

AGENDA ITEM NO.

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 3 February 2021

Information Paper

Subject : Appeals Performance & Cost 2020

Report Date: January 2021

EXECUTIVE SUMMARY

The purpose of this report is to advise Members on how the Council has performed in the calendar year 2020 in respect of appeals.

1.0 INTRODUCTION

- 1.1 The purpose of this report is to advise Members on how the Council has performed in the calendar year of 2020 in respect of appeals. The Council has an indicator within the planning departments Business Plan that aims for 70% of all appeals being dismissed.
- 1.2 On 5 February 2020, a report to Committee reported appeal performance for the 2019 calendar year. In summary, performance for this period was as follows;
- A total of 43 appeals were determined in 2019, an increase of 14 over that determined in 2018.
 - Of these, 26 were dismissed representing a success rate for the Council of 61% of all appeals dismissed. That equated to a 23% increase in success rate over 2018.
 - Of all planning appeal decisions, 60% were made in accordance with the recommendation of officers.
- 1.3 As highlighted by the recent Planning Review, appeals performance is a good indication of the quality decision making at the Council.

2.0 ALL APPEALS

- 2.1 A total of 50 appeals against decisions to refuse planning permission were determined in 2020, an increase of 7 over that determined in 2019 and 21 more than in 2018. Appeals workload has nearly doubled over the past two years. Of these appeals, 24 were dismissed representing a success rate for the Council of **48%** of all appeals dismissed. That equates to a 13% decrease in success rate over 2019.

However, it should be noted that this overall performance is significantly affected by appeals decisions against decisions made at Development Control Committee (DCC) contrary to the advice of officers. Performance in accordance with the recommendation of officers shows that **74%** of appeals were determined in accordance with the recommendation. This is an increase of 14% on 2019.

3.0 WRITTEN REPRESENTATIONS

Overall performance

- 3.1 A total of 47 appeals were determined by written representations in 2020. Overall, 23 appeals were dismissed. This equates to a success rate of 49% being dismissed. This represents a decrease in performance of 9% compared to 2019.
- 3.2 77% of Decisions were made in accordance with the recommendation of officers. This represents an increase of 17% on 2019 performance and 29% from 2018.
- 3.3 A procedural measure was adopted after the 2018 appeals performance where each application that is recommended for refusal needed to be agreed by the Group Head for Planning. This has had a significant positive result on appeal performance over the past couple of years.

Committee performance

- 3.5 There were 13 appeals arising out of a decision at DCC to refuse permission contrary to the recommendation of officers. All of these appeals were allowed.

4.0 INFORMAL HEARINGS

- 4.1 During 2020, there were three appeals determined by way of informal hearing. These were CM/16/18/PL (Care Home, Bairds Farm), Y/20/18/OUT (Bonhams, Hoe Lane and EG/22/19/OUