of the Gypsy and Traveller Community and the extenuating health reasons."

Mrs Keet died in August 2014 and the mobile home was then occupied by her great granddaughter up until September 2015. The mobile home is currently occupied by the applicants wife and a friend of hers.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Objection: "Over intensification of site and contrary to Gen 2, Gen 7 of Arun Planning policy and EH1 and EH3 of Aldingbourne Neighbourhood Plan. Please advise progress of enforcement case".

Two letters of objection. Grounds as follows:

(1) Application is fraudulent as they are not intending what they suggest;

- (2) Misleading information re removal of the name on the permission
- (3) Applicant has removed a large tree on Northfields Lane without permission;
- (4) Applicant is working large articulated vehicles at unsocial hours along an unsuitable road with no consideration for local users;
- (5) The solution to the on-going Enforcement case regarding the parking of trucks & trailers would be to relocate these to the very large area of land at the south of the site (the site of the current application) - the land should not be developed with more homes until the existing problems have been resolved;
- (6) This site should be occupied by the applicants family only and not by other traveller families; and
- (7) It is contradictory to give permission for a home (Unit A) to be relocated from the southern into the northern part of the site because of fire risk concerns (due to proximity to the hedge) and then to grant permission for a further home in the southern part of the site close to a hedge.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments of the Parish Council will be analysed in the Conclusions section. The Aldingbourne Neighbourhood Plan has not yet been formally 'made'. However, the Regulation 14 'pre-submission consultation & publicity' stage has recently been completed and it is therefore necessary, in accordance with paragraph 216 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration. The enforcement case relates to a separate matter.

The following comments are provided in respect of the objections of residents:

- (1) No details are given as to the fraudulent nature and hence this cannot be treated as a valid objection;
- (2) No details are given as to the misleading information and hence this cannot be treated as a valid objection
- (3) This does not relate to the current application and hence this cannot be treated as a valid objection;
- (4) This does not relate to the current application and hence this cannot be treated as a valid objection;
- (5) It is not considered that this is a viable solution. There is already a mobile home in the application location which has permission to remain (albeit for a specific named person);
- (6) Noted but this is not considered to be a valid objection; and
- (7) It is not contradictory as there is already a home in the southern part of the site i.e. this application does not seek to increase the physical number of homes on the site.

CONSULTATIONS

Head of Planning Policy & Cons
Environmental Health

CONSULTATION RESPONSES RECEIVED:

ADC Planning Policy - No objection:

"National Policy Context

The Planning Policy for Traveller sites (August 2015) requires that Local Planning Authorities identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets.

Local Policy Context

Arun District Council submitted the Arun Local Plan to the Secretary of State for Communities

and Local Government via the Planning Inspectorate on 30th January 2015.

The Arun Local Plan Examination is currently undergoing a 15 month suspension period to test a higher Objectively Assessed Needs figure. Hearings are due to recommence in Spring 2017.

Paragraph 12.7.5 of the Publication Arun Local Plan states that evidence, commissioned by the Coastal West Sussex Authorities, identifies a modest need for new pitches for private Traveller provision. Evidence has suggested that this provision could be met by allowing additional pitches on existing sites and identified locations accordingly. Therefore, a policy to permit additional pitches in such circumstances will adequately provide for these needs.

Policy HSP5 states that "Planning applications for Traveller sites to remove personal conditions, or to make temporary planning permissions permanent will normally be granted subject to the proposal complying with the criteria in [section 3 of the policy]".

What is Arun District Council's Current Target for and supply of Gypsy Pitches?

The Gypsy and Traveller Accommodation Assessment (GTAA) was prepared in April 2013 and was updated, based on more recent methodological research, in 2015. The extra provision for Gypsy and traveller pitches identified through this work was as follows:

Extra Pitch Provision in Sussex Coastal by Public and Private Sites (GTAA as amended, 2015):

2012-2017

Public	Private/New Traveller
5	1

2018-2022

Public	Private/New Traveller
2	2

2023-2027

Public	Private/New Traveller
2	2

Since the baseline was established, a total of 1 pitch was granted on appeal and permission was granted for an additional pitch on existing sites since 2013. However, one pitch has been lost due to the approval of an application for a Certificate of Lawfulness (AL/98/13/CLE). This represents a net gain of 1 pitch, as reported in the AMR 2014-2015. This meets traveller accommodation needs up to 2017.

Conclusion

The site, subject to AL/48/16/PL is already included in the total supply figure, reported in the AMR 2014-2015. Therefore, although this application would not increase the provision of traveller accommodation, it contributes towards achieving the current supply to 2017. The emerging Local Plan policy aims to protect the loss of lawful accommodation for Travellers and favours the removal of personal permission conditions to ensure certainty of existing supply into the future."

ADC Environmental Health (Site Licensing) -

"Planning application AL/94/11 gave permission for 4 mobile homes as specified in the approved plan 1011/03 Rev.1. This drawing appears to be the same drawing as the one submitted with

the above application. Condition 2 of AL/94/11 relates to approved plan 1011/03 Rev.1. and states 'The development hereby approved shall be carried out in strict accordance with the size and location of the four mobile homes as specified by the approved plan 1011/03 Rev.1. Thereafter, the 4 aforementioned mobile homes shall be permanently retained in these positions and should not be moved without the grant of further planning permission of the local Planning Authority.' Condition 5 refers to the 4 mobile homes being shown as A, B, D2 and F on that plan. Please can you confirm if this still is still relevant to the current planning permission.

Planning application AL/48/16/PL refers to the units as numbers 1 to 5 but for clarity I think that any references to the units should reflect those in the drawing attached to the application 1011/100.

The caravan in question is identified as unit G through the varying of condition 4 of AL/94/11 increasing the number of mobile homes to 5. I am not sure if the location of unit G is also fixed like the others through the planning permission. Please can you confirm this too.

The Paddock, Northfields Lane has a Caravan Site Licence for three caravans on this plot of land. (Ref. Licence no. 10150 issued 13th December 2010, please find a copy attached). There is no plan appended to the Caravan Site Licence or the licence application to show the boundary of the site or identifying which mobile homes are licenced or where on the plot they are located.

I visited with the fire officer in November 2015 to establish which mobile homes were licenced but instead we established that units A, B and D2 do not meet the definition of a caravan and therefore do not need a licence. Unit F was not accessible to take any measurements and may require a licence. Unit G was not in the position specified in condition 2 of AL/94/11 but did meet the definition of a caravan.

When I visited and took measurements of unit G it did at that time meet condition 4 of the caravan site licence in relation to spacing between the caravans, i.e. there was 6.1m distance between unit G and unit B however unit G was close up against the leylandii hedge and in a different position i.e. located along the southern boundary between unit C and the western corner of the plot. Whilst unit A does not meet the definition of a caravan the structure of unit A is still the same as a caravan and subject to being high risk in terms of fire risk. The model conditions in relation to boundaries state that 'No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site.' We need to know where the boundary of the site is and this will be determined through planning permission. I am not sure if there will be enough room for unit G to comply with the existing licence conditions.

If unit G remains on the site and the planning application amended through application AL/48/16/PL we will need to have the planning permission regularised to show the boundary of the site for units G and possibly unit F and preferably the location of each caravan to comply with condition 2 of planning application AL/94/11/PL referred to above. As you are aware only sites with planning permission are entitled to have a caravan site licence. The location of unit G will also need to meet the existing licence conditions and or the Model Standards 2008 should the existing licence be amended."

And

"As a follow up to my last email, this is a complicated case due to the planning history of this site but you need to be aware that anything that is agreed to in this planning application has the potential to affect existing and future caravan site licences that we don't have the scope to refuse.

We want to ensure that a third caravan cannot be put on this site just because it has a licence for three caravans at the moment. That unit G and unit F can meet the likely conditions of being 6m from any other habitable structure and 3m from any boundary. There will be other conditions too but these are the most relevant for this site. And that the boundary of the existing or future Caravan Site Licences is clearly defined through the plans used for the purpose of granting planning permission."

COMMENTS ON CONSULTATION RESPONSES:

The key thing to take from the ADC Policy response is that there is a need for 14 extra pitches over the period 2012 to 2027 and that the mobile home subject of application AL/48/16/PL is already included in the total supply figure. Therefore, this application contributes towards achieving the current supply to 2017.

The following comments are made in response to the Environmental Health points:

* Planning Application AL/94/11 is still relevant in that it gave permission for units A, B, D2 and F. That drawing also shows two ancillary buildings (C & E).

* The applicant gives his address in application AL/48/16/PL as 5 The Paddock. However the submitted drawing still references the units/buildings by letter (A, B, D2, F, G, C, & E).

* The location of unit G would be fixed by reason of its position as shown on the submitted drawing. It is currently sited in a slightly different position (with its longest side backing onto the southern boundary) but the applicant will move the unit once permission has been granted (and this will be enforced through planning condition).

* It is noted that units A, B and D2 are no longer considered to be mobile homes and therefore do not require a site licence. This is as a result of them having been previously extended (with permission). That leaves units F and G as mobile homes.

* The proposed position of unit G (s shown on the submitted plan) would comply with the licensing model standards in that it would be 3m from the line of the western boundary, 3m from the line of the southern boundary, 8m from building C and 8m from unit B.

* It is not considered that the planning permission will need to be further regularised. The site boundaries are clearly shown on the submitted plans.

* Whilst there may be an extant site license in place for 3 mobile homes, this does not mean that an additional mobile home can be placed on the site as planning permission would be required first. Environmental Health could remove the uncertainty surrounding the licensed position by issuing a new licence for only the 2 mobile homes on the site.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
PD Restriction;
Flood Zone 1 (Low Risk); and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN3 GEN7	Protection of the Countryside The Form of New Development
Publication Version of the Local Plan (October 2014):	C SP1 Countryside D DM1 Aspects of Form and Design Quality H SP5 Traveller & Travelling Showpeople Accommodation	

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
	PPTS	Planning Policy for Traveller Sites
Supplementary Guidance:	XXX5	Circular/1/2006 Planning for Gypsy & Traveller Caravan Sites

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

Aldingbourne are preparing a Neighbourhood Plan which has recently completed its Regulation 14 'pre-submission consultation & publicity' stage. It is therefore necessary, in accordance with paragraph 216 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration. The following policies are relevant.

Policy EH1 Built Up Area Boundary (BUAB);
Policy EH3 Development on Agricultural Land; and
Policy EH6 Protection of trees and hedgerows.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PROPOSAL:

This application seeks to vary a previous permission in order to allow an existing mobile home (referenced as G on the submitted site plan) to be permanently occupied by a person other than Mrs Sarah Keet. Essentially, this application seeks to allow the mobile home to be permanently occupied by another gypsy/traveller person or persons.

PRINCIPLE:

The site of the mobile home is currently part of a larger mobile home site occupied by gypsies. It is located outside of the built-up area boundary and within designated countryside. Local Plan Policy GEN3 states that uses unrelated to the needs of agriculture will not be permitted unless very special circumstances are demonstrated to justify allowing development not normally appropriate in these areas. Such circumstances are likely to include the potential impact on the surrounding area, the existing level of provision/need for gypsy/traveller sites in the area and other personal circumstances.

PROVISION OF TRAVELLING SHOW PERSONS SITES IN THE AREA:

The Government's Planning Policy for Traveller Sites (PPTS) as published in August 2015 states that local planning authorities should set pitch targets for gypsies & travellers which address the likely permanent and transit site accommodation needs of travellers in their area.

In this case, the Council has identified a demand for a total of 14 public/private plots between 2012

and 2027. Furthermore, although the traveller accommodation needs have up to 2017 been met, the application site is included within this supply and therefore contributes towards achieving the current supply to 2017. It is noted that the emerging Local Plan policy H SP5 seeks to prevent the loss of lawful accommodation for Travellers and favours the removal of personal permission conditions in order to ensure certainty of existing supply into the future.

The PPTS states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development, the application of specific policies in the National Planning Policy Framework and with the PPTS.

This site is not sustainably located being within the countryside, some distance from nearby shops/facilities and is a car reliant site. The absence of street lighting and pedestrian pavement on both sides of Level Mare Lane also reflect badly on the sustainability of the site. Policy HSP5 of the Emerging Local Plan (see separate section analysing this policy below) also requires sites to be well located with respect to the highway network and enable easy and safe access to sustainable settlements with a range of services including shops, schools and healthcare facilities by foot, cycle, public transport or car.

Although the site is well located to the main road network (with easy access on to the A27 or the A29), it is poorly located in relation to day to day needs and such. The location of this site is therefore contrary to this guidance. However, regard should be had to the fact that this is an existing approved site and it will be more sustainable to make permanent an existing home on an existing site rather than making provision for the home on a new site elsewhere.

Paragraph 14 of the PPTS states that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. It is not considered that the proposal will alter the scale of the site.

The PPTS goes on to state (at paragraph 24) those issues (amongst other relevant matters) that local authorities should consider when considering planning applications for such sites. These are as follows:

- a) the existing level of local provision and need for sites;
- b) the availability (or lack) of alternative accommodation for the applicants;
- c) other personal circumstances of the applicant;
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; and
- e) that they should determine applications for sites from any travellers and not just those with local connections.

It is clear that the existing mobile home has been assessed as being part of the current supply that meets the needs of gypsy/travellers in the District. Furthermore, the home is currently occupied by the applicants wife who would otherwise (due to personal circumstances) have no accommodation. Notwithstanding this, the criteria above also allows for sites to be occupied by travellers from elsewhere not just those with existing connections to the locality and therefore should Mrs Searle wish to relocate in the future, then it should still be acceptable for the home to be occupied by a new gypsy/traveller.

Paragraph 26 of the PPTS states that: "When considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land;
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community."

The application site is currently an existing gypsy/traveller mobile home site and there will be no change to the character of the site from the retention of the mobile home. Furthermore, the site is well screened by a coniferous hedge with timber fence and the mobile home will not be visible to surrounding ground level viewpoints. Notwithstanding that the landscaping is existing, it does not isolate the site occupiers as it does not prevent noise from entering or leaving the site.

Although the PPTS considers that need to be a significant material consideration when assessing applications for permission, this must be weighed against other key constraints and issues as per the following paragraphs (Character & Appearance and Residential Amenity). Compliance with Policy HSP5 of the Emerging Local Plan will also be discussed.

CHARACTER AND APPEARANCE:

This is an existing mobile home site and there will be no change to the character of the site from the retention of the mobile home which is already in situ.

RESIDENTIAL AMENITY:

Although there is a residential dwelling to the east and which has extensive private gardens which adjoin the eastern boundary of the existing site, the mobile home in question does not share a boundary with this property and there are no other residential properties to take account of. The existing landscaping ensures that there are only long distance limited views of the particular mobile home from outside of the site.

POLICY HSP5 OF THE EMERGING ARUN DISTRICT LOCAL PLAN:

The application concerns a gypsy/traveller site and therefore the above emerging policy is relevant. Policy HSP5 requires sites to be (not full text of the policy):

- * Of a scale appropriate to their setting, having regard to the scale and form of nearby residential development;
- * Be located in areas not prone to flooding and or near refuse sites, industrial sites or similar;
- * Be located in areas that are well located with respect to the highway network and enable easy and safe access to sustainable settlements with a range of local services including schools, shops and healthcare facilities either by foot, cycle, public transport or car;
- * Be located in areas that are not within an international, national or local nature conservation designation or where they will have a significant effect upon any designation;
- * Where possible, make effective use of previously developed or derelict land;
- * Be located so that sites, including any on-site business uses, shall not negatively impact on the safety, amenity and privacy of the occupants of the site and neighbouring residents and land uses. Adequate space for the storage of equipment for business uses shall be provided on site;
- * Incorporate appropriate landscaping and boundary treatment, including existing natural landscape features such as trees (particularly mature trees and hedging);

* Be served (or be capable of being served) by an adequate water supply and appropriate means of sewage disposal. In circumstances where this is not possible, suitable alternative arrangements may be made with the agreement of the Planning Authority; and

* Be located to ensure there is no adverse impact on the historic environment or individual heritage assets therein or their setting.

With the exception of the sustainability of the site, it is considered that the proposal complies with the Policy.

It should also be noted that Policy H SP5 states that planning applications for Traveller sites to remove personal conditions, or to make temporary planning permissions permanent will normally be granted subject to the proposal complying with the criteria set out above.

SUMMARY:

Although this is not a sustainably located site, it is an existing site and it is considered to be more sustainable to retain an existing mobile home than shift the required provision elsewhere. It has also been shown that the retention of the mobile home will not result in any harm to the character of the area, to the landscape or to the amenity of neighbouring properties.

The existing mobile home is already included in the total supply figure as reported in the Arun DC Annual Monitoring Report 2014-2015. Therefore, although this application would not increase the provision of traveller accommodation, it contributes towards achieving the current supply to 2017. Furthermore, emerging local planning policy aims to prevent the loss of accommodation for travellers and favours the removal of personal permission conditions to ensure certainty of existing supply into the future.

It is recommended that the application is approved subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil

partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:

Drawing 1011/100 - Location Plan & Existing & Proposed Block Plans of the Site.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 2 Within 2 months of the date of this permission, the mobile home referred to as unit G on the proposed drawing ref 1011/100 shall be re-sited from its current position backing onto the southern boundary to the position as shown on the proposed layout drawing ref 1011/100.

Reason: For the avoidance of doubt and in the interests of fire safety in accordance with policy GEN7 of the Arun District Local Plan.

- 3 This permission does not authorise the use of the mobile home by any persons other than Gypsies and Travellers, as defined in paragraph 15 of Circular 01/2006 - Planning for Gypsy and Traveller Caravan Sites.

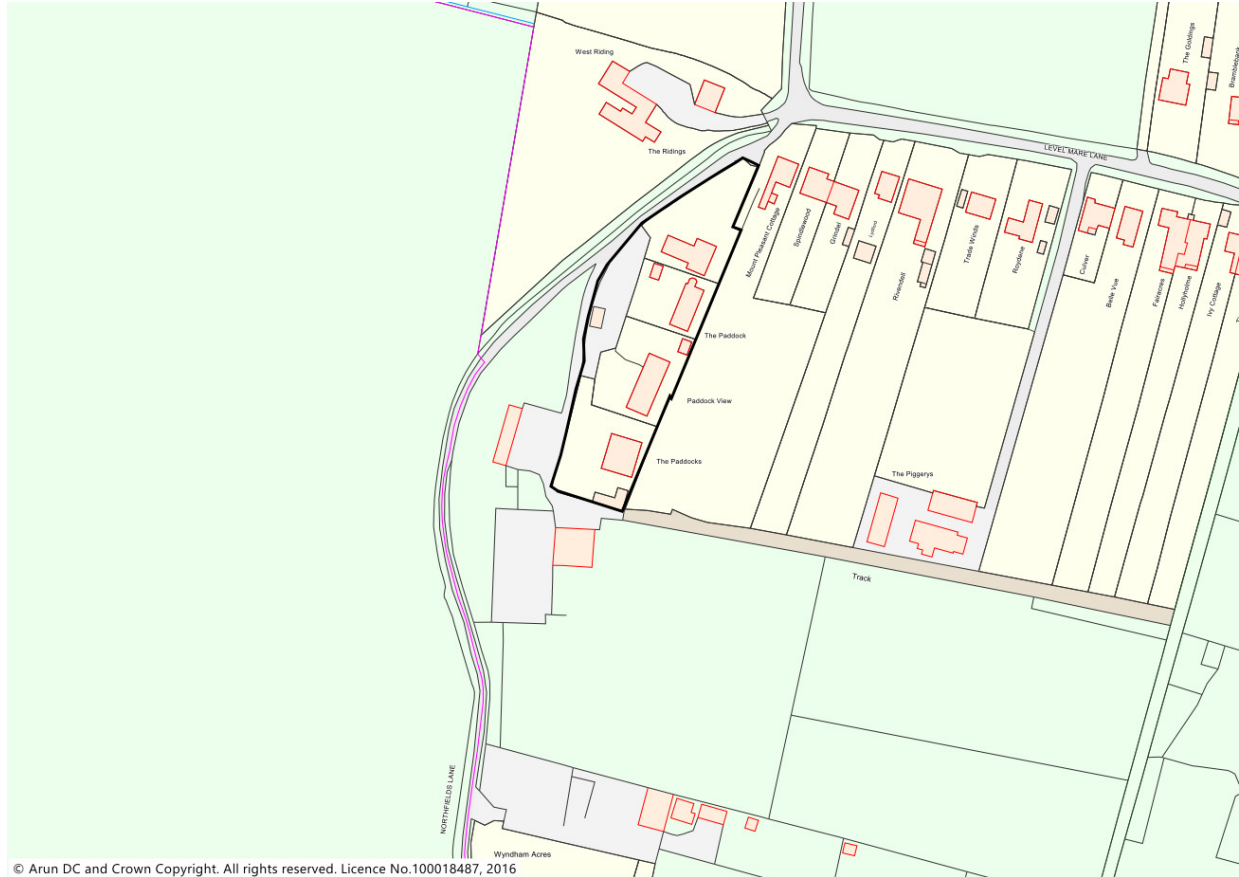
Reason: To ensure the adequate provision of Gypsy and Traveller sites in the District in accordance with Circular 01/2006.

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 5 **INFORMATIVE:** With the exception of condition 04 (which is deleted) & 02 (which is varied), the other conditions on AL/25/13/ remain in force.

AL/48/16/PL Indicative Location Plan
(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT**REF NO:** AL/83/16/OUT**LOCATION:** Land south & west of Barnside
& east of pond
Hook Lane
Aldingbourne**PROPOSAL:** Outline application with all matters reserved for residential development of up to 8No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the development plan. Resubmission of AL/8/16/OUT**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	All matters are reserved. The application is accompanied by an illustrative layout/landscaping drawing.
SITE AREA	0.97 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	8.2 dwellings per hectare.
TOPOGRAPHY	The site is generally flat.
TREES	Trees T4 & T5 are to be felled but neither are considered to possess the attributes to be worthy of a TPO.
BOUNDARY TREATMENT	<ul style="list-style-type: none"> * A line of 4-5m high Fir Trees to the southern boundary; * Low hedge interspersed with trees to the western and eastern boundaries; * 1.9m high brick wall to Barnside's rear garden (no current side boundary to the dwelling itself) * 1.9m high close boarded fence to the northern boundary with "Banff". <p>There is a ditch just beyond the hedge at the edge of the field (western boundary).</p>
SITE CHARACTERISTICS	The site has an access from Hook Lane. The site comprises a mix of open mown grassed areas and 6 no. single storey timber/block work barns. There is a pond in the south west corner.
CHARACTER OF LOCALITY	<p>The site lies to the West of Hook Lane which has some residential development fronting on to it. There is a horticultural nursery with reservoir to the south, the land to the west is agricultural.</p> <p>Barnside has rear first floor windows which face west and south. It has a 1.5 storey sun room to the rear and a side facing first floor narrow window. The next property to the North is "Banff" and has a first floor rear window but views of it are obscured by trees along the boundary.</p>

RELEVANT SITE HISTORY

AL/8/16/OUT	Outline application with all matters reserved for a residential development of up to 14 No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the Development Plan.	Refused 16-05-2016	<i>Appealed</i>
AL/39/13/	Outline application for the proposed demolition of Oakdene and all other structures within this site and the erection of a residential development of up to 79 dwellings, public open space, childrens play areas, landscaping, drainage measures and all other associated works (means of access into the site to be considered, appearance landscaping, layout, scale and access within the site to be reserved) - This is a Departure from the Development Plan	Refused 14-02-2014	<i>Appealed</i> Appeal: Allowed+Conditions 23 02 2015
AL/32/13/	Construct vehicle access from Hook Lane previously permitted under AL/24/02	ApproveConditionally 04-07-2013	

Planning permission was granted in July 2013 for a new access into the site following a lapsed permission from 2002. The 2013 permission expired on the 5th of July 2016.

AL/8/16/OUT sought outline permission for a development of 14 dwellings on this site. It was refused in May 2016 for the following four reasons:

(1) The proposal would constitute an unsatisfactory form of development and an over-intensive use of the site which would adversely affect the existing low density & semi-rural character of Hook Lane contrary to policy GEN7 of the Arun District Local Plan (2003), policy D DM1 of the Arun Local Plan 2011 - 2031 (Publication Version), policies H1 & H3 of the Emerging Aldingbourne Neighbourhood Plan and the good design principles in the National Planning Policy Framework.

(2) In the absence of a signed Section 106 legal agreement, the proposed development makes no contribution towards affordable housing provision and is thereby contrary to the aims and objectives of policy H SP2 of the Arun Local Plan 2011-2031 (Publication Version) and the Council's Interim Affordable Housing policy adopted on the 18th August 2010;

(3) In the absence of a signed Section 106 legal agreement, the proposed development makes no contribution towards public open space or children's play equipment and is thereby contrary to the aims and objectives of policy GEN20 and the related Supplementary Planning Guidance of the Arun District Local Plan; and

(4) In the absence of a signed Section 106 legal agreement, the proposed development makes no contribution towards local infrastructure and is thereby contrary to policy GEN8 of the Arun District Local Plan, policy INF SP1 of the Arun Local Plan 2011-2031 (Publication Version) and the National Planning Policy Framework.

This is now the subject of an appeal with a Hearing to take place on the 7/12/2016. The applicant has now agreed to the Section 106 Agreement so that the only outstanding issue is refusal reason 1.

Regard should be had to AL/39/13 which granted outline consent for 79 dwellings on land between Hook Lane and Westergate Street. The entrance to this site is almost opposite the site access.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

"Objection:

1. Outside settlement boundary
2. Contrary to policies in the emerging Aldingbourne NDP (referendum date 18/10/16)
3. Not sustainable - over reliance on car for mode of travel
4. Additional traffic movements generated will be detrimental to quite nature of existing Lane and contrary to the community desire for this areas to be designated as a quiet Lane.
5. Contrary to the NDP dark skies policy
6. Contrary to the NDP policy on protecting agricultural land
7. Contrary to policy EH7.3 safeguarding the countryside and protected species in this designated biodiversity corridor."

In addition, 19 letters of objection have been received raising the following concerns:

- (1) High density urban style development out of keeping with the scattered rural nature of the area;
- (2) Conflicts with NPPF Sustainability test;
- (3) Outside the settlement boundary and a departure from the Local Plan;
- (4) Hook Lane is unsuitable in highway safety/convenience terms for any more houses - in terms of its narrowness, no footpaths, damaged road edges, traffic speeds, traffic build up back from the A29 junction/level crossing;
- (5) Unsustainable location - no footpaths, cycle paths, limited bus services, no bus stops in walking distance;
- (6) Increased surface water flooding particularly as the land already floods;
- (7) Local Doctors & Schools are struggling to cope with all the new houses;
- (8) Relationship of this site to the proposed site opposite - highway impact;
- (9) Loss of wildlife/wildlife habitat including Great Crested Newts, Bats;
- (10) Contravenes the Neighbourhood Plan; and
- (11) Aldingbourne NP originally promoted 30 dwellings and 79 have since been approved on land east of Hook Lane - is there a need for a further 8?.

COMMENTS ON REPRESENTATIONS RECEIVED:

Regarding point 7 of the Parish Council comments, the policy reference has changed and is now EH2.

In respect of agricultural land, although as according to DEFRA's Magic Mapping (Agricultural Land Classification - Provisional (England)), the site is located in an area designated as Grade 2, the land itself is not being used for farming and there is no reasonable prospect that it will in the future be farmed. It is not therefore considered that a refusal could be sustained on these grounds.

In respect of comments about local infrastructure, there is no provision within the development plan to seek contributions on schemes of this size for improving hospitals or doctors. As the number of dwellings falls below 10, it is not possible to seek education contributions. A contribution will be sought in respect of public open space/play facilities.

The report's Conclusions section will deal with the other issues raised.

A report update will be available regarding the result of the Aldingbourne NDP referendum.

CONSULTATIONS

WSCC Strategic Planning
 Ecology Advisor
 Planning and Housing Strategy
 Environmental Health
 Arboriculturist
 WSCC Strategic Planning
 Highways England
 Engineers (Drainage)
 Surface Water Drainage Team
 Parks and Landscapes
 Southern Water Planning
 Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - No objection.

SOUTHERN WATER - No objection. Request an informative regarding connections to the local sewer system and a condition on foul and surface water drainage.

WSCC HIGHWAYS - WSCC Highways conclude that:

"The LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the NPPF (para 32), and that there are no transport grounds to resist the proposal"

Their full comments are as follows:

"Background

The proposal seeks Outline planning permission for access only for up to 8 residential dwellings. An application was submitted earlier in 2016 under A/8/16/OUT for up to 14 dwellings which WSCC in its role of LHA (Local Highway Authority) raised no objections to. This application was refused by the LHA and is currently subject to a planning appeal. The proposal is supported by Transport Statement (TS) including TRICS Data and a Speed Survey. A copy of the previously undertaken Stage 1 Road Safety Audit (RSA) is also included within the TS. The proposal will access onto Hook Lane a 30 mph "C" Class road, which then links to the A29, (Westergate Street), which is also subject to a 30 mph limit.

Access, Visibility and Stage 1 RSA

An existing access permitted in 2013 will provide access to the site from Hook Lane; this will serve the proposed development. As the site accesses onto a "C" class road with a speed restriction of 30mph, it would be appropriate for the development to be considered alongside Manual for Streets (MfS) guidance. A speed survey has been undertaken in support of the proposals, speeds of 32 mph and 33 mph were recorded north and southbound respectively.

The proposed visibility splays, taken from a setback of 2.4m, extend 47 metres to the north and 49 metres to the south. The splays provided are considered acceptable for the development with the speed survey taken into account. MfS does provide some allowance for occasional on-street parking within the visibility splay and it would appear that in this area, where most properties have

some sort of off-street parking facility, that there is not an extensive demand for on-street parking in the local vicinity.

The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents in the vicinity of the proposed site access onto Hook Lane. There is no evidence to suggest that the road is operating unsafely, or that the proposed would exacerbate an existing safety concern.

The previous application requested an RSA this was completed in accordance with adopted WSCC policy. The RSA rose a number of points however all of these were resolved via the Designer. The LHA provided detail of this in our response to the LHA from 13th May 2016.

In conclusion following the RSA and Designers Response the principle of the access is acceptable. The works for the access would be subject to a Section 278 Agreement with WSCC's Implementation Team.

Trip Generation

The TS provided in support of this application include an estimate of potential vehicular trip generation arising from this proposal; these have been revised from the previous application to reflect the change in the number of dwellings. These estimates are based upon TRICS data. The sites used are considered to be comparable in terms of planning use class and location to that proposed. As such the trip rate generated still provides a useful indication likely trip generation from the new dwellings. It is recognised that this proposal would give rise to a more intensive use of Hook Lane and the junction of the A29. However an additional 36 trips per day that the proposal will generate is not anticipated to result in any highway capacity concerns.

Parking and Layout

Whilst it is acknowledged that permission for the sites layout is not sought, there are no initial concerns with the indicative layout. Parking provision is stated as meeting the requirements of the WSCC Parking Demand Calculator (PDC); the parking allocation should be in accordance with the demand from the PDC. The TS demonstrates that large vehicles are able to enter and exit the site in forward gear and although this requires the crossing of the carriageway centre point, such movement would be acceptable given the infrequent nature and low volume of traffic.

Sustainability

The LHA acknowledge that whilst there is a limited range of services and facilities within the immediate vicinity; other services that are available are within reasonable walking and cycling distance of the development when assessed against current guidance for the provision of journeys on foot. Opportunities to travel by passenger transport are limited.

Outside of the site the LHA accept that traffic conditions within the local area are conducive for walking and cycling. There is however a very limited range of services and facilities within the local area that could be reached by these modes. Notably, the only facility that could be used to meet some day to day needs is the Aldingbourne store/post office on the A29 at the junction with Hook Lane. This would not though meet all needs and travel to a larger retail store would be necessary. There are otherwise no notable employment, retail or health provisions within the village or the surrounds that could reasonably be reached on foot.

There is no dedicated cycle infrastructure or off road cycle routes located along this section of the A29 in Aldingbourne. The light traffic conditions may facilitate cycle movements along Hook Lane; however the narrow carriageways and potential of vehicle/cyclist conflict may make some routes unattractive. Journeys to wider services and employment centres of Bognor Regis and

Barnham would be mainly along the A29 and B2233 and are not conducive to safe cycling due to higher speed limits, traffic volumes and road layout.

The NPPF states plans and decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. In this respect, the site is located within a reasonable walking distance of the village store and passenger transport infrastructure. Para 29 of the NPPF also states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Whilst para 29 goes on to say that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas, residents of the proposed development would inevitably still be reliant upon the use of the private car for the significant majority of daily trips, however it is recognised that this is a small scale development intended to be provide for local housing needs.

The previous 3 years personal injury accident data has been checked and this indicates no accidents have been recorded that involve pedestrians or cyclists within along Hook Lane. There is no evidence to suggest that the existing arrangements for pedestrians are inadequate or result in safety issues.

The Planning Authority should give suitable consideration to and consider on balance the matters of sustainable access along with other associated matters in deciding this proposal."

Conditions are recommended in respect of the access, a Construction Management Plan, updated Safety Audit and Visibility.

CHICHESTER DC ENVIRONMENTAL MANAGEMENT - no response received. Comments on the previous application, AL/8/16/OUT, were that:

"Bats

As a precautionary approach demolition of the outbuildings should be undertaken by hand with careful stripping of the internal and external roof space in the presence of a suitably qualified ecologist. If a bat is found all works must stop and Natural England consulted. This work should only take place between October and March.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed at detailed within the survey, new hedgerow should be planted. Conditions should be used to ensure this.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Great Crested Newts

Following the surveys undertaken on the site and surrounding ponds (where feasible) there is evidence that GCN are active and breeding within the pond on site and would be using the terrestrial habitat onsite. Due to this, extensive mitigation has been proposed within the Ecological Appraisal Jan 2016. We are happy with the proposed mitigation and for it to be

conditioned. The application should be aware that a Natural England Species Licence will be required for these works.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work)."

ADC DRAINAGE - No objection: "Conditions ENGD2A, ENGD4A, ENGD5A and ENGD6A required."

ADC GREENSPACE - No objection. Request conditions re tree protection and landscaping.

ADC ENVIRONMENTAL HEALTH - No objection: "Please could you apply conditions ENV 3, 5 and 6 below to any approval, and also put a restriction on working hours to: 8am - 6pm Monday to Friday, 8am - 1pm on Saturdays & No working on Sundays or Public Holidays.

ADC ARBORICULTURALIST - Object on the grounds that the applicant has not provided an Arboricultural Method Statement & Tree Protection Plan.

COMMENTS ON CONSULTATION RESPONSES:

ADC ENVIRONMENTAL HEALTH - Noted. Given the size of the site and the number of people potentially affected, it is not considered reasonable to control the working hours of the construction period.

ADC ARBORICULTURALIST - The applicant has provided the requested documents but no response has been received from the Tree Officer. A suitable condition would protect the remaining trees.

All other consultee comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside of the Built Up Area Boundary; and
Class C Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN20	Provision of Public Open Space within New Development
	GEN28	Trees and Woodlands
	GEN29	Nature and Conservation Across the District
	GEN32	Noise Pollution

GEN33 Light Pollution

Publication Version of the
Local Plan (October 2014):

C SP1 Countryside
D DM1 Aspects of Form and Design Quality
D DM3 External Space Standards
D SP1 Design
ECC SP2 Energy and climate change mitigation
ENV DM4 Protection of Trees
ENV DM5 Development and Biodiversity
H DM1 Housing Mix
LAN DM1 Protection of Landscape Character
OSR DM1 Open Space, Sport and Recreation
QE DM1 Noise Pollution
QE DM2 Light Pollution
T SP1 Transport and Development
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems

Aldingbourne Neighbourhood Plan 2016 POLICY EH1	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH2	Support adjacent to biodiversity corridors only if demonstrate no harm.
Aldingbourne Neighbourhood Plan 2016 POLICY EH5	Green infrastructure and Ecosystem services Development in Flood risk areas will not be supported unless...
Aldingbourne Neighbourhood Plan 2016 POLICY EH6	Surface Water Management Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY EH10	Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY EH11	Flint walls
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA2	Footpath and cycle network
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY H1	New housing or altering dwellings
Aldingbourne Neighbourhood Plan 2016 POLICY H2	Quality of Design Range of house types
Aldingbourne Neighbourhood Plan 2016 POLICY H3	Housing Mix Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY H8	Dwellings must have adequate private or shared amenity. Outdoor space

Aldingbourne Neighbourhood Plan 2016 POLICY H9 Items to consider e.g. - bin stores

Attention to detail

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
Supplementary Guidance:	SPD1	Open Space & Recreation Standards

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

The Aldingbourne NDP is at an advanced stage having been through Examination (August 2016), having published its Submission Plan with post Examination modifications (September 2016) and having set a date for the referendum (18/10/2016). It is likely that the ANDP will have been made by the time of the Committee. The relevant policies have been considered in determining this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Although the site lies outside of the built up area boundary, it is considered to be sustainable development having regard to the NPPF and it is not considered that there would be any harm to the character of the area as a result of this reduced scheme.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

The site lies in a countryside location outside the built-up boundary where the principle of development is considered unacceptable. Development Plan policies seek to exert a strict control over new development in the countryside to protect it for its own sake. Development will only be permitted if the criteria set out are met or where there is a strong justification for a countryside location. The Government's planning advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected, and where possible enhanced.

The site is outside of the built up area of Aldingbourne in a location that not allocated for housing. In the Publication Version of the Local Plan (2014), policy H SP1 establishes strategic housing, parish and town allocations. This policy states that there will be a site specific allocation of at least 2000 homes on land between Barnham, Eastergate and Westergate.

The soon to be made ANDP does not allocate any land for housing. This is as a result of recommendations made by the Independent Examiner into the first version of the Plan which were that there was no need for housing allocations as recent planning permissions had satisfied the housing targets for the Parish.

Notwithstanding, the Council is unable to demonstrate an adequate 5 year supply of housing land as required by paragraph 49 of the NPPF. Furthermore, the Examination into the emerging Local Plan was suspended by the Planning Inspector on the grounds that the Council's Objectively Assessed Housing Need (OAN) should be reviewed higher than that proposed in the Local Plan (580 units p.a). The Council will therefore need to identify more suitable land supply to meet additional housing requirements. The OAN figure has now been increased to 919 units p.a as of October 2016. Additional strategic sites are being assessed and allocated to meet this higher figure.

The NPPG has provided clear guidance on the issue of the weight that can be given to both the adopted local plan and emerging or made Neighbourhood Plans where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. Therefore the adopted development plan policies relating to housing supply are out of date and the emerging Local Plan policies carry limited weight at this time. The relevant policies for the supply of housing in the ANDP, including the village development boundary, should also not be considered up to date as they do not reflect

the Councils updated OAN.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites"

The Secretary of State decision in relation to Land to the South of Ford Lane, East of North End Road, should be noted (APP/C3810/A/14/2228260). In the decision, the Secretary of State disagreed with the appeal Inspector's conclusions that the appeal be allowed and planning permission be granted. The proposal was for 100 dwellings on land outside the built up area boundary in the made Yapton NP. The decision appears to run contrary to the advice in the NPPG referenced above; that the housing policies of a NP should not be considered up to date where there is no demonstrable 5 year housing land supply. ADC are seeking legal advice on the implications of this decision for similar sites outside the built up area boundary of made NP. Although the ANDP is not yet 'made', the decision may have implications for this site when it is. It is hoped an update will be available at the meeting to inform members of the outcome of this legal advice.

SUSTAINABLE LOCATION:

The nearest bus stops are on the A29 Westergate Street (walking distance of 545-575m). The nearest shop is the Aldingbourne Post Office/Store which is a similar walking distance. The Prince of Wales pub is around 630m away. There is a primary school in Aldingbourne which is presently a walk of 780m via Hook Lane or 636m via the footpaths between Hook Lane, Lamorna Gardens and the A29. These distances are considered to be within an acceptable range.

All of these routes necessitate walking along Hook Lane which has no pavement beyond the nursery access to the south of the application site. The development will partially improve this aspect by providing a footpath along its frontage and it is noted that there is a wider verge to the frontage of the nursery such that it would be possible to walk off the road between the site access and the start of the pavement.

The response of WSCC Highways goes into some detail regarding the accessibility of the site. Their comments are set out in the Consultations section but in summary, although they note the shortcomings of the site, they consider that this is a small scale development and only seeks to provide for local needs.

Regard should be had to the appeal decision concerning the site opposite (AL/39/13, PINS Ref APP/C3810/A/14/2220943). This site is between Hook Lane & Westergate Street and although there is direct footpath access to/from Westergate Street, it's road access is from Hook Lane only a very short distance from this site.

In that decision, the Inspector agreed that the local bus service is not good enough and the opportunities for using public transport would be limited. However, she went on to conclude that "... whilst some of the occupants of the new development would be likely to use the private car for journeys to the main employment and retail locations, these journeys would be relatively short and,

whilst not ideal, the location of the site would not be so unsustainable as to warrant refusal of planning permission for this reason alone".

Although it is true that the appeal proposals had included measures to improve the footpath link between Hook Lane and Westergate Street, it follows that residents of the site will benefit from this improved footpath, particularly as the entrance to the footpath is about 130m from the footpath start.

It is not considered that a refusal on sustainability of location grounds can be supported.

NPPF TEST ON SUSTAINABILITY:

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. It is considered that the proposals meet this definition in that new housing will (1) increase Council Tax receipts; (2) provide for jobs during the construction stage; (3) support the local community by providing housing to meet future needs; (4) provide new infrastructure to improve pedestrian facilities on Hook Lane; (5) retain the on-site pond; and (6) as demonstrated elsewhere in this report, not have an adverse effect on protected wildlife species or on flooding/drainage concerns. As noted above, the location is not considered to be unsustainable

CHARACTER & DESIGN:

It is noted that although the appeal application is in outline and does not seek approval of layout, given the size of the site and the number of dwellings proposed, it is highly likely that any future scheme seeking to accommodate 8 dwellings as well as open space, parking, roads, access, a retained pond and landscaping is likely to adopt a very similar form.

The existing character of this section of Hook Lane (this section being defined as the straight section between the northern and southern bends and being the extent of views taken from the front of the appeal site) is of residential dwellings fronting onto Hook Lane with deep rear gardens together with the more open land currently associated with the application site and the horticultural nursery site to the south of it. This low density form of development is appropriate given that this is an edge of settlement semi-rural area. It is considered there are no current instances of backland development within this section of Hook Lane.

It was considered that the previous scheme of 14 dwellings was unacceptable by reason of (a) it being backland development, (b) the loss of an open area of land which contributes to the semi-rural character of the Lane; (c) the urbanising effect on the street; and (d) the amount of dwellings proposed compared to the existing low density nature of the area.

Given the dwellings located on the eastern side of Hook Lane, it would not be possible, to argue that the row of dwellings fronting the road are out of character with the area. The illustrative scheme presents dwellings which are set back from the road, have deep rear gardens and which are relatively spaciouly sited with respect to boundaries. Although the loss of this area will affect the semi-rural character of Hook Lane, the scheme has been designed to match with the character of the existing houses opposite.

Although the three houses in the rear part of the site do represent backland development and are therefore out of character with Hook Lane, it is considered that these are acceptable having regard to the existing location of outbuildings within the rear part of the site. Furthermore, these three houses will be well set back from Hook Lane and with the addition of a good landscaping scheme, will not be particularly visible to pedestrian views from Hook Lane. It is not considered that the

backland nature of these three dwellings is harmful to the character and appearance of the area.

The scheme now preserves part of the existing open space and together with the pond (which was always going to be retained) will form an attractive public amenity space/wildlife habitat.

RESIDENTIAL AMENITY:

It is not possible to properly assess the residential amenity implications of the proposed layout due to the lack of elevation or floor plan drawings. Such an assessment would take place at the reserved matters application stage. It would appear that the dwellings on the illustrative layout are far enough away from existing dwellings (Barnside & Banff) to preserve their privacy and not result in any adverse loss of light issues. It is noted that Banff is currently protected by boundary planting such that only glimpsed views are possible from within the application site. The only exception might be the treatment of the northern flank elevation of Plot H01 but this could be mitigated through appropriate fenestration conditions.

HIGHWAY SAFETY, CONVENIENCE & PARKING

The applicants have provided a Road Safety Audit (RSA) & Designers Response and this has been assessed by WSCC Highways. As a result, Highways do not have any objections to the use of the access and do not consider that the impact of the proposals on the operation of the highway network will be extreme. The application is therefore considered to comply with the NPPF para 32

With regard to the objections of local residents, it is noted that WSCC Highways do not raise any specific objections to the suitability of Hook Lane, its width, lack of footpaths, road edges, traffic speeds or existing levels of congestion. WSCC do not consider that the trip generation associated with the proposal will result in a severe impact to existing highway capacity levels. The application proposes a new length of pedestrian footpath along the site frontage and this will be a benefit to pedestrians using this section of Hook Lane.

In terms of car parking, WSCC comment that the layout as presented is likely to provide an acceptable level of car parking. In respect of those houses that will have access directly from Hook Lane, it is noted that they all have driveways capable of allowing for the parking of 1 car. It is expected then that these houses would have integrated garages. It is likely that 2 spaces would be sufficient to meet the anticipated demand.

FLOODING & SURFACE WATER DRAINAGE:

It is noted that a number of residents consider that the proposals will increase surface water flooding at or adjacent to the site. In terms of flood risk, the site lies within a low risk zone (Flood Zone 1) and given that the site area is less than a hectare, there was no statutory requirement for the submission of a Flood Risk Assessment - and therefore, no EA involvement.

ADC Drainage Engineers do not raise any objection to the scheme. Conditions are recommended to ensure that the site is satisfactorily drained. On this basis, it is not considered that a refusal on these grounds can be sustained.

ECOLOGY:

This site borders open countryside and contains an existing pond. The western boundary to the field is formed by a part hedgerow, part trees and with a ditch on the other side. The ANDP designates this field boundary as part of a biodiversity corridor. It is considered there is potential

for wildlife species to either be residing within the site or using the western boundary as a route through the area.

The application acknowledges these issues and includes an Ecological Appraisal which provides an extensive mitigation strategy for Great Crested Newts. The Councils ecologist has assessed these documents and finds no reason to object. Conditions would be required to enforce the mitigation measures and to protect bats and nesting birds. There is no evidence for use of the site by Water voles, dormice or other protected species. It should be noted that the biodiversity corridor will not be affected by the development in that existing landscaping and pond will be retained.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is not considered possible to assess the internal space standards with this outline application. This is because the application is not accompanied by any floor plans.

In respect of external standards, it is necessary to have regard to D DM3 of the Emerging Local Plan (publication version) which has been approved by the Council for development management purposes. The requirement for detached dwellings is for rear gardens of at least 10m deep and an area of either 85m² (1-3 bedrooms) or 100m² (4 or more bedrooms). Given the layout is illustrative only it has not been checked in detail. However, all of the gardens are at least 10m deep and it is likely that the scheme as supplied will comply with these standards.

SECTION 106 DETAILS:

This decision will be subject to a Section 106 legal agreement relating to a contribution of £8,000 towards off-site public open space/play facilities. This will be spent at Oliver's Meadow.

SUMMARY:

The Council acknowledges that it cannot demonstrate a 5-year housing land supply and, accordingly, despite the status of the Aldingbourne Neighbourhood Development Plan, that a housing proposal which would be sustainable development should be granted planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is considered that the application meets the NPPF test of sustainable development. Unlike the previous application, this proposal is considered to be acceptable in character terms such that there are not considered to be any adverse impacts to consider.

The application requires a Section 106 legal agreement in respect of a contribution towards public open space/local play. This is currently in the process of being drafted but at the time of writing is not yet complete. The recommendation to approve is therefore made subject to the completion of the legal agreement. If the S.106 legal agreement has not been signed within 2 months of the date of the resolution to approve then the application should be refused for the following reason:

"The development makes no contribution towards public open space or children's play equipment and is thereby contrary to the aims and objectives of Policy GEN20 and the Supplementary Planning Guidance of the Arun District Local Plan".

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such

as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Access;
- (e) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3 The development hereby approved shall be carried out in accordance with the following approved plans:

Site Location Plan as Existing ref 1265-X01 Rev C;
Topographical Survey as Existing & Demolition ref 1265-X02 Rev C;

Illustrative Site Layout as Proposed ref 1265-P11 Rev F;
Drainage Strategy ref 15074-01 Rev B;
Tree Protection Plan Phase 1 ref B/1030/16; and
Tree Protection Plan Phase 2 ref B/1030/16.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 4 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with Arun District Local Plan policy GEN7 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because the purpose of the condition is to mitigate the impact of construction.

- 5 No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety and in accordance with Arun District Local Plan policy GEN7 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because road safety is at the heart of the planning permission.

- 6 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving

the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

- 7 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

- 8 Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.

- 9 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.

- 10 Construction of the development shall not commence unless and until details of the proposed means of foul sewerage disposal has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The scheme as approved shall be implemented prior to the first occupation of the dwellings and

maintained in good working order.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policy GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had commenced.

- 11 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Local Plan policy GEN7. It is considered necessary for this to be a pre-commencement condition because contamination goes to the heart of the planning permission.

- 12 No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site lies in an area of archaeological significance in accordance with Arun District Local Plan Policy GEN7. It is considered necessary for this to be a pre-commencement condition because it would not be possible to carry out archaeological work once development had commenced.

- 13 No development including site access, demolition or associated construction activities, shall take place on the site unless and until the tree retention & protection scheme as

contained within the submitted Arboricultural Method Statement by Beechdown (Ref B/0130/16) (September 2016) has been implemented for all retained trees including trees whose root protection areas fall within the construction zone from neighbouring land. All tree protection works shall be in accordance with BS 5837:20012 "Trees in relation to construction"

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because otherwise trees might be harmed during the construction process.

- 14 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

- 15 No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 16 No part of the development shall be first occupied until visibility splays of 2.4 metres by 47 to the north and 2.4 by 49 metres to the south have been provided at the proposed site vehicular access onto Hook Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 17 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with

Arun District Plan policy GEN7.

- 18 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun District Local Plan policy GEN7.

- 19 The development must be carried out in accordance with the recommendations and mitigation measures as set out within sections 4.0 and 5.0 of the FPCR Ecological Appraisal dated July 2016 and also in accordance with the following additional measures as set out in the comments of the Council's Ecologist:

(1) Any works to the trees or clearance of vegetation on the site shall only be undertaken outside of the bird breeding season which takes place between 01 March and 01 October. If works are required within this time then an ecologist shall be instructed to check the site at least 24 hours prior to any works taking place.

(2) Demolition of the outbuildings shall be undertaken by hand with careful stripping of the internal and external roof space in the presence of a suitably qualified ecologist. If any bats are found then all works must stop and Natural England should be consulted. This demolition work should only take place between October and March.

The enhancements and mitigation measures shall be retained and thereafter maintained as fit for purpose.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 20 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

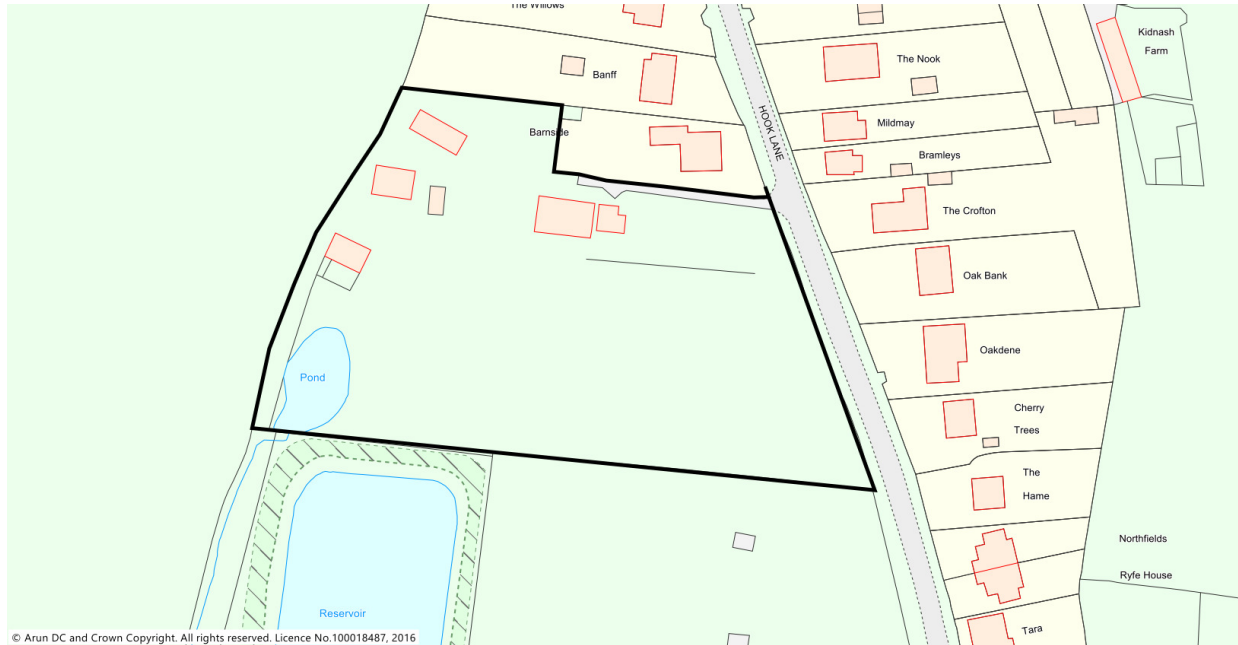
- 21 If any root structures with a diameter over 25mm are exposed during the excavation of the foundations for the new dwelling then these should be retained unless otherwise agreed in writing with the Local Planning Authority. Any removal of roots over 25mm in diameter that has been agreed with the Local Planning Authority shall then be carried out under the supervision of the Council's Arboricultural Officer.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 22 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 23 INFORMATIVE: The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.
- 24 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 25 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 26 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 27 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 28 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £8,000 towards off-site public open space/play facilities.

AL/83/16/OUT Indicative Location Plan
(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

02 November 2016

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/162/15/PL
Received: 30-06-2016

Land North of Roundstone-By-Pass Roundstone By Pass
Angmering
Car showroom & workshop with associated access, car parking
& landscaping.

Public Inquiry

11-10-2016

PINS Ref: APP/C3810/W/16/3151980

AB/115/14/OUT
Received: 24-02-2015

12 & 14 Canada Road Arundel
Outline application with some matters reserved for 2 No. 3 bed
semi detached houses

Written Representations

PINS Ref: APP/C3810/W/15/3003824

AL/59/16/PL
Received: 27-09-2016

West Barn Old Dairy Lane Norton Aldingbourne
Mews of 6 No.2 storey low rise live work studios. Resubmission
of AL/79/14/PL. This application is a Departure from the
Development plan & affects the character & appearance of
Norton Lane, Norton Conservation Area

Written Representations

PINS Ref: APP/C3810/W/16/3154760

AL/8/16/OUT
Received: 02-09-2016

Land south & west of Barnside & east of pond Hook Lane
Aldingbourne
Outline application with all matters reserved for a residential
development of up to 14 No. dwellings & associated works
including access, landscaping & open space. This application is
a Departure from the Development Plan.

Informal Hearing

07-12-2016

PINS Ref: APP/C3810/W/16/3155330

AW/367/15/PL
Received: 06-07-2016

Brus Lodge 28 Kingsway Aldwick
Erection of 1 No. dwelling. This application affects the characte
& appearance of the Craigweil House Conservation Area.

Written Representations

PINS Ref: APP/C3810/W/16/3146804

AW/93/16/HH
Received: 30-08-2016

Tradewinds 7 Arun Way Aldwick Bay Estate
Proposed garage replacing demolished water tank & garden
room. Resubmission of AW/122/15/HH

Written Representations

PINS Ref: APP/C3810/D/16/3157123

BN/10/16/PL
Received: 19-09-2016

Crab Apple, Russett, Bramley and Pippin Holiday Cottages
Highground Orchards Highground lane Barnham

Application for removal of condition no.2 following grant of
planning application BN/67/06 relating to holiday use

Written Representations

PINS Ref: APP/C3810/W/16/3155230

BR/107/16/PL
Received: 20-09-2016

15 Devonshire Road Bognor Regis

Retrospective application for the change of use from single
dwelling (C3 Dwelling Houses) to HMO (Sui Generis).

Written Representations

PINS Ref: APP/C3810/W/16/3155548

BR/84/16/OUT
Received: 04-08-2016

3 Southdown Road Bognor Regis

Outline application with some matters reserved for construction
2 No. 3-bed dwellings & associated works (resubmission
following BR/291/16/OUT).

Written Representations

PINS Ref: APP/C3810/W/16/3153767

FG/171/15/PL
Received: 18-08-2016

1 Green Park Ferring

1No. chalet bungalow together with parking & landscaping.
Resubmission of FG/24/15/PL

Written Representations

PINS Ref: APP/C3810/W/16/3154452

WA/22/15/OUT
Received: 20-01-2016

Land to the East of Fontwell Avenue Fontwell

Outline application with some matters reserved to provide up to
400 No. new dwellings, up to 500 sqm of non-residential
floorspace (A1, A2, A3, D1 and/or D2), 5000 sqm of light
industrial floorspace (B1 (b)/(c)) & associated works including
access, internal road network, highway works, landscaping,
selected tree removal, informal & formal open space & play areas
pedestrian & cyclist infrastructure utilities, drainage infrastructure
car & cycle parking & waste storage. This application is a
departure from the Development Plan & also lies within the parish
of Eastergate.

Public Inquiry

01-11-2016

PINS Ref: APP/C3810/V/16/3143095

Y/19/16/OUT
Received: 08-09-2016

Land off Burndell Road Yapton

Outline application for the development of a maximum of 108 No
residential dwellings, vehicular access from Burndell Road, public
open space, ancillary works & associated infrastructure. This
application is a Departure from the Development plan

Public Inquiry

PINS Ref: APP/C3810/V/16/3158261

LOCATION: Eastlands Littlehampton Road Ferring

SUBJECT: Outline application with all matters reserved for the erection of 1 No. four bedroom dwelling. This is a Departure from the Development Plan.

Planning Application Reference: FG/26/15/OUT

Appeal Decision: Dismissed

Date: 21 September 2016

Appeal Procedure: Informal Hearing

Application Decision: Refused

Date: 07 April 2015

Decision Process: Delegated

Original Officer Recommendation: Refuse

This report refers to the Inspector's decision on the 2 planning applications (Appeals A and B) and the 2 enforcement cases (Appeals C and D) on the site which were all considered at the same Hearing. The enforcement appeal Appeal C, breach of condition was dismissed, planning permission was refused, and the enforcement notice was upheld.

Appeal D relating to operational development quashed the enforcement notice, and planning permission was granted for erection of two car ports, one gazebo and raised decking subject to the condition that no later than five years from the date of the decision the whole of the said development shall be removed from the site and the land restored to its previous condition

As the ground (a) appeal failed the enforcement notice subject of Appeal C was upheld, and the appeal on ground (g) remained to be dealt with, though having regard to his decision on Appeal B a residential caravan compliant therewith remains lawful. The removal of the present mobile home/caravan would have required both the personal relocation of the Appellant and the winding down of the enterprise including finding new stables for horses some of whom would have specialist needs. In these particular circumstances the Inspector considered that the four month period set by the notice would have been less than is reasonably necessary. In this case, however, the four month period would have no adverse effect upon the Appellant because of the success of Appeal B (stationing a caravan). In these altered circumstances the appeal on ground (g) failed.

KEY ISSUES

This report refers to the Inspector's decision on the 2 planning applications (Appeals A and B) and the 2 enforcement cases (Appeals C and D) on the site which were all considered at the same Hearing and by the one Inspector's report.

The enforcement appeal Appeal C, breach of condition was dismissed, planning permission was refused, and the enforcement notice was upheld. Appeal D relating to operational development quashed the enforcement notice, and planning permission was granted for erection of two car ports, one gazebo and raised decking subject to the condition that no later than five years from the date of the decision the whole of the said development shall be removed from the site and the land restored to its previous condition.

As the ground (a) appeal failed the enforcement notice subject of Appeal C was upheld, and the appeal on ground (g) remained to be dealt with, though having regard to his decision on Appeal B a residential caravan compliant therewith remains lawful. The removal of the present mobile home/caravan would have required both the personal relocation of the Appellant and the winding down of the enterprise including finding new stables for horses some of whom would have

specialist needs. In these particular circumstances the Inspector considered that the four month period set by the notice would have been less than is reasonably necessary. In this case, however, the four month period would have no adverse effect upon the Appellant because of the success of Appeal B (stationing a caravan). In these altered circumstances the appeal on ground (g) failed.

The parties agreed at the start of the Hearing that the merits of the gazebo, car ports, and decking subject of Appeal D (enforcement) would turn upon the conclusion reached on the other three appeals relating to residential occupation.

The main issue was whether having regard to policy, a permanent dwelling Appeal A (FG/26/15/OUT) or temporary stationing of a caravan Appeal B (FG/84/15/PL) was justified. This turned upon the claimed equestrian business justification for a residential unit on this site, and its effect upon the countryside, landscape, and any other material planning considerations.

The Inspector considered the extent of visual harm would be very significantly reduced by the proposed siting near to and south of the new equestrian building, which dwarfs the present caravan and car port/gazebo buildings, and which together with the existing tree planting would sufficiently screen a single storey dwelling with a low pitched roof from Highdown Hill, the Area of Outstanding Beauty and South Downs National Park to the north. He considered the existing planting around the site would reduce any adverse effect on views from other directions, as would the fact that from many viewing points the new smaller structures would be seen against the bulk of the equestrian building, though the presence of a new dwelling and its curtilage would be evident from the public right of way along the site access roadway. Also taking into account the change to the character of the immediate locality caused by the substantial and still growing planting and the scope for planning conditions to secure further planting and to control the finished floor levels of a new dwellinghouse in relation to those of the equestrian building and the height/design of any new dwelling, he concluded that any harm to the appearance of the countryside and landscape need be no more than moderate.

Turning to the claimed justification for a new dwelling associated with the equestrian enterprise, it was accepted that the scale and nature of the enterprise proposed would normally give rise to an essential need for a worker to live on site. The enterprise had, however, only recently come into operation and in mid 2016 was still not functioning to the scale and nature originally envisaged, the Appellant explained the shortfalls were due to his having had to tell potential clients that he did not have permission to live on site. Though the Appellant has long experience in equestrian matters and a business plan that includes focussing on the more stable "very high end" of the market, commercial enterprises are necessarily uncertain. Before a permanent building is justified in a countryside location where a new dwelling would not otherwise be allowed, there needs to be a basis for concluding that on the balance of probability the enterprise is likely to continue, and would do so to a level satisfying objective criteria as to return on capital and labour. It is long established practice that a trial period of successful operation of an enterprise provides such evidence. It was argued for the Appellant that account should be taken of his many years successful operation of the Equestrian Centre, but that enterprise was described at the Hearing as being very different from the present business. The Inspector concluded that in the absence of a sufficient period of documented successful operation of the enterprise in its proposed form, an essential need had not been established for a new permanent dwelling. Appeal A (for a four bedroom dwelling) therefore failed.

Appeals B and C both sought the temporary presence of a residential caravan/ mobile home on the site. The effect of allowing both appeals would, however, have granted permissions for two such units. This was neither sought by the Appellant nor justified by any evidence. This situation was dealt with by allowing only one of the appeals. In the interests of clarity and certainty, he concluded that whatever the decision taken on Appeal B (stationing of a caravan), Appeal C (alleged unauthorised breach of condition 1 of FG/41/14/PL) would fail.

The Inspector considered that building the centre without on site accommodation may well have been a very risky course of action, but this did not constitute manipulating the planning system. Nor did such risk taking in the founding of a business necessarily imply a lack of sound financial planning relating to its subsequent operation. The previous farmhouses were no longer available to the appeal business.

The Inspector considered the possibility of utilising housing on the opposite side of the A259 but concluded that movement between such a house and the equestrian building would involve negotiating the dual carriageway A259, which would be markedly slower and less reliable than driving along a farm access track from the equestrian centre and the dwellings as was envisaged in 2009. He concluded that accommodation in Ferring did not provide a reasonably practical alternative.

As to the practicality of staffing the business by shift working without a dwelling on site, the Appellant stated he should have added the words "as a temporary measure" to his comment on shift working. He explained the labour structure of the equine industry as featuring a few experienced managers and a much larger supporting force of young women who tended to leave the industry before acquiring sufficient experience to be left in charge. Managers needed to be available to walk over to the horses every couple of hours, so as to take immediate action where needed. The Appellant's evidence was convincing in this regard, and the Inspector concluded that in the absence of a convenient dwelling, a shift system would not be a reasonably practical alternative for the normal running of the business.

He concluded that the scale and nature of the enterprise proposed did give rise to an essential need for a worker to live on the site. Taking into account the moderate harm to countryside and landscape protection objectives, and the existence of the new foaling/livery unit building as a lawful development, he considered that a temporary planning permission would be consistent with the NPPF at paragraph 55 and emerging local plan policy. He concluded that Appeal B should succeed.

As to the length of a temporary permission, past experience and practice associated with now superseded planning guidance suggests that a three year period would normally be sufficient to allow a proper assessment of likely continued viability. However, having given particular weight to the Appellant's concern that the target client base required surety of his continued residential presence before entrusting their high value stock to his care. It followed that the viability of the business towards the end of a three year period may turn in part on the remaining length of any temporary residential use. In these circumstances he considered that to give only a three year permission could prejudice establishing the business in the form intended, and he allowed a five year period.

Appeal D concerned with the gazebo, raised decking, and two car ports. It was not disputed that the works were unauthorised. He concluded that the harm to countryside and landscape protection was not more than moderate. That assessment related, moreover, to a dwelling/mobile home on the site with ancillary curtilage buildings, and he considered that taken in themselves the car ports/gazebo/decking resulted in only minor harm. While the Appellant might reasonably have hoped to obtain planning permission for a residential unit, he had not been entitled to assume as he evidently did that it would be forthcoming. He considered that in these circumstances to have anticipated approval by constructing the Appeal D structures involved a very significant degree of intentionality. He concluded that considerable weight should be attached on this basis.

Turning then to the overall merits of the car port and gazebo Appeal D, it was agreed at the start of the Hearing that a decision should follow on from decisions on the other appeals. For the reasons set out earlier the Inspector concluded that temporary permission should be granted to the residential caravan subject of Appeal B. It followed that temporary permission be granted to Appeal

D, whose facilities could be used by occupiers of the caravan. In reaching his conclusion on the balance of considerations he gave particular weight to the emphasis upon sustainability that underlies national planning policy, and considered that to require the demolition of outbuildings used to support a residential use which by reason of his decision on Appeal B would be lawful, would be a waste of the resources put into the materials and construction thereof. He concluded that this outweighed the intentional unauthorised development material consideration, and the minor harm to countryside and landscape protection objectives involved. He concluded that Appeal D should succeed and allowed the buildings to remain for the same five year period as for Appeal B.

APPLICATION FOR COSTS MADE/REASON

The Inspector concluded the Local Planning Authority had been more than reasonable to refuse planning permission.

Appeal A had sought a house, which had been jumping the gun in the absence of evidence of viability. Permission should first have been sought for a temporary caravan/mobile home. This was in itself sufficient to have justified refusal.

As a matter of principle policy GEN3 of the 2003 local plan sought to discourage new dwellings in the countryside unless there were compelling reasons, which the Council did not consider existed and hence sought expert advice following which the Council had had no choice but to refuse permission.

The National Planning Policy Framework (NPPF) at paragraph 55 states that essential need should be demonstrated and this was the same as the Council's reference to an overriding need. As to having given undue weight to historical events, when the foaling/livery unit was first sought the Appellant had made it abundantly clear that there would be no need for a dwelling on the site. The Council was right to have gone back to examine the fact that the 2009 application was firmly on the basis of no need for a dwelling. It was therefore reasonable to question the claimed need and decide with the expert advice of an agricultural consultant that the need was not so compelling as to warrant a residential unit on the land.

The claimed essential need for a dwelling was set out clearly in both appeal applications, but had differed as between them. In relation to the permanent dwelling the enterprise had not been established long enough to be able to conclude that there was a permanent requirement for a dwelling (the three year accounts period), so an essential need had not been demonstrated.

The Appellant had clearly advised that an alternative management system could operate and function with a staff rota system as had been detailed in the management plan relating to FG/84/09 and it was on that basis that the justification for the isolated stable building was accepted. It was not correct that the Council had suggested a 24 hour shift system, this had been the Appellant's suggestion in 2009. The management plan had concluded "once the proposed development is set up and established it is anticipated that there will be no further development as level of profit is achievable from day one".

There had been no corroborative documentary evidence provided by the Appellant to support the claim of there being clear and compelling reasons for approving the application.

As to the claimed "undue emphasis" on the Council's interpretation of past events, these had been the comments made at the time by the Appellant and had included the assessment of financial viability and essential need undertaken in relation to both applications.

In relation to the application for the temporary dwelling there had been a submission of revised

financial projections at the appeal stage again showing a lack of consistency in the proposals advanced.

The withdrawn planning policy guidance "PPS7" had made the point that Councils had to be mindful that the planning system was not circumvented so as to result in the erection of dwellings in the countryside without justification. The national Planning Practice Guidance (PPG) advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The application alleged that on the planning merits of the appeals the failure of the Council to grant permission had been unreasonable.

The Council had acknowledged that the scale and nature of the enterprise proposed would normally give rise to an essential need for a worker to live on the site. In respect of Appeal A for a permanent dwelling, however, it is well established planning practice that even where the foregoing applies, a period of successful business activity should elapse before permission is granted for a permanent dwelling. This reflects the necessary uncertainty as to the successful continuance of any new business. In this case not only had the appeal business not continued for the normal three year period, but also the nature of the business activity being undertaken differed from that claimed as justifying the permanent dwelling.

Though the Appellant had had many years previous business experience on adjacent land, that business had been a different one from what was now envisaged. He concluded that the absence of the requisite "trial period" was in itself sufficient to constitute a reasonable basis for the Council to withhold planning permission, and that they did not behave unreasonably in resisting Appeal A.

As to Appeal B relating to a temporary residential caravan the Council considered that the Appellant's own case made in 2009 that an on-site residence would not be needed supported a conclusion that in fact there was no essential need for a worker to live on the site.

The differing evidence put forward in support of the appeals resulted in the Council's case adopting a particularly questioning attitude to the Appellant's evidence on several matters, including that of whether it had been necessary to dispose of the whole HFEC land and dwellings, and as to whether a dwelling on site as opposed to near the site was needed in this case.

The Appellant acknowledged that his original evidence to the Council as to the potential use of shift workers had not been complete, as he omitted the words "as a temporary measure". In these circumstances he did not consider that the Council's approach was unreasonable.

The Council provided evidence of the availability of dwellings in Ferring at no great distance from the appeal site, and potentially at a distance similar to that envisaged as acceptable in 2009. Though the Inspector concluded that such provision was not in fact as convenient as the farmhouses that had been sold, he did not consider that the Council's position that the properties were sufficiently equivalent was so lacking in substance as to be unreasonable. Notwithstanding his conclusion that the Appellant's case should prevail, he concluded that the Council did not behave unreasonably in resisting Appeal B.

The Inspector found that the Council did not behave unreasonably, the application for costs failed.

COSTS AWARDED

None

Background Papers: FG/26/15/OUT

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Appeal Decisions

Hearing held and site visit made on 14 June 2016

by **V F Ammoun BSc DipTP MRTPI FRGS**

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

Decision date: 21 September 2016

Four appeals relating to land at Eastlands, Littlehampton Road, Ferring, Worthing, BN12 6PB

- The appeals are made under section 78 and 174 of the Town and Country Planning Act 1990 against refusals to grant planning permission and enforcement notices.
 - The appeals are made by Mr Christopher Ellis against decisions of Arun District Council.
-

Appeal A - Ref: APP/C3810/W/15/3132939 – erection of a dwelling

- The application Ref FG/26/15/OU, dated 09/02/2015, was refused by notice dated 7 April 2015.
- The development proposed is *erection of a four bedroom equestrian dwelling*.

Summary of Decision: The appeal fails as set out in the Formal Decision

Appeal B - Ref: APP/C3810/W/15/3135188 – stationing a caravan

- The application Ref FG/84/15/PL, dated 16/05/2015, was refused by notice dated 25 August 2015.
- The development proposed is *temporary stationing of a residential caravan*.

Summary of Decision: The appeal succeeds as set out in the Formal Decision

Appeal C - Ref: APP/C3810/C/15/3135180 – breach of condition

- The Council's reference is ENF/199/15.
- The notice was issued on 3 September 2015.
- The breach of planning control as alleged in the notice is *Failing to comply with Condition 1 of FG/41/14/PL that that "The mobile home hereby permitted shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, within 1 month of the foaling unit, granted planning permission under FG/21/12 becoming commercially active". The foaling unit has been commercially viable since January 2015. This is evidenced in the Reading Agricultural Consultants report for planning consent FG/26/15/OUT. The mobile home was not removed then or at all from the site.*
- The requirements of the notice are *Remove the mobile home from the site.*
- The period for compliance with the requirements is four months.
- The appeal is proceeding on the grounds set out in section 174(2)[a] and [g] of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal fails as set out in the Formal Decision

Appeal D - Ref: APP/C3810/C/15/3132558 – operational development

- The Council's reference is ENF/192/14.
 - The notice was issued on 22 July 2015.
 - The breach of planning control as alleged in the notice is *Without planning permission carried out operational development on land comprising of the erection of two(2) car ports, one gazebo and the raised decking. This occurred less than 4 years ago*
 - The requirements of the notice are *5.1 Dismantle and remove the two (2) car ports. 5.2*
-

Remove all debris from the land as a result of 5.1. 5.3 Dismantle and remove the gazebo and raised decking. 5.4 remove all debris from the land as a result of 5.3.

- The period for compliance with the requirements is six months.
- The appeal is proceeding on the ground set out in section 174(2)[a] of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal succeeds as set out in the Formal Decision

Costs application

1. At the Hearing an application for a full award of costs was made by the Appellant against the Council in respect of two of the four appeals under consideration¹, this is subject of a separate decision.

Preliminary and background matters

2. The appeal sites are situated in the countryside where Development Plan and national policies set out in the representations seek to limit residential development to that which requires a rural location. Policies similarly seek to protect rural character and landscape, while an emerging local plan designates the area as being within a protected gap. A newly made Neighbourhood Plan reflects concern to keep development within designated settlement boundaries.
3. The present appeal holding now named Eastlands was initially open fields which from 2006 were associated with a larger holding whose buildings and centre of activity was situated to the west, known as the Hangleton Farm Equestrian Centre (HFEC) and which included two dwellings. While all this land was under the Appellant's control, planning permissions were obtained in 2009, 2011, and 2012 for what in its final form was a substantial "top of the range" foaling unit and livery stables equestrian building on the Eastlands holding well separated from the HFEC buildings and with a different vehicular access. This building was built in 2014 and is in use, and an associated landscaping scheme has been implemented. The Appellant has occupied a mobile home on the land since January 2014 and this use is subject of Appeals B and C. The present mobile home is situated near the equestrian building. The proposed site of the new dwelling subject of Appeal A is near the mobile home, and the operational development subject of Appeal D is envisaged as being within the eventual curtilage of the new dwelling. The Appellant in January 2014 sold the original western HFEC land and its dwellings in two lots, retaining Eastlands.
4. Representations were made against the appeal developments on behalf of the Ferring Conservation Group, but as these support the Council's case I do not refer to them separately.

The Main Issues

5. The parties agreed at the start of the Hearing that the merits of the gazebo, car ports, and decking subject of Appeal D would turn upon the conclusion reached on the other three appeals relating to residential occupation. I concur and shall proceed on that basis.
6. From my inspection of the site and area, and from consideration of the representations made I consider that the main issue in these cases is whether having regard to the policies referred to, a dwelling permanent or temporary is justified. This will turn upon the claimed equestrian business justification for a

¹ Document 1, costs application on behalf of the Appellant.

residential unit on this site, and its effect upon the countryside, landscape, and any other material planning considerations.

7. One such consideration is the implications of the Ministerial Statement of 31 August 2015 relating to intentional unauthorised development (IUD), which potentially applies to the two enforcement notice appeals which were lodged after that date. However as a breach of condition is not development for the purposes of the Act the Statement does not apply to Appeal C. I shall therefore consider IUD in relation to Appeal D.

The four appeals on ground (a) seeking planning permission

8. The substantial new equestrian building involved an intensification of equestrian land use and activity, and was approved as being consistent with policies for the protection of this part of the countryside and landscape. The new building and planting are now part of the established local character.
9. The Council referred to the harm to countryside and landscape, and it is clear that a mobile home or a new dwelling and associated curtilage buildings must decrease the natural appearance of the countryside, and thus do some harm to the objectives of the relevant policies. The extent of such harm would, however, be very significantly reduced by the proposed siting near to and south of the new equestrian building, which dwarf's the present caravan and car port/gazebo buildings, and which together with the existing tree planting would I consider sufficiently screen a single storey dwelling with a low pitched roof from Highdown Hill and the Area of Outstanding Beauty and South Downs National Park to the north. Similarly the existing planting around the site would reduce any adverse effect on views from other directions, as would the fact that from many viewing points the new smaller structures would be seen against the bulk of the equestrian building, though the presence of a new dwelling and its curtilage would be evident from the public right of way along the site access roadway. Also taking into account the change to the character of the immediate locality caused by the substantial and still growing planting and the scope for planning conditions to secure further planting and to control the finished floor levels of a new dwellinghouse in relation to those of the equestrian building and the height/design of any new dwelling, I have concluded that any harm to the appearance of the countryside and landscape need be no more than moderate².
10. Turning to the claimed justification for a new dwelling associated with the equestrian enterprise, it is accepted for the Council that the scale and nature of the enterprise proposed would normally give rise to an essential need for a worker to live on site. The enterprise has, however, only recently come into operation and in mid 2016 was still not functioning to the scale and nature originally envisaged, Mr Ellis explaining the shortfalls as due to his having had to tell potential clients that he did not have permission to live on site. Though the Appellant has long experience in equestrian matters and a business plan that includes focussing on the more stable "very high end" of the market, commercial enterprises are necessarily uncertain. It follows that before a permanent building is justified in a countryside location where a new dwelling would not otherwise be allowed, there needs to be a basis for concluding that

² For the purposes of this appeal I rank the effect of factors in descending order as substantial, considerable, moderate, or minor. This scale applies only to the present appeal and it cannot be assumed that the terms used will have the same relative meaning in other decisions or reports.

on the balance of probability the enterprise is likely to continue, and would do so to a level satisfying objective criteria as to return on capital and labour. It is long established practice that a trial period of successful operation of an enterprise provides such evidence. The Appellant described his commitment to the business as a lifestyle choice, but this cannot be a basis for granting planning permission for a permanent dwelling in the countryside, if only as it could imply the grant of permission for countryside dwellings in respect of enterprises whose continuance would depend upon the presence of a particular proprietor rather than being generally sustainable. It was argued for the Appellant that account should be taken of his many years successful operation of the HFEC, but that enterprise was described at the Hearing as being very different from the present business. Whatever the merits of the various accounts or projections put forward, I have concluded that in the absence of a sufficient period of documented successful operation of the enterprise in its proposed form, an essential need has not been established for a new permanent dwelling. Appeal A will therefore fail.

11. Appeals B and C both seek the temporary presence of a residential caravan/mobile home on the site. The effect of allowing both appeals would, however, be permissions for two such units. This is neither sought by the Appellant nor justified by any evidence. This situation can conveniently be dealt with by allowing no more than one of the appeals. Allowing Appeal B would result in a free-standing permission. Appeal C on the other hand relates to a condition imposed on a decision stated to alter a condition in an earlier decision, but also referring to granting permission for a residential caravan. In these circumstances and in the interests of clarity and certainty, I conclude that whatever decision is to be taken on Appeal B, Appeal C will fail³.
12. As to appeal B seeking a temporary residential caravan, the foaling/livery unit building was constructed to a standard supporting the Appellant's evidence that it was intended for "very high end" clients and stock. It is accepted for the Council that the scale and nature of the enterprise proposed would normally give rise to an essential need for a worker to live on site. In this case, however, they considered the unit could be managed without providing a new dwelling in the countryside, and in association with this suggested that the relationship of the HFEC sale to the retention of the Eastlands holding without a dwelling thereon carried an inference that the planning system was being manipulated. I shall consider these and related matters below.
13. As to manipulation, Eastlands was purchased in 2006 and added to the then HFEC holding to provide the base for a new equine venture. I consider the Appellants evidence that the subsequent 2008 financial crisis and drop off in custom for the HFEC left him overly indebted was credible, and the explanation of why the farmhouses had had to be disposed of together with their associated land and buildings was a reasonable one. There was no evidence that either of the dwellings disposed of had ceased to be used for accommodating a rural worker/manager as a result of the sale, nor were they sold without associated land and buildings and so detached from the rural economy. On the other hand on the Appellant's assessment of housing need the decision to build the new foaling/livery unit without having a dwelling available involved relying upon

³ The apparent contradiction between upholding the enforcement notice Appeal C but granting planning permission to Appeal B would be resolved by S180 of the Act, so the enforcement notice would not operate to prevent the implementation of the planning permission.

planning permission being granted for accommodation, or upon living on site in breach of planning control and potentially subject to enforcement action. This may well have been a very risky course of action, but does not in my view constitute manipulating the planning system. Nor do I consider such risk taking in the founding of a business necessarily implies a lack of sound financial planning relating to its subsequent operation. Even if I am wrong in these regards, however, it remains necessary to determine the appeal on the basis of the present facts and policies.

14. The main evidence and argument against the proposal are founded in the representations made by or for the Appellant when seeking planning permission, that the unit could be supervised from the then available existing farmhouses and by use of shift working staff. As a matter of fact the previous farmhouses are no longer available to the appeal business. There is a significant portion of suburban Ferring on the opposite side of the A259 at a similar distance, and houses have been available for rent and sale therein and can be expected to similarly become available in future. However movement between such a house and the equestrian building would involve negotiating the dual carriageway A259, which I consider would be markedly less speedy and reliable than driving along a farm access track from the HFEC holding dwellings as was envisaged in 2009. I have concluded that accommodation in Ferring does not provide a reasonably practical alternative to what was envisaged in 2009.
15. As to the practicality of staffing the business by shift working without having a dwelling on site, The Appellant now states that he should have added the words "as a temporary measure" to his comment on shift working. He explained the labour structure of the equine industry as featuring a few experienced managers and a much larger supporting force of young women who tended to leave the industry before acquiring sufficient experience to be left in charge. Persons in the former category needed to be available to walk over to the horses every couple of hours, so as to take immediate action where needed. I found Mr Ellis's evidence convincing in this regard, and conclude that in the absence of a convenient dwelling, a shift system would not be a reasonably practical alternative for the normal running of the business. By his own admission he had not put forward his case accurately in 2009, by leaving out any suggestion that a shift system could only be a temporary measure, but this does not alter the facts of the matter.
16. It follows that having regard to the present facts and circumstances in this case, and on the basis of the evidence and argument put forward at the Hearing, I have concluded that the scale and nature of the enterprise proposed does give rise to an essential need for a worker to live on the site. Also taking into account the moderate harm to countryside and landscape protection objectives identified above, and the existence of the new foaling/livery unit building as a lawful development, I consider that a temporary planning permission would be consistent with the NPPF at paragraph 55 and emerging local plan policy. I have concluded that Appeal B should succeed.
17. As to the length of a temporary permission, past experience and practice associated with now superseded planning guidance⁴ suggests that a three year period would normally be sufficient to allow a proper assessment of likely

⁴ PPS7 and Annex A thereof.

continued viability⁵. In the present case, however, I have given particular weight to the Appellant's concern that the target client base required surety of his continued residential presence before entrusting their high value stock to his care. It follows that the viability of the business towards the end of a three year period may turn in part on the remaining length of any temporary residential use. In these circumstances I consider that to give only a three year permission could prejudice establishing the business in the form intended, and I shall allow a five year period.

18. The intentional unauthorised development (IUD) subject of the Ministerial Statement potentially relates to Appeal D concerned with the gazebo, raised decking, and two car ports. It was not in dispute that the works had been unauthorised. As the Council had warned the Appellant of this during construction, but this had continued, then whatever the reason for continuing to completion, in that regard at least the works were intentionally unauthorised. Both parties noted that there had been no national guidance on how the weight to be given to IUD as a material consideration against allowing an appeal was to be assessed⁶, but between them they put forward two possible approaches. These are considered in turn below.
19. The Council suggested that an assessment should be made on the basis of the resulting harm to the protected countryside/landscape, and as they considered this to be substantial, sought that similarly substantial weight be given to the fact of IUD. Whatever the merits of this suggestion, and I note the point made for the Appellant that this would involve double counting as any such harm should have already been taken into account in the normal consideration of planning merits, as a matter of fact in this case I have concluded that the harm to countryside and landscape protection is not more than moderate. That assessment related, moreover, to a dwelling/mobile home on the site with ancillary curtilage buildings, and I consider that taken in themselves the car ports/gazebo/decking result in only minor harm.
20. For the Appellant the circumstances in which the breach of control had occurred were described, with a view to showing that there had been mitigating considerations to intentionality in this case. In particular the Appellant explained his understanding that the Council would not oppose construction of a dwelling once the viability of his new business had been established; that the car ports and gazebo had served his residential use of the mobile home which had been at that time lawful, with the gazebo also used for staff lunch breaks and for smoking; and that having got the roof timbers up when warned by the Council it had been sensible to continue with tiling to protect the structure. He also explained the several retrospective planning applications made in respect of previously unauthorised development at the HFEC, a point raised by the Ferring Conservation Group.
21. Having considered the foregoing but also the previous refusals of planning permission for a residential unit on this site which preceded the 2009 permission, the imposition of a condition to prevent the stationing of a caravan, and the limited basis upon which a caravan had subsequently been allowed, I have concluded that while the Appellant might reasonably have hoped to obtain

⁵ A three year period is also mentioned in policy H DM3 of the emerging Local Plan.

⁶ Mr Baeza helpfully consulted some internet sources including the House of Commons library but his findings were agreed to not add to what was set out in the Statement itself – Document 2 relates.

- planning permission for a residential unit, he had not been entitled to assume as he evidently did that it would be forthcoming. I consider that in these circumstances to have anticipated approval by constructing the Appeal D structures involved a very significant degree of intentionality. I have concluded that considerable weight should be attached to the IUD on this basis.
22. It follows that depending on the approach taken to implementing the Ministerial Statement, either minor or considerable weight should be attached to IUD as an objection to the car port and gazebo proposal Appeal D, and if both approaches are applicable, then the minor weight due to planning harm and the considerable weight due to the level of intentionality should be cumulatively applied.
23. Turning then to the overall merits of the car port and gazebo Appeal D, it was agreed at the start of the Hearing that a decision should follow on from decisions on the other appeals. For the reasons set out earlier I have concluded that temporary permission should be granted to the residential caravan subject of Appeal B. It would follow that temporary permission be granted to Appeal D, whose facilities could be used by occupiers of the caravan. Against this must be set, however, the conclusion that minor and/or considerable weights should be attached to there having been IUD.
24. In reaching a conclusion on the balance of considerations I have given particular weight to the emphasis upon sustainability that underlies national planning policy, and consider that to require the demolition of outbuildings used to support a residential use which by reason of my decision on Appeal B would be lawful, would be a waste of the resources put into the materials and construction thereof. I have concluded that this outweighs the IUD material consideration, and the minor harm to countryside and landscape protection objectives involved. I have concluded that Appeal D should succeed. I shall therefore allow the buildings to remain for the same five year period as for Appeal B.

The appeal on ground (g) in respect of Appeal C

25. As the ground (a) appeal has failed the enforcement notice subject of Appeal C will be upheld, and the appeal on ground (g) remains to be dealt with, though having regard to my decision on Appeal B a residential caravan compliant therewith will remain lawful. The removal of the present mobile home/caravan would have required both the personal relocation of the Appellant and the winding down of the enterprise including finding new stables for horses some of whom would have specialist needs. In these particular circumstances I consider that the four month period set by the notice would have been less than is reasonably necessary. In this case, however, the four month period will have no adverse effect upon the Appellant because of the success of Appeal B. In these altered circumstances the appeal on ground (g) fails.
26. The Appeal C initial statement questioned the validity of the enforcement notice, but this point was not pursued in subsequent representations by either party. For completeness I record that had the matter been pursued, I consider it likely to have been resolvable without unfairness to either side by altering the breach of control to use of land for the stationing of a residential mobile home. I have taken into account all the other matters raised in the

representations, including arguments made earlier in the appeal process that the carports could be used as an isolation unit for horses in quarantine, but do not consider that they are necessary to or alter my conclusions on the appeals.

FORMAL DECISIONS

Appeal A - Ref: APP/C3810/W/15/3132939 – erection of a dwelling

27. The appeal is dismissed and planning permission is refused.

Appeal B - Ref: APP/C3810/W/15/3135188 – stationing a caravan

28. The appeal is allowed and planning permission is granted for *temporary stationing of a residential caravan* subject to the conditions that (1) The use hereby permitted for stationing a residential caravan on the land shall cease and the caravan be removed from the site and the land restored to its former condition no later than five years from the date of this decision, and (2) The occupation of the caravan shall be limited to a person solely or mainly working, or last working, at the equestrian centre at Eastlands, or a widow or widower of such a person, and to any resident dependants.

Appeal C - Ref: APP/C3810/C/15/3135180 – breach of condition

29. The appeal is dismissed, planning permission is refused, and the enforcement notice is upheld.

Appeal D - Ref: APP/C3810/C/15/3132558 – operational development

30. The appeal succeeds, the enforcement notice is quashed, and planning permission is granted for *erection of two(2) car ports, one gazebo and raised decking* subject to the condition that no later than five years from the date of this decision the whole of the said development shall be removed from the site and the land restored to its previous condition.

V F Ammoun

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Christopher Ellis	Appellant
Mr Roy Speer BSc MRICS	Partner, Speer Dade Planning Consultants

FOR THE LOCAL PLANNING AUTHORITY:

Mr Juan Baeza BA(Hons) DipTP	Team Leader Development, Arun District Council
Mrs Jill Scrivener BIAC	Of Bourne Rural

DOCUMENT provided after opening of Hearing

1. Costs application on behalf of the Appellant.
2. Bundle of documents relating to intentional unauthorised development.

Costs Decision

Hearing held and site visit made on 14 June 2016

by V F Ammoun BSc DipTP MRTPI FRGS

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

Decision date: 21 September 2016

Costs decision in relation to Appeals Ref: APP/C3810/W/15/3132939 and APP/C3810/W/15/3135188 (respectively appeals A and B at the hearing)

Land at Eastlands, Littlehampton Road, Ferring, Worthing, BN12 6PB

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Christopher Ellis against decisions of Arun District Council.
- The hearing was in connection with four appeals, comprising the two referenced above seeking permission for a dwelling and a temporary residential caravan, and also appeals APP/C3810/C/15/3135180 and APP/C3810/C/15/3132558 (respectively appeals C and D at the hearing) against enforcement notices relating to a breach of condition and erection of car ports, a gazebo, and decking.

Decision

1. The application fails.

The submissions for Mr Christopher Ellis

2. The costs application was made in writing (Document 1) for a full award of costs in respect of two of the four appeals considered at the hearing, and I do not summarise it further.

The response by Arun District Council

3. It had been more than reasonable to refuse planning permission. The Appeal A had sought a house, which had been jumping the gun in the absence of evidence of viability. Permission should first have been sought for a temporary caravan/mobile home. This was in itself sufficient to have justified refusal.
4. As a matter of principle policy GEN3 of the 2003 plan sought to discourage new dwellings in the countryside unless there were compelling reasons, which the Council did not consider existed and hence sought expert advice following which the Council had had no choice but to refuse permission.
5. The National Planning Policy Framework (NPPF) at paragraph 55 that essential need should be demonstrated was the same as the Council's reference to an overriding need. As to having given undue weight to historical events, when the foaling/livery unit was first sought the Appellant had made it abundantly clear that there would be no need for a dwelling on the site. The Council was right to have gone back to examine the fact that the 2009 application was firmly on the basis of no need for a dwelling. It was therefore reasonable to question the claimed need and decide with the expert advice of an agricultural

- consultant that the need was not so compelling as to warrant a residential unit on the land.
6. The claimed essential need for a dwelling was set out clearly in both appeal applications, but had differed as between them. In relation to the permanent dwelling the enterprise had not been established long enough to be able to conclude that there was a permanent requirement for a dwelling (the three year accounts period), so an essential need had not been demonstrated.
 7. While in the normal course of events there would have been an essential need for a worker to live on site, these were not normal events – the Appellant had clearly advised that an alternative management system could operate and function with a staff rota system as had been detailed in the management plan relating to FG/84/09 and it was on that basis that the justification for the isolated stable building was accepted. It was not correct that the Council had suggested a 24 hour shift system, this had been the Appellant’s suggestion in 2009. The management plan had concluded “once the proposed development is set up and established it is anticipated that there will be no further development as level of profit is achievable from day one”.
 8. There had been no corroborative documentary evidence provided by the Appellant to support the claim of there being clear and compelling reasons for approving the application.
 9. As to the claimed “undue emphasis” on the Council’s interpretation of past events, these had been the comments made at the time by the Appellant and had included the assessment of financial viability and essential need undertaken in relation to both applications.
 10. In relation to the application for the temporary dwelling there had been a submission of revised financial projections at the appeal stage again showing a lack of consistency in the proposals advanced.
 11. The withdrawn planning policy guidance “PPS7” had made the point that Councils had to be mindful that the planning system was not circumvented so as to result in the erection of dwellings in the countryside without justification.

Reasons

12. The national Planning Practice Guidance (PPG) advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The present application, in brief, alleges that on the planning merits of the appeals the failure of the Council to grant permission had been unreasonable.
13. The Council had acknowledged that the scale and nature of the enterprise proposed would normally give rise to an essential need for a worker to live on the site. In respect of Appeal A for a permanent dwelling, however, it is well established planning practice that even where the foregoing applies, a period of successful business activity should elapse before permission is granted for a permanent dwelling. This reflects the necessary uncertainty as to the successful continuance of any new business. In the present case not only had the appeal business not continued for the normal three year period, but also the nature of the business activity being undertaken differed from that claimed as justifying the permanent dwelling. Though the Appellant had had many

- years previous business experience on adjacent land, that business had been a different one from what was now envisaged. I have concluded that the absence of the requisite "trial period" was in itself sufficient to constitute a reasonable basis for the Council to withhold planning permission, and that they did not behave unreasonably in resisting Appeal A.
14. As to Appeal B relating to a temporary residential caravan the Council considered that the Appellant's own case made in 2009 that an on-site residence would not be needed supported a conclusion that in fact there was no essential need for a worker to live on the site. The differing evidence put forward in support of the present appeals resulted in the Council's case adopting a particularly questioning attitude to the Appellant's evidence on several matters, including that of whether it had been necessary to dispose of the whole HFEC land and dwellings, and as to whether a dwelling on site as opposed to near the site was needed in this case. In one respect at least the Appellant acknowledged that his original evidence to the Council as to the potential use of shift workers had not been complete, as he had left out what I consider to be the critical words "as a temporary measure". In these circumstances I do not consider that the Council's approach was unreasonable.
15. Turning to the Council's substantive case, they provided evidence of the availability of dwellings in Ferring at no great distance from the appeal site, and potentially at a distance similar to that envisaged as acceptable in 2009. Though I concluded that such provision was not in fact as convenient as the farmhouses that had been sold, I do not consider that the Council's position that the properties were sufficiently equivalent was so lacking in substance as to be unreasonable. Notwithstanding my conclusion that the Appellant's case should prevail, I have also concluded that the Council did not behave unreasonably in resisting Appeal B.
16. As I have found that the Council did not behave unreasonably, the application for costs will fail.

V F Ammoun

INSPECTOR

LOCATION: Byway House 1 The Byway Middleton-on-Sea

SUBJECT: First floor & single storey extensions to South elevation.

Planning Application Reference: M/123/15/PL

Appeal Decision: Allowed+Conditions

Date: 23 September 2016

Appeal Procedure: Written Representations

Application Decision: Refused

Date: 24 February 2016

Decision Process: D C Committee

Original Officer Recommendation: Approve Conditionally

KEY ISSUES

The main issue in this appeal was the effect of the proposals on the character and appearance of the surrounding area which is designated as an Area of Special Character.

The Inspector considered that the proposed first floor addition would not project any further forwards than the existing single storey element and its ridgeline would be slightly lower than that of the adjacent roof. It would mirror the existing building in terms of design and roof form and matching materials could be required by condition. Thus, even though this extension would be visible in the street scenes, it would be a harmonious addition to the existing building.

The ground floor extension would project some 3m further into the front garden area. However, given the overall size and varied form of the existing building, the extension would not appear disproportionate. Moreover the pitched roof feature around the edges of the entire ground floor element would be a positive improvement in visual terms. The size of the front garden area would be reduced somewhat but an attractive and useable area would remain.

He concluded the appeal proposals would neither unacceptably harm the character and appearance of the surrounding area nor amount to a harmful overdevelopment of the site. He found no material conflict either with development plan policy which seeks to ensure high quality design and layout and development that respects local character and distinctiveness (saved Policies GEN7 and AREA1 of the Arun District Local Plan (2003)) or with additional guidance in the Village Design Statement for Middleton on Sea. Nor would the proposals conflict with those elements of policies in the emerging Arun Local Plan 2011-2031 that are consistent with the National Planning Policy Framework.

APPLICATION FOR COSTS MADE/REASON

None

COSTS AWARDED

N/A

Background Papers: M/123/15/PL

Contact: Mrs A Gardner

Telephone: 01903 737529

Appeal Decision

Site visit made on 17 August 2016

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 23 September 2016

Appeal Ref: APP/C3810/W/16/3151935

Byway House, 1 The Byway, Middleton-on-Sea, West Sussex PO22 6DR

- 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 Christopher Smyth against the decision of Arun District Council.
 - The application ref: M/123/15/PL, dated 1 December 2015, was refused by notice dated 24 February 2016.
 - The development proposed is 'extension of care home at ground and first floor level on south elevation to provide additional lounge space, ancillary office and additional bedroom'.
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Decision

1. The appeal is allowed and planning permission is granted for extension of care home at ground and first floor level on south elevation to provide additional lounge space, ancillary office and additional bedroom at Byway House, 1 The Byway, Middleton-on-Sea, West Sussex PO22 6DR, in accordance with the terms of the application ref: M/123/15/PL, dated 1 December 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 site location plan and drawing nos. 2015/26/01a, 2015/26/04a & 2015/26/05a.
 - 3) The materials and finishes to be used in the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Procedural Matter

2. During the application process the depth of the ground floor extension was reduced slightly and its shape was altered at one corner. The Council's refusal relates to the revised plans, as does this appeal decision.

Reasons

3. The **main issue** in this appeal is the effect of the proposals on the character and appearance of the surrounding area.

4. The existing 16-bed care home is a substantial building on a corner plot at the junction of The Byway with Middleton Road. The locality generally is characterised by detached and semi-detached dwellings of varying heights and designs on generous plots featuring deep frontages and long rear gardens. The designation of the locality as an Area of Special Character in the Arun District Local Plan (LP) (2003) stems in large part from these features and from mature garden planting.
5. As a result of previous extensions Byway House is atypical in that it is a larger building than nearby dwellings and projects further towards Middleton Road than is characteristic. Part of the forward projection is a single storey element with a flat roof which currently detracts from the character and appearance of the existing building. Even so, and not least because of the enclosed and well vegetated front garden area, the flat-roofed element has little impact on the street scenes or on the characteristic sense of spaciousness.
6. The proposed first floor addition would not project any further forwards than the existing single storey element and its ridgeline would be slightly lower than that of the adjacent roof. It would mirror the existing building in terms of design and roof form and matching materials could be required by condition. Thus, even though this extension would be visible in the street scenes, it would be a harmonious addition to the existing building.
7. The ground floor extension would project some 3m further into the front garden area. However, given the overall size and varied form of the existing building, the extension would not appear disproportionate. Moreover the pitched roof feature around the edges of the entire ground floor element would be a positive improvement in visual terms. The size of the front garden area would be reduced somewhat but an attractive and useable area would remain.
8. In particular, given the nature of the boundary treatments and landscape screening around the frontage, this additional built form at ground floor level would have relatively little visual impact on views along Middleton Road or across the appeal site. It would have less, if any, impact on the character of The Byway (a private road) beyond the care home. I find therefore that this element of the appeal proposals would not detract from the character and appearance of the street scenes or the surrounding area to any significant degree.
9. On the main issue therefore I conclude the appeal proposals would neither unacceptably harm the character and appearance of the surrounding area nor amount to a harmful overdevelopment of the site. I find no material conflict either with development plan policy which seeks to ensure high quality design and layout and development that respects local character and distinctiveness (saved Policies GEN7 and AREA1 of the Arun District Local Plan (2003)) or with additional guidance in the Village Design Statement for Middleton on Sea. Nor would the proposals conflict with those elements of policies in the emerging Arun Local Plan 2011-2031 that are consistent with the *National Planning Policy Framework*.
10. With regard to other matters I note the concerns of many local residents about continuing growth of the care home in terms of increased activity, parking and vehicle movements. However, as the appeal proposals would add only one additional bedroom, I find insufficient grounds to conclude they would result in any material harm in these respects. Given the orientation and position of

Byway House relative to its neighbours to the west and east, the appeal proposals would not result in loss of privacy, light to or outlook from those properties. Neither these nor any other matters raised are sufficient to alter or outweigh my conclusions on the main issue. These indicate the appeal should succeed and planning permission should be granted subject to conditions.

11. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. As already mentioned, a condition requiring matching materials should be imposed, in the interests of visual amenity. However, in the absence of any detailed explanation of the need for a complex surface water drainage condition of the kind suggested by the Council, for relatively small scale additions to an existing building in an established residential area, I find no justification for such a condition.

Jane Miles

INSPECTOR