

REPORT TO:	Planning Committee - 8 March 2023
SUBJECT:	Appeals Performance & Cost 2022
LEAD OFFICER:	Neil Crowther, Group Head of Planning
LEAD MEMBER:	Councillor Terence Chapman
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
The recommendations supports: - <ul style="list-style-type: none"> • Improve the Wellbeing of Arun. • Delivering the right homes in the right places. 	
DIRECTORATE POLICY CONTEXT:	
The proposals will help to enhance the quality of the natural and built environment, protect the district's natural and heritage assets and to promote economic growth in a sustainable manner, striking a balance between the need for development and the protection of scarce resources.	
FINANCIAL SUMMARY:	
Financial implications are highlighted in the report.	

1. PURPOSE OF REPORT

- 1.1. The report outlines the Council's performance at appeal during 2022 and outlines the costs associated with those appeals.

2. RECOMMENDATIONS

- 2.1 To note the Appeals Performance & Costs for 2022.

3. EXECUTIVE SUMMARY

- 3.1. Appeals performance for 2022 is set out in the report.

4. DETAIL

- 4.1 The purpose of this report is to advise Members on how the Council has performed in the calendar year of 2022 in respect of appeals. The Council has an indicator within the planning departments Business Plan that aims for 70% of all appeals being dismissed.

- 4.2 On 2 February 2022, a report to Committee reported appeal performance for the 2021 calendar year. In summary, performance for this period was as follows.

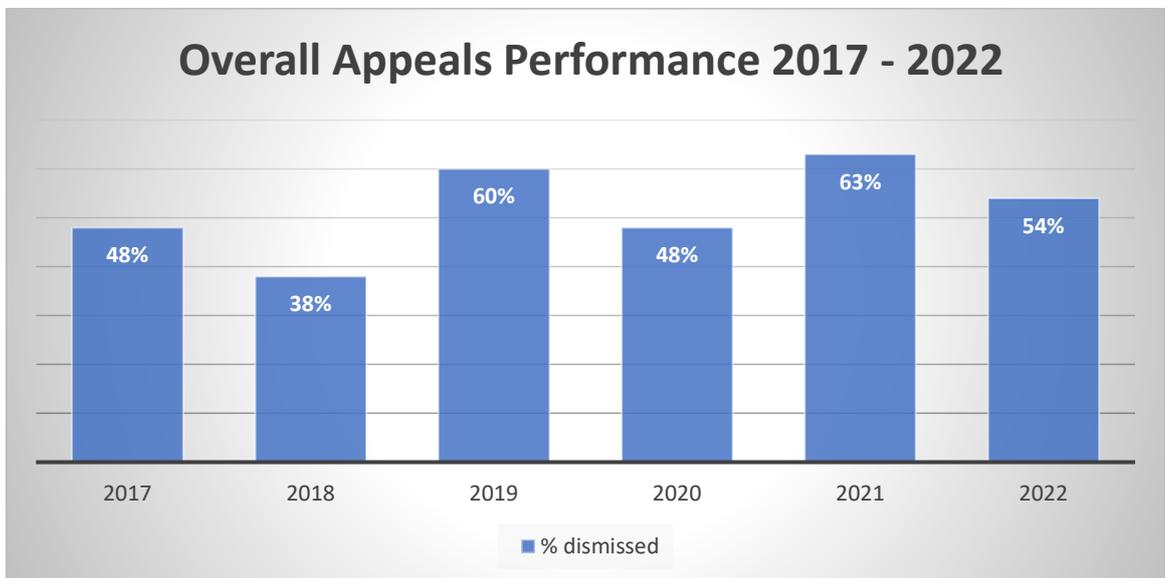
- A total of 41 appeals were determined in 2021, a decrease of 9 over that determined in 2020.

- Of these, 27 were dismissed representing a success rate for the Council of 63% of all appeals dismissed. That equated to a 15% increase in success rate over 2020.
- Of all planning appeal decisions, 76% were made in accordance with the recommendation of officers.

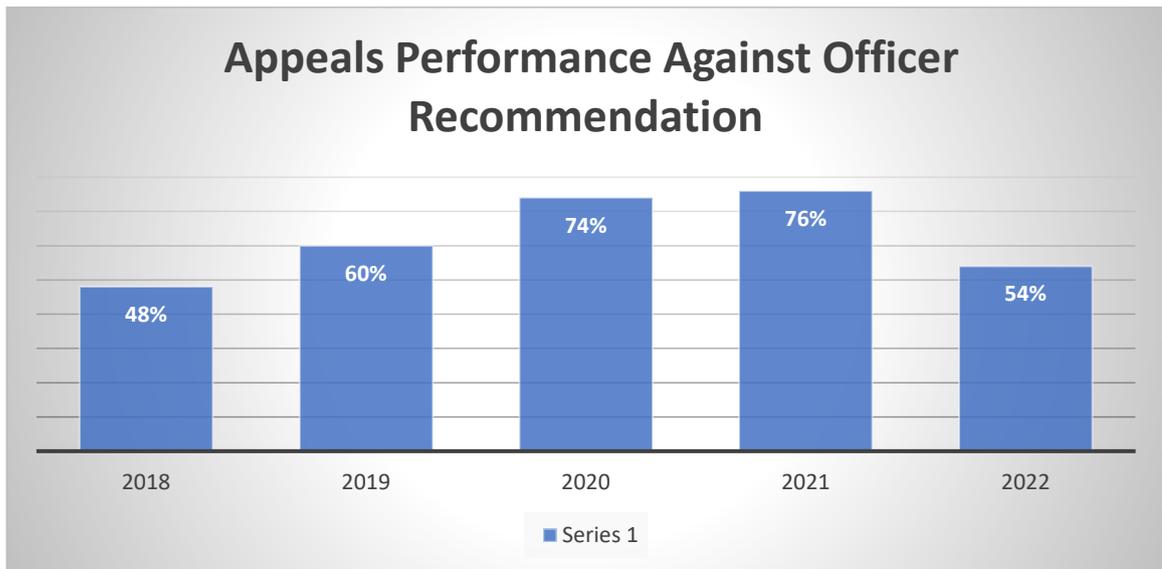
4.3 As highlighted by the recent Planning Review, appeals performance is a good indication of the quality decision making at the Council.

ALL APPEALS

4.4 A total of 39 appeals against decisions to refuse planning permission were determined in 2022, a decrease of 2 from 2021 and 9 fewer than 2020. Appeals workload had nearly doubled between 2019 – 2021. Of these appeals, 21 were dismissed representing a success rate for the Council of **54%** of all appeals dismissed. That equates to a 9% decrease in success rate over 2021.



4.5 Some members may be aware that a new process was implemented a few years ago whereby all refusals needed to be agreed by the Group Head of Planning. In 2018, appeal decisions in accordance with the officer recommendation was only 48%. The performance over recent years is shown in the table below.



4.6 There were no appeals arising out of a decision at Planning Committee to refuse permission contrary to the recommendation of officers in 2022 (a decrease from 13 in 2020 and 4 in 2021).

WRITTEN REPRESENTATIONS

4.7 A total of 27 appeals were determined by written representations in 2022. Overall, 16 of these appeals were dismissed. This equates to a success rate of 59% being dismissed – a decrease in performance of 9% compared to 2021 but a 10% increase on 2020.

4.8 Performance against the recommendation of officers has decreased from 78% in 2020, to 71% in 2021 and 59% in 2022.

INFORMAL HEARINGS

4.9 During 2022, there were seven Informal Hearings.

- Y/7/21/OUT (Little Meadow, Bilsham Rd)
- WA/68/20/OUT (west of Tye Lane, Walberton)
- BR/347/19/T (4 Pinewood Gardens)
- LU/417/21/OUT (north of Toddington Lane)
- F/22/21/PL (rear of Paynters Croft)
- P/178/21/OUT (west of Pagham Rd)
- FG/92/20/T (3 Lavender Court, Ferringham Lane)

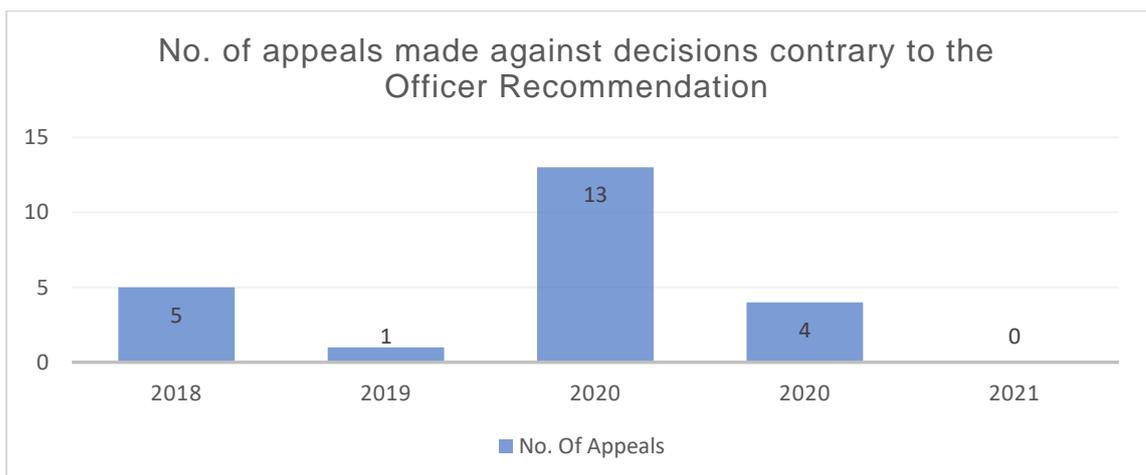
4.10 Officers defended all these appeals, and all were refusals issued under delegated authority. Three of these appeals were dismissed and four were allowed. Two of the allowed appeals were for major housing developments for 155 dwellings in Walberton and 106 dwellings in Pagham.

PUBLIC INQUIRIES

- 4.11 During 2022, there were five appeal decisions received from appeals determined by way of public inquiries. This is a significant number of inquiries as there have only been four in the previous four years.
- 4.12 Only one of these appeals was able to be successfully defended (Chandlers, Angmering). The four appeals allowed at inquiry were all for further major housing proposals as were as follows.
- BN/142/20/OUT - Land south of Barnham Station – 200 dwellings
 - A/168/21/PL - Littlehampton Rd, East Preston – 76 dwellings
 - A/129/21/PL - Rustington Golf Centre - 191 dwellings
 - A/45/22/PL - Rustington Golf Centre - 167 dwellings
- 4.13 The costs associated with defending these appeals will be discussed later in the report.

PERFORMANCE OF PLANNING COMMITTEE

- 4.14 In previous years, the Appeals Monitoring report has included information on appeal decisions as a result of decisions taken against officer recommendation. During 2022, there were no appeal decisions made on decisions taken contrary to the recommendation of officers.
- 4.15 The table below shows appeals workload as a result of decisions taken contrary to the recommendation of officers in recent years. The significant number during 2020 was because of a significant increase in decision taken by the new Planning Committee contrary to the officer recommendation after the last local elections in May 2019.



MAJOR PROPOSALS

4.16 During 2022, there were 13 appeals classified as a ‘major’ scheme. These appeals were:

- BN/142/20/OUT - Land south of Barnham Station – 200 dwellings
- A/168/21/PL - Littlehampton Rd, East Preston – 76 dwellings
- A/129/21/PL - Rustington Golf Centre - 191 dwellings
- A/45/22/PL - Rustington Golf Centre - 167 dwellings
- BR/8/21/RES - Richmond Arms – 10 dwellings
- BE/148/20/OUT - Nursery Fields, Bersted – 225 dwellings
- Y/71/21/OUT - Little Meadow, Bilsham Rd – 73 dwellings
- WA/68/20/OUT - Tye Lane, Walberton – 155 dwellings
- A/110/21/PL - Chandlers, Angmering – 33 dwellings
- WA/32/22/PL - West Walberton Lane – 30 dwellings
- LU/417/21/OUT- Toddington Lane – 71 dwellings
- F/22/21/PL - Paynters Croft – 23 dwellings
- P/178/21/OUT - west of Pagham Rd – 106 dwellings

4.17 This number of major proposals at appeal represents a significant increase (there were only 4 appeals during 2021). As set out above, there has been a significant increase in public inquiries (mainly due to the large number of major developments at appeal) during 2022.

4.18 8 of these 13 appeals were allowed. This demonstrates how very difficult it is for Council’s to successfully defend appeal decisions for major residential development where the presumption in favour of sustainable development is triggered. Inspectors are exceptionally permissive and robust cases at appeal are often summarily dismissed and given little weight.

COSTS

4.20 The costs of defending appeals during 2022, where there were costs awards, and consultants used, is set out in the table below. It should also be noted that significant officer time is also required for managing appeals workloads (even in instances where consultants are used).

Site	Decision	Costs Awarded (£)	Consultant Costs (£)	Overall Cost (£)
BE/109/19/PL Shripney Rd	Allowed	Yes.	£8,982	£8,982
A/168/21/PL Littlehampton Rd	Allowed	No	£40,000	£40,000
A/129/20/PL & A/45/22/PL	Allowed	No	£43,000	£43,000
A/110/21/PL Chandlers	Dismissed	No	£36,384	
BN/142/20/OUT Barnham Station	Allowed	Yes	£19,500	£19,500

TOTAL			£ 147,776	
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SUMMARY OF ISSUES

4.21 Attached to this report is a summary of all the appeal decisions received in the 2022 period.

The schedule for all appeals determined in 2022 highlights the issues raised by Inspectors when making decisions. Where the Inspector has disagreed with the Council's decision to refuse and granted permission, the areas of disagreement are as follows:

- In 11 of the cases approved contrary to the decision the Inspector did not agree with the Council's position on character and appearance.
- In 3 of the cases the Inspector did not agree with the Council's position on adverse impact on living conditions of neighbours.
- In 4 of the cases the Inspector did not agree with the Council's position that the adverse impacts of the development significantly and demonstrably outweighed the benefits in accordance with the NPPF.
- In 4 of the cases the Inspector did not agree with the Council on access/location issues.
- In 1 case the Inspector did not agree that the loss of tourism accommodation was harmful.
- In 1 case the Inspector did not agree that there was a requirement for a s106 relating to affordable housing/play provision.
- In 1 case the Inspector did not agree with the Council on flooding issues.
- In 1 case the Inspector did not agree with the Council on health and well-being issues.
- In 1 case the Inspector did not agree with the Council on loss of agricultural land.
- Of the above there were 3 decisions made against officer advice where the Inspector did not agree with the Council on adverse impact on character, 2 on access/transport issues, 1 each on flooding and loss of agricultural land:

COSTS AWARDS AGAINST THE COUNCIL

4.22 One significant element of appeals performance is the quality of decision making and the Council's ability to impose reasons for refusal that are reasonable and can be robustly defended.

4.23 In 2021 there were 2 applications made for costs against the Council. One for FG/142/21/PL was dismissed by the Inspector. The claim on BN/142/20/OUT was allowed on the grounds of foul water and heritage issues not being fully supported or evidenced and the Inspector allowed a partial award of costs as a result.

CONCLUSIONS

4.24 When compared to 2021, the above shows that there has been a 9% decrease in the overall success rate in terms of the Council's ability to defend appeals (performance in 2020 was very poor and that improved in 2021). At a success rate of winning 54% of all appeals the Council has not met its corporate target of

winning 70% of appeals for the last 5 years. 2021, was the best year for performance in those 5 years.

4.25 Decisions made in accordance with the recommendation of officers has significantly decreased in 2022 but much of this is down to the fact that major residential schemes are now exceptionally difficult (to the extent where it is nearly impossible) to successfully defend.

4.26 This report will form the basis of informal discussions between officers and members and these discussions will consider what further training may be required for members and officers.

5. CONSULTATION

5.1. None

6. OPTIONS / ALTERNATIVES CONSIDERED

6.1 N/A

7. COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER

7.1. None

8. RISK ASSESSMENT CONSIDERATIONS

8.1. N/A

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1. None

10. HUMAN RESOURCES IMPACT

10.1 N/A

11. HEALTH & SAFETY IMPACT

11.1. N/A

12. PROPERTY & ESTATES IMPACT

12.1. None

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1. N/A

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1. N/A

15. CRIME AND DISORDER REDUCTION IMPACT

15.1. N/A

16. HUMAN RIGHTS IMPACT

16.1. N/A

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1. N/A

CONTACT OFFICER:

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BACKGROUND DOCUMENTS: *n/a*

	Site	Proposal	Recommendation/ Decision/Appeal Decision	
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1	BN/142/20/OUT Land S/O Barnham Station	Outline planning application with all matters reserved, other than principal means of access, for up to 200 No. dwellings, with access taken from Marshall Close, associated infrastructure & landscaping & demolition of existing buildings.	R-R-ALC Costs – Allowed as per terms set out in Cost Decision	<p>INQ.</p> <p>The main issues in this appeal are as follows:</p> <ol style="list-style-type: none"> (1) Whether the site represents a suitable location for residential development, having regard to development plan policies and the existing and planned settlement pattern; (2) The effect on the character and appearance of the area; (3) The effect on the setting of listed buildings and the Barnham Church Lane Conservation Area; (4) Whether the proposal makes appropriate and safe provision for linkages to local facilities or whether it would result in an over-reliance on the private car; (5) Whether the site can be successfully drained, in respect of both foul and surface water drainage; (6) Whether the proposal would make appropriate provision for affordable housing and other infrastructure; and (7) Whether there are any material considerations, including the housing land supply position, that would indicate a decision otherwise in accordance with the development plan. <p>Due to its location there would be some modest harm to the character and appearance of the surrounding area. I find there would be no harm to the heritage significance of the listed buildings, in terms of their setting. In respect of the conservation area, the proposal would be contrary to Policies HER SP1 and HER DM3(f) of the ALP. I attach appreciable weight to the identified harm to its setting in respect of any balances in this decision. Subject to conditions, the site can be successfully drained, in respect of both foul and surface water drainage. Subject to the planning obligations that meet the relevant legal tests and various conditions, the appeal proposal would make appropriate provision for affordable housing and other infrastructure.</p> <p>In applying the required tilted balance, the various harms identified would not significantly and demonstrably outweigh the significant and comprehensive benefits, particularly those arising from boosting the supply of sustainably located housing, including new affordable homes. Overall, the proposal would amount to sustainable development for which there is a presumption in favour of in both national planning policy and at ALP Policy SD SP1.</p>
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				<p>I have found that the development, when considered as a whole, would amount to sustainable development. I have taken into account the level of local objection, including correspondence from the local MP, but the challenging circumstances around housing delivery, and the lack of a clear prospect that there will be a planned solution in Arun in the short term, means, a decision other than in accordance with the development plan and eNP2 is supported by clear material considerations in this case. Accordingly, the appeal should succeed.</p>
2	<p>AL/42/21/HH 32 Lime Avenue</p>	<p>Erect a fence along the East Side of Boundary</p>	<p>R-R-ALC</p>	<p>WR</p> <p>The Council failed to determine the planning application within the prescribed period. Accordingly, the main issue is the effect of the proposal on the character and appearance of the area.</p> <p>During a site visit, the Inspector observed other examples of enclosing boundary walls/fencing of a similar height to that of the appeal scheme, adjacent to other corner plots within the street.</p> <p>Having regard to the existing hard boundary treatment along the side of the appeal site, and elsewhere within the road, together with the proposed retention of the frontage openness of the appeal site, the appeal scheme would comprise an appropriate form of boundary treatment in this particular location. It would not appear unduly incongruous within the street scene or harmful to the visual amenities of the locality.</p> <p>The Inspector therefore concludes that the proposal would not result in significant harm to the character and appearance of the area. In regard to other matters surrounding outlook impacts on neighbouring properties and highway safety, the Inspector concluded that the proposal would not have a materially harmful impact on these properties, nor would it be an issue to highway safety.</p>

3	AW/353/20/OUT 1 Cambridge Walk, Aldwick	Outline application with some matters reserved for 1 No. new dwelling	R-R-D	<p>WR</p> <p>The main issue is the effect of the proposal on the character and appearance of the area.</p> <p>The appeal site lies in a prominent corner position and makes a significant positive contribution to the intrinsic verdant and spacious character of the estate. The appeal scheme would introduce an additional dwelling onto the site in a manner which would be out of keeping with this established layout of built development. the proposal would respect the established building line onto Cambridge Walk, and that the scale and detailed design of the new building is not under consideration at this stage. However, the proposed detached nature of the new building, together with its orientation, comprising its narrow end fronting onto Cambridge Walk, would be out of keeping with the layout of the pairs of bungalows that characterise Cambridge Walk.</p> <p>Due to its proposed proximity to the northeast site boundary, the new building would be sited notably in front of the established building line onto Cambridge Drive, and the resulting narrow landscaped frontage verge would be significantly shallower than that which is characteristic of the street.</p> <p>The combined position of the building in relation to the site frontage and the loss of undeveloped soft landscaping, would result in an unduly cramped and prominent form of built development. The proposal would result in significant harm to the character and appearance of the area.</p>
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4	EP/10/21/PL 4 Beechlands Close, Montpelier Road	Demolition of an existing garage & erection of 2 No. 2 bed dwellings (resubmission following EP/115/20/PL)	R-R-D	<p>WR</p> <p>The main issues are:</p> <ul style="list-style-type: none"> • the effect of the proposal on the character and appearance of the surroundings; • whether satisfactory living conditions would be provided for future occupiers of the proposed houses taking particular account of the proposed external amenity space and outlook and light; • the effect of the proposed development on the living conditions of occupiers of No 4 Beechlands Close; and • whether adequate drainage facilities would be provided. <p>Due to the shape of the plot the proposed houses would be at an angle to Beechlands Court with relatively small, roughly triangular, shaped garden areas to the front. the proposed layout would not create the welcoming streets and spaces sought by Part H of the Arun District Design Guide 2021 (the Design Guide).</p> <p>Garden and parking areas are good uses of land in their own right. The proposal would make use of this land but the proposal for two dwellings on this relatively small awkward shaped site would appear as cramped over development and would not provide an appropriate density on the site.</p> <p>Accordingly it would not amount to efficient use or sustainable development. For the above reasons I conclude that the proposal would not be visually attractive in terms of layout or landscaping and would not function well: it would not amount to good design.</p> <p>Neither garden would provide the appropriate size and shape sought by the Design Guide. I acknowledge that the Design Guide applies different standards in respect of the amenity space required for flats. However, that does not justify the failure to provide satisfactory amenity space for new houses where expectations of living conditions are different.</p> <p>I conclude that the appeal should be dismissed.</p>
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5	BR/8/21/RES Richmond Arms	Approval of reserved matters following BR/142/18/OUT for the demolition & conversion of existing public house with residential accommodation to 1st floor to form 10 No. residential flats over 3.5 storeys.	R-R-AC	<p>WR</p> <p>The Inspector found that the reserved matters had been submitted within the correct period. The Inspector also found no conflict between the outline description (demolition & conversion) and the reserved matters description (demolition and new build).</p> <p>The main appeal issues were:</p> <p>a) the effect of the proposed reserved matters details on the character and appearance of the local area, including the setting of the nearby non-designated heritage assets (signal box and pedestrian railway bridge), and</p> <p>b) whether the loss of the existing building would be acceptable in heritage terms.</p> <p>The Inspector found no harm to the nearby non-designated heritage assets and had no compelling reasons to consider the existing public house as a non-designated heritage asset itself. The Inspector stated:</p> <p>“.. it is my view that a larger and taller building, as proposed, would sit appropriately within the street scene. It would add visual interest to the surrounding context and because of the distances to the neighbouring development, it would not appear over dominant in relation to the surrounding buildings.”</p> <p>No costs application.</p>
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6	FG/130/21/HH 162 Littlehampton Road, Ferring	The erection of a double garage & garden store.	R-R-ALC	<p>WR</p> <p>The main issue is the effect of the proposed development on the living conditions of the neighbouring occupiers of 1A Ancren Close.</p> <p>The Council do not object to the principle of a new building within the front garden in terms of its impact on local character, which is a finding I concur with. They do however contend that the position and height of the new building would result in harm to the living conditions of the neighbouring occupiers at No.1A.</p> <p>Whilst the upper part of the new building would be visible from the garden and windows to No.1A, the impact on the living conditions of the occupiers of that property would not, in my judgement, be significant. I accept that there would be some overshadowing of the garden area to No.1A, but this would not be significant or sufficient to justify the refusal of planning permission. The resulting building relationships would be acceptable and similar to those commonly found in such locations. Consequently, the proposed building would not represent an overbearing or dominant feature when viewed from No.1A.</p> <p>I conclude that the appeal should be allowed.</p>
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7	AW/294/21/HH 59 Marlborough Court	Erection of single storey side extension, involving demolition of attached garage, single storey side extension to other side to create garage and utility room and loft conversion with 1 x rear dormer	R-R-ALC	<p>WR</p> <p>The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area.</p> <p>Within the above context, the proposed full height extension on the east elevation would not, in my judgement, result in a development that contrasts significantly with its surroundings and would not, consequently, be harmful to the street scene. Whilst I accept that the proposed extension would extend the full height to the existing ridge, the result would be an extension that sits reasonably comfortably on the host property.</p> <p>The appeal proposal would not harm the character of the area and would integrate well with the design of the existing bungalow, as well as making full use of the land available. However, the proposed full height extension would not be subservient to the host.</p> <p>Whilst I accept, however, that the lack of subservience, resulting from the full height extension, would conflict with elements of the policy and guidance, the latter should be applied flexibly and not rigidly, and should also have regard to the individual circumstances of the case including its local context, which is the approach I have adopted here.</p> <p>The appeal should be allowed.</p>
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8	BE/148/20/OUT Nursery Fields	Outline application with all matters, except for site access, reserved for the development of up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access.	R-R-ALC	<p>WR</p> <p>The main issues are</p> <ul style="list-style-type: none"> • whether there is sufficient information to ascertain that the local road network would not result in severe cumulative residual effects as a result of the proposal, and if so, whether such effects would occur; and • whether the proposal makes appropriate provision for affordable housing and infrastructure. <p>The application site forms part of one of three planned urban extensions to Greater Bognor Regis in the ALP.</p> <p>However, the Council makes the case that the Transport Assessment (including its Addendum) does not undertake a cumulative assessment of the traffic impacts of the remainder of the SD3 allocation on local highway junctions, and therefore the Council does not have sufficient information to judge whether the proposal in combination with the remainder of the SD3 allocation would have a severe residual cumulative impact.</p> <p>A Transport Assessment should not just consider the effects from committed development (as defined) but also those from adopted Local Plan allocations where they are material even if they may not be developed in the next three years. Therefore, the effects of the remainder of the SD3 allocation also need to be considered at this stage as well as the effects of this specific proposal.</p> <p>In relation to all the highway aspects of the appeal proposal, I conclude that the Transport Assessment did not appropriately consider matters and that from the evidence submitted the concerns related to the double mini-roundabouts. However, with the contribution towards enhancements of the spine road secured in the Planning Obligation the proposal would not result in any severe residual impacts. No contribution has been justified in respect of works to the A259 between Bersted and Drayton.</p> <p>In the Council's Statement of Case, it set out a list of contributions. All but two were agreed between the parties; these being those relating to the cost of the Spine Road and the A259 Bersted to Drayton improvements discussed above. In light of my conclusions on these matters I consider the contribution to the former</p>
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				<p>as secured is appropriate and I do not consider that the latter contribution is necessary.</p> <p>For the reasons given above I conclude that the appeal should be allowed.</p>
9	FG/179/21/HH 4 Florida Fields	Erection of front and rear extension, loft conversion and detached garage	R-R-ALC	<p>WR</p> <p>I conclude that the development would not result in harm to the character and appearance of the dwelling and the surrounding area. It would meet with relevant policy.</p> <p>The appellant has indicated that he would be willing to accept a condition requiring further opaque screens to protect the privacy of the occupants of 5 Florida Close. In addition to those on either flank of the balcony, the panels would wrap around the south-eastern corner and extend part of the way across the rear of the terrace. This would increase the distance between the openings of no.5 and the open section of the balcony. I am satisfied that such measures would prevent any undue overlooking into the side windows of the neighbouring house at no.5 above and over that presently experienced.</p>
10	A/46/21/OUT Land at Downs Way	Outline application with all matters reserved for the erection of a pair of one and a half storey semi-detached dwellings with vehicular access, private amenity space & landscaping.	R-R-ALC	<p>WR</p> <p>The proposal accords with the development plan taken as a whole and would accord with its aspirations, and those within the National Planning Policy Framework, to make efficient use of land. There are no adverse impacts by way of adverse harm on the character and appearance of the area or the healthy well being of residents that would significantly or demonstrably outweigh the benefits of the scheme in terms of housing delivery. As such, the scheme would constitute a sustainable form of development.</p>

11	FG/46/21/PL 12A The Grove	Development of 1 no. 2 bed house set over 2 floors, with first floor being partially contained within roof, along with associated parking & amenity spaces.	R-R-D	WR The adverse impacts I have concluded from the proposed development in terms of harm to the character and appearance of the local area, as well as the lack of a satisfactory living environment for future residents and impact on the living conditions of existing neighbours would significantly and demonstrably outweigh the benefits of permitting the scheme to proceed. The proposal is not therefore sustainable development for which there is a presumption in favour.
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12	Y/71/21/OUT Little Meadow Bilsham Road	Outline application with access for up to 73 No. new dwellings (but retaining Oak Trees & Little Meadow dwellings), 405 sqm of new light industrial buildings as part of an enlarged employment site & Public Open Space. The existing junction of Grevatts Lane West & Bilsham Road will be closed & Grevatts Lane West diverted to a new access point to the South.	R-R-D	<p>Hearing</p> <p>The main appeal issues were:</p> <ul style="list-style-type: none"> (a) Whether the proposal would result in unacceptable flood risks, with particular regard to the effects of climate change. (b) The effects of the proposal on highway safety. (c) The accessibility of the site, with particular regard to services and facilities. (d) The effects of the proposal upon the character and appearance of the area. (e) Whether the proposal would preserve or enhance heritage assets, in particular Hobbs Farmhouse, and associated curtilage buildings. (f) Whether the proposal would lead to an unacceptable loss of agricultural land; and (g) Whether the proposal makes appropriate provision for affordable housing. <p>The Inspector found that there would not be any significant flood risk provided that no houses were placed in the southern part of the site. She considered that the proposed development would not have an adverse effect on highway safety. She felt that the site was sustainably located provided that the proposed off-site highway works were delivered (which include a new footpath connection to Yapton). She ruled that the proposed development would have a neutral impact on the significance of the heritage assets and considered that the scheme could deliver sufficient affordable housing.</p> <p>However, she concluded that the proposal would lead to very significant harm to the character and appearance of the countryside in this location – and would also lead to some limited harm to wider landscape character. She also felt that the proposal would conflict with the council’s soils policy</p> <p>On balance it was considered that although the benefits, particularly by way of housing provision would be substantial, the very substantial harm to the character and appearance of the area in this case would not be significantly and demonstrably outweighed by the collective benefits of the scheme.</p> <p>No costs application.</p>
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13	AB/130/21/HH 55 Fitzalan Road, Arundel	Erection of single storey rear extension. First floor front and rear facing dormer. Porch to front.	R-R-ALC	<p>WR</p> <p>The proposed rear extension would be single-storey, with a flat roof, extending the full width of the rear elevation virtually on the common boundary shared with No 53. Near the house, this boundary is demarcated by a high solid timber fence. Should the fence remain in place, the upper part of the extension would be seen from within No 53 and its garden, protruding over the fence by a metre or so. Alternatively, should the fence be removed, the extension's side wall would be seen, at a height of just over a metre above that of the extant fence. Given the presence of the fence, I do not consider that the added height of the extension would diminish living conditions within No 53 or in its garden.</p> <p>However, it appears that the Council's main concern lies not so much with the height of the extension, but its depth, which would be 4.0m or so. In this respect, the officer report says that a 3.0m depth would be that allowed under permitted development. Correspondence exchanged with the Council suggests that a 3.3m depth may prove acceptable, having regard to the guidance on such extensions provided in the Council's SPD. To my mind, however, the additional depth of a metre or so over and above that which the Council would appear to deem appropriate would make no material difference to No 53's living conditions. It certainly would not have an overbearing effect as implied by the Council, given the current boundary treatment. It seems to me that the Council has given insufficient weight to the presence and effects of the existing fence in its determination.</p> <p>The proposed rear extension would not harm residents by reason of its visual impact, outlook or effect on light.</p>
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14	AW/30/21/T 55 Christchurch Crescent	3 No. Corsican Pine trees - Crown reduction	R-R-D	<p>WR</p> <p>The main issues are: the effect of the pruning of the three pine trees on the character and appearance of the area; and whether sufficient justification has been demonstrated for the proposed works.</p> <p>The trees are large and mature specimens that are prominent and important in the landscape. They also form part of a wider group of mature pines. A crown reduction would result in significant harm to the character and appearance of the area, not be beneficial in terms of the trees health or longevity and there is no overriding justification relating to the stability of the trees. Insufficient justification has been demonstrated for the proposed works.</p>
15	WA/68/20/OUT Land west of Tye Lane	Outline application with all matters reserved, other than means of access, for the construction of up to 155 No. dwellings (30% affordable homes) & amendment to boundary of garden land to serve adjoining property.	R-R-ALC	<p>Hearing</p> <p>The appeal scheme would not harm highway safety or result in severe residual impacts on the road network nor would it be a poor form of development. Nevertheless, the harm in the other respects outlined above would result in a conflict with the development plan taken as a whole. However, in this instance material considerations, namely the Framework, indicate that the appeal should be determined otherwise than in accordance with the development plan. Accordingly, the appeal has succeeded.</p>

16	A/110/21/PL Chandlers Garage, BMW House, Water Lane	Erection of retirement apartment with 20 No. 1 Bed flats & 13 No.2 Bed flats with communal facilities & car parking, erection of a retail store with car parking & associated highway works.	R-R-D	INQ There are the significant harms to the character and appearance of the Angmering Conservation Area, and to the setting of the adjacent listed building. The material considerations in this case when taken as a whole do not justify taking a decision other than in accordance with the Development Plan and the Framework. For the reasons outlined above and having regard to all other matters raised, the appeal is dismissed.
17	A/168/21/PL Land south of Littlehampton Road and east of Worthing Road	Erection of 76 No. dwellings, means of access, public open space, play areas, associated infrastructure & landscaping.	R-R-ALC	INQ When the relevant considerations are taken together and weighed in the balance, the adverse impacts would not significantly and demonstrably outweigh the benefits identified, when assessed against the policies in the Framework taken as a whole. I conclude that a presumption in favour of sustainable development has been established for the proposed development and the appeal succeeds.
18	FP/32/21/PL 10 Second Avenue, Felpham	Two storey, 4 Bed detached dwelling with new access & parking.	R-R-D	WR The front elevation of the proposed new dwelling would stand slightly behind the front of No 12 and this seems to me appropriate and respectful. However, its position relative to No 10 does not appear to have been carefully considered. The relationship between the new and existing dwelling would, in my opinion, appear incongruous, awkward, and harmful to the streetscape at this point. The proposal would use the land in question more efficiently. However, for the reasons given above it would fail to integrate successfully with its surroundings and unacceptably harm the character and quality of the local area. The appeal should not succeed.

19	BR/347/19/T 4 Pinewood Gardens	Fell 1 No. Liquid Amber tree.	R-R-ALC	<p>Hearing</p> <p>The main issues are the amenity value of the tree, the effect of the proposed felling on the character and appearance of the area and whether it would be justified in the circumstances of the case.</p> <p>The tree is highly visible and in vigorous good health, it contributes substantially to public amenity and its removal would be significantly detrimental to the character and appearance of the area.</p> <p>No evidence has been provided to support claims the appeal tree is the reason for the cracks in the appellants driveway or adjacent wall. Additionally, no evidence provided to support the proposed crown reduction suggested in the arboricultural report prepared by neighbouring property no.5.</p> <p>However, the location of the tree means it is desirable to control future growth to preserve the proportions of the tree and protect its contribution to public amenity. There would be advantages to the appellant in selective pruning and the crown could be thinned and raised modestly without significantly affecting its public value.</p>
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20	A/112/21/PL Pound Place, Roundstone Lane	Application for the removal of Condition 14 following grant of A/3/21/PL relating to the provision of a footpath along the site frontage with Roundstone Lane.	R-R-ALC	<p>WR</p> <p>Planning permission has been granted for a care home, which is under construction. The appeal seeks permission to occupy that development without complying with a condition requiring the provision of a footpath along the site frontage with Roundstone Lane. The issue is whether provision of a footpath is necessary to ensure the safety of pedestrians.</p> <p>While the intent of the condition is laudable, when assessed against the tests set out in the Framework, it is flawed in two respects. 6. Firstly, a footpath adjacent to Roundstone Lane would lie outside the appeal site edged in red on the submitted location plan. I have no evidence that the appellant owns the land in question and therefore it is unlikely that the condition could be enforced.</p> <p>Even were a footpath to be built adjacent to the lane across the front of the site, it would not link up with a similar path to the north and pedestrians would still have to cross the carriageway to use the footpath on its western side. It would not achieve the linkage intended and would therefore be unnecessary.</p> <p>The Council says that the footpath is a requirement of the original masterplan for the area. However, no footpath is shown on the site layout drawing displayed on the Angmering (South and East) Masterplan webpage, nor is one shown on the extract from the Angmering Visioning Brief Master Plan Figure included in the appellant's covering letter on the application. I have been provided with no contrary evidence by the Council and therefore conclude that while the masterplan may encourage a network of footpaths in general terms, the footpath subject of the condition is not specifically included as a requirement.</p> <p>Such a footpath would also appear to require removal of one or more of the trees along the northern site boundary. That would be in conflict with a tree preservation order, which is in place to ensure their retention. Having regard to these factors, I am unable to give this suggestion weight.</p> <p>I conclude that the condition fails two of the tests set out in the Framework in that it would be unenforceable and would not provide a link to a footpath to the north and would therefore be unnecessary.</p> <p>The appeal should be allowed.</p>
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21	LU/76/21/PL 71 Beach Road, Littlehampton	Sub division of dwelling into 3 No. 2 bed flats.	R-R-D	<p>WR</p> <p>The main issue is whether occupants of the proposed development would be safe in the event of a flood.</p> <p>The property lies within Flood Zone 3 as defined on the Environment Agency's Flood Map for Planning. Neither a sequential test nor an exception test needs to be applied for applications for change of use such as that proposed¹ . However, there is a need for the proposal to be supported by a site-specific flood-risk assessment² . No such assessment has been submitted with the application or appeal.</p> <p>Because the building is an existing residential dwelling, there are likely to be limitations as to how much it could be made more flood resistant. However, practical measures, for example flood warning and evacuation plans, would help mitigate flood risk to all occupants. I acknowledge that there are other houses and flats in the immediate vicinity which may not have such adaptations, but their location in an area at risk of flooding is historic. Without a flood-risk assessment there is insufficient information for me to determine whether the proposed change of use is as resistant and resilient to flooding as it could reasonably be made. Consequently, I am unable to conclude that future occupants would be safe in the event of a flood. The appeal should be dismissed.</p>
22	EP/34/22/HH 111 North Lane, East Preston	Two storey side/rear extension.	R-R-D	<p>WR</p> <p>The main issue is the effect of the proposal on living conditions for neighbours. Inspector concluded "It would be close to the boundary and because of the disposition of properties it would project excessively beyond the rear main wall and too far along the garden of No 109 to the east. I accept there is already an 'over-run' but this would simply take it too far at first floor level. I am in no doubt that sunlight, daylight and outlook would be lost and that neighbours would feel unduly hemmed-in. Within a neighbourhood such as this, residents would reasonably expect an air of openness and spaciousness and this development would unduly impinge upon those attributes."</p>

23	F/1/22/HH Lock Cottage, Station Road, Ford	Erection of single storey side extension to detached garage to create link building and double garage, installation of front porch and alterations to fenestration following the conversion of detached garage to habitable use.	R-R-D	<p>WR</p> <p>The main issues are the effect of the proposal on a) the character of the site, b) living conditions for neighbours, and c) the setting of a heritage asset.</p> <p>The appeal scheme would add appreciably to the ground coverage and massing in the area of the triple garage. To my mind it would be a step too far and would cumulatively reach the stage where the development other than the original dwelling would regrettably dominate the plot. I consider that the scheme would not be reflective of the character of the host property or the site. It would be overdevelopment within its context. Accommodation, even if ancillary, would be comprehensive but importantly the appearance would be tantamount to a second dwelling with an extension, porch and garaging on the site. This would all be at a scale in excess of the host property.</p> <p>For my part I would consider that the appeal scheme is sufficiently remote visually from the Church, its main grounds, and its sense of entrance via the driveway, such as it would have no adverse impact.</p> <p>For the reasons given above I conclude that whilst the appeal proposal would not have unacceptable adverse effects on living conditions for neighbours or the setting of a heritage asset it would unduly impinge upon the character of the site. Accordingly, the appeal is dismissed.</p>
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24	<p>WA/32/21/PL Land at West Walberton Lane</p>	<p>Construction of 30 No. dwellings together with associated access, parking, public open space & landscaping.</p>	<p>R-R-D</p>	<p>WR</p> <p>The main issues are the effect of the development on:</p> <ul style="list-style-type: none"> • The spatial strategy for the location of new development • The character and appearance of the landscape • The Walberton Green Conservation Area • Flood risk • The provision of affordable housing and infrastructure. <p>It is also necessary to consider what effect the lack of housing land supply in the district should have on the decision, and the benefits of the scheme. I address these issues in my conclusion.</p> <p>Development of a housing estate on the site would erode its current open and undeveloped character. The new houses would be visible in glimpsed views from the surrounding lanes, the green, and agricultural land to the west. However, I disagree with the Council's statement in the second reason for refusal that the site is visually separate from the village with far ranging views across open countryside. Although outside the built up core of the village, it is nevertheless flanked to the north and south by loosely knit houses, and to the east by the village green, which itself is surrounded by houses.</p> <p>I conclude that the development would cause some limited harm to the setting of the Walberton Green Conservation Area through suburbanising its low density character, but that harm would be less than significant. It would therefore conflict to a limited extent.</p> <p>Part of the site lies within Flood Zones 2 and 3 as shown on the Environment Agency's Flood Map for Planning. While acknowledging that the volume of required flood storage compensation could be delivered through the method proposed in the Flood Risk Assessment. I share some of the concerns expressed. The proposed solution would require significant alterations to land levels in the south-western part of the site. I conclude that the development fails the sequential test as set out in the Framework because there are other sites which are reasonably available and are at a lower risk of flooding.</p> <p>I have found that the proposal would cause harm and conflict with policies relating to the location of development, the character and appearance of the landscape,</p>
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				<p>and flood risk. Of these I give moderate weight to the conflict with the spatial strategy for the location of development, because of the lack of housing land supply in the district.</p> <p>I also give limited weight to the harm to the character and appearance of the landscape for the reasons set out earlier. I give full weight to the failure to meet the sequential test on flood risk. I also give great weight to the harm that would be caused to the setting of the Walberton Green Conservation Area.</p> <p>Set against the conflict with the development plan are the public benefits of the scheme. Weighing these matters together, I consider that the benefits of the development, significant though some of them are in the context of a serious lack of housing land supply, do not outweigh the conflict with the development plan that has been identified, including the clear reason for refusal on flood risk grounds. Accordingly, I conclude that the appeal should be dismissed.</p>
25	P/141/21/PL Land at the Rear of 71 The Causeway	Change of use from public amenity to private residential garden together with boundary works.	R-R-D	<p>WR</p> <p>Due to the similarities in the proposed developments in Appeals A and B, and because they adjoin one another, I shall deal with both appeals together. The main issue is the effect that the proposed developments would have on the character and appearance of the surrounding area.</p> <p>The local area is characterised by estates with different features and dwellings of different types and styles. Even so, the openness in their layouts, including mostly open front gardens and pockets of open space, is important to the spacious suburban character and to the sense of place.</p> <p>The proposal would harmfully diminish the existing open space, and because their boundary treatments would have a stark urban appearance, the important verdant openness in the Ashcroft Way Street scene and the spacious suburban character of the estate would be unacceptably eroded.</p> <p>I have found that the proposed developments, individually and cumulatively, would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.</p>

26	<p>P/137/21/PL Land at the rear of 69 The Causeway</p>	<p>Change of use from public amenity land to private residential garden together with boundary works.</p>	R-R-D	<p>WR</p> <p>Due to the similarities in the proposed developments in Appeals A and B, and because they adjoin one another, I shall deal with both appeals together. The main issue is the effect that the proposed developments would have on the character and appearance of the surrounding area.</p> <p>The local area is characterised by estates with different features and dwellings of different types and styles. Even so, the openness in their layouts, including mostly open front gardens and pockets of open space, is important to the spacious suburban character and to the sense of place.</p> <p>The proposal would harmfully diminish the existing open space, and because their boundary treatments would have a stark urban appearance, the important verdant openness in the Ashcroft Way Street scene and the spacious suburban character of the estate would be unacceptably eroded.</p> <p>I have found that the proposed developments, individually and cumulatively, would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.</p>
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27	BE/119/20/PL Land W/O New Barn Lane	1 No. detached house.	R-R-ALC	<p>WR</p> <p>The main issues are:</p> <ul style="list-style-type: none"> • The effect of the proposal on the character and appearance of the area; • The effect of the proposal on the living conditions of the neighbouring occupiers of no 10 Winston Crescent, with particular regard to outlook, sunlight and privacy; and • Whether the proposal would make adequate provision for surface water drainage. <p>The appeal site comprises a relatively modest piece of undeveloped land which lies within proximity to an established residential area. The traditional built form and scale of the new house would reflect the design approach of the adjacent semi-detached properties, including in respect of materials and architectural features. Moreover, the scale and design of the proposed dwelling would ensure that it appears as a continuation of the adjacent development. For the foregoing reasons, the effect of the proposed development on the character and appearance of the surrounding area would be acceptable.</p> <p>Overall, the appeal scheme would have no significant adverse effect upon the living conditions of the occupiers of no 10, with regard to outlook, sunlight and privacy.</p> <p>I am satisfied that the appellant has provided sufficient information showing that there is adequate provision for surface water drainage as part of the wider development off New Barn Lane to accommodate the proposed development.</p> <p>The appeal should be allowed.</p>
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28	A/129/21/PL Rustington Golf Centre, Golfers Lane	Erection of 191 new homes in a mix of 1 to 4 bedroom dwellings and 1 bedroom apartments, with associated landscaping, parking, open space, play areas, construction of a new access from Golfers Lane, and all other associated works.	R-R-ALC	INQ Both proposals would result in moderate harm to the character and appearance of the area. The identified conflict with Policy C SP1 carries limited weight because that policy is out-of-date on the basis of the absence of a 5 year housing land supply. These significant and limited weights are not sufficient to significantly and demonstrably outweigh the substantial and other weights that attach to the benefits of the proposals. On this basis paragraph 11(d) of the Framework indicates that permission should be granted. Although the proposed developments would not accord with the development plan as a whole, paragraph 11(d) of the Framework is an important material consideration which outweighs the conflict with the development plan.
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29	A/45/22/PL Rustington Golf Centre, Golfers Lane	Erection of 167 No new homes in a mix of 1-4 bedroom properties (2-4 bedroom homes and 1 bedroom apartments), with associated landscaping, parking, open space, play areas, construction of a new vehicular access from Golfers Lane and all other associated development works (resubmission following A/129/21/PL)	Non-Det-ALC	As above.
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30	FG/210/21HH 23 Little Paddocks, Ferring	Front balcony/inset dormer and 1st floor rear extension	AC-AC-D (Appeal dismissed)	<p>WR</p> <p>Appeal was submitted in opposition to conditions 3 & 4 for obscured glazing.</p> <p>Condition 3 required the side elevations of a first-floor front inset balcony on a corner plot, to be obscure glazed up to 1.7m to prevent overlooking to the sides of neighbouring dwellings due to the orientation of the host dwelling.</p> <p>Condition 4 required the rear window at first floor to be obscure glazed up to 1.7m to avoid overlooking of rear neighbouring property garden space and windows owed to lower than 10.5m separation of viewpoint from rear site boundary and lower than 21m separation from rear neighbouring windows.</p> <p>Inspectors' conclusion:</p> <p>Condition 3 - Whilst overlooking of the fronts of existing dwellings and front gardens is generally acceptable, most neighbouring occupiers reasonably expect some privacy in and by the sides of their homes and in their back gardens. Due to the appeal dwelling's roof form, the height and siting of the balcony, and its relationships with 22 and 24 Little Paddocks, balcony users would be able to overlook parts of the sides of the neighbouring dwellings, which include side facing windows, and activity in their grounds close by. Thus, overlooking from the balcony would harm the privacy of the adjoining occupiers. It would be contrary to Policy D DM1 of the Arun Local Plan 2011-2031 (LP) which aims for development to have minimal impact on occupiers of nearby property and land, and LP Policy D DM4 which aims for extensions or alterations to not have an adverse overlooking effect on neighbouring properties.</p> <p>Condition 4 - A degree of mutual overlooking between nearby dwellings and back gardens would reasonably be expected in a suburban area such as this. Even so, overlooking from the existing rear facing dormer is broadly at the limit of acceptability. Due to the increase in the depth of the rear facing dormer, the degree of overlooking would be increased. Its glazing would also be less than 21 m from the conservatory at 45 Sea Lane Gardens. Having regard to the relationships between the dwellings and their back gardens at the site and 45 Sea Lane Gardens, the increase in overlooking that could occur from the rear facing dormer would harm the privacy of the occupiers of the dwelling at 45 Sea Lane</p>
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				Gardens in their home and back garden. It would be contrary to LP Policies D DM1 and D DM4, and guidance in the Arun District Design Guide Supplementary Planning Document which seeks a minimum of 21 m between dwellings of up to 2 storeys.
31	EP/125/21/PL 22 Vermont Drive, East Preston	Demolition of existing single storey projection on host dwelling, removal of swimming pool and erection of 1 No. detached 1 1/2 storey self-build dwelling with detached garage building on existing garden land.	R-R-ALC	<p>WR</p> <p>The development would not be harmful to the character and appearance of the area. The proposal would, therefore, be sympathetic to local character and the surrounding built environment, whilst optimising the potential of the site to accommodate an appropriate amount of development.</p> <p>The appeal scheme would not result in a harmful impact on the living conditions of the occupiers of neighbouring properties through harm to outlook or loss of privacy.</p>

32	LU/417/21/OUT Land north of Toddington Lane (adjacent to Lyminster Bypass)	Outline application with some matters reserved (except access) for the erection of up to 71 No dwellings.	R-R-D	Hearing The primary issues here were; <ul style="list-style-type: none"> - Whether the appeal scheme would affect the approved development of Hampton Park; - The effects on the delivery of employment-related development; and - The effects on nearby existing waste infrastructure. <p>The Inspector concluded that were the appeal allowed for residential development a conflict would arise with the requirements of Condition 2 of the 2018 permission that required substantial accordance with the Masterplan, design and access statement and development framework document. Therefore, this ‘drop in’ scheme was deemed to prevent the achievement of substantial accordance with the condition on the extant permission still relied upon.</p> <p>Similarly, in terms of severability it was concluded that whilst the site is not physically integral to the remainder of the whole, the permission granted is not severable and a piecemeal mix and match approach cannot be taken without affecting the 2018 permission and Outline Permission.</p> <p>Therefore, it was concluded that allowing the appeal would sever the site from the wider whole and put at risk the outline permission for Hampton Park which has at least three years remaining for reserved matters permission to be sought. In doing so, it may affect the ability to deliver the balance of the approved housing and other uses contrary to policy H SP1 and EMP SP3 of the Arun Local Plan.</p> <p>In terms of waste infrastructure, it was concluded that the appeal scheme would not conflict with Policy W2 of the Waste Local Plan or Policy QE SP1 of the Local Plan.</p> <p>Given that allowing the appeal scheme could jeopardise the delivery of the balance of the Hampton Park Urban Extension, which provides a far greater number of dwellings, the appeal scheme cannot attract the substantial weight that would be expected in the context of the housing supply deficit. Therefore, the tilted balance does not represent a material consideration which would outweigh the conflict with the development plan. Therefore, the appeal was dismissed.</p>
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33	F/22/21/PL Land R/O Paynters Croft	23 No dwellings with associated access, infrastructure, landscape and open space (resubmission following F/5/21/PL).	R-R-D	<p>Hearing</p> <p>The main issues were the schemes compatibility with existing businesses in relation to noise, and the effect of the proposal on the character and appearance of the area.</p> <p>The inspector found that it had not been demonstrated that the proposal would be compatible with existing businesses with regard to noise. The location of the development could jeopardise ongoing businesses. In particular, the proposal would be in conflict with Policy W2 of the WSCC Waste Local Plan as it could jeopardise the waste management facility in combination with other noise sources which had not been taken into account. They afforded substantial harm to this.</p> <p>The Inspector agreed that the proposed parking was not sensitively integrated into the built form. The parking was proposed as a block, would sit in front of houses and create a hard boundary to the central POS space reducing amenity. They afforded moderate harm to this.</p> <p>The Inspector found that the harm from the layout and the potential noise implications would significantly and demonstrably outweigh the benefits outline.</p>
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34	P/178/21/OUT Land west of Pagham Road, Pagham	Outline application with all matters reserved (except access) for the construction of up to 106 new homes, formation of access onto Pagham Road, new pedestrian and cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure. This application is a Departure from the Development Plan and may affect the setting of a	R-R-ALC	Hearing The main appeal issues were: <ul style="list-style-type: none"> a) The effect of the proposed development on the character and appearance of the area including the surrounding countryside. b) The effect of the proposed development on the provision of agricultural land. c) The effect of the proposed development on flood risk; and d) The overall planning balance, having regard to the development plan, national policy, and the benefits of the proposal. The inspector stated the proposed development would have an acceptable effect on the character and appearance of the area including the surrounding countryside. He allocated moderate weight to the conflict with the countryside policies. Furthermore, individually, or cumulatively it would not compromise the integrity of the strategic gap. <p>He found the development would have a negative effect on the provision of agricultural land and cause some conflict with ALP Policy SO DM1, but this represented only moderate harm. With the imposition of the agreed condition, the proposed houses would be safe from current and future flooding and would not increase flood risk elsewhere.</p> In the final planning balance, he determined that the benefits attract significant weight and therefore outweigh the moderate harm of the adverse impacts. The planning obligations were acceptable and there was also no harm to the Pagham Harbour SPA. <p>No costs application.</p>
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		Listed Building.		
35	LU/151/21/PL 25 River Road	Demolition of existing car garage and the erection of 2 no. two-storey residential buildings comprising 5 no. flats with associated works.	R-R-D	WR The appeal proposal would have unacceptable adverse effects upon the character and appearance of this locality which is a Conservation Area and on living conditions for neighbours. Accordingly, the appeal is dismissed.
36	LU/78/22/HH 101 Clun Road	Erection of part single, part two storey side extension	R-R-D	WR Inspector agreed that two storey extension on boundary closed important gaps in the street as such had negative impact on character of area, and the extension on the boundary would have negative impact to neighbours (overbearing) referred to D DM1, D DM4 and parts of Design Guide (Part M), Officer used in reasons for refusal.
37	FG/92/20/T 3 Lavender Court, 38 Ferringham Lane	Fell 1 No. Himalayan Cedar	R-R-D	Hearing The appeal tree is worthy of the protection afforded to it by the TPO, and that the reasons now advanced do not justify its felling. Whilst I have the utmost sympathy for the appellant's circumstances, these do not outweigh the harm to public amenity that would result from the loss of the tree. The appeal is therefore dismissed.

38	FG/142/21/PL Land (formerly Former McIntyre Nursery), North of Highdown Vineyard, Littlehampton Road	Change of Use of the land for the storage of building materials; 2 no. proposed storage containers and 2.4m high Pallisade or Paladin fencing (coloured green) to perimeter with access gates.	R-R-D	WR There would be an impact on the gap through the creep of development into the countryside, lessening the extent of the gap and its rural nature. The proposal would not have a sympathetic relationship to the surrounding areas and landscape, nor show consideration for built environment contexts, While the proposal relates to a fairly modest area compared to the size of the adjacent commercial uses, given the confined nature of those developments and the position of the extension proposed, I do not consider the extension would be appropriately sized.
39	BE/163/21/PL 22 Osprey Gardens, Bersted	Change of Use of the land for the storage of building materials; 2 no. proposed storage containers and 2.4m high Pallisade or Paladin fencing (coloured green) to perimeter with access gates.	R-R-D	WR The back garden would be unlikely to sustain the spacious character at the backs of the existing dwellings that can be seen above the walls and fences from Shearwater Park. As the only route to the appeal dwelling's back garden would be through the occupiers' home, it is more than likely that, in time, its back garden and the rest of its front garden would be hard surfaced. The likely loss of greenery in the appeal dwelling's front and back gardens would diminish its suburban character, and so, it would damage the sense of place.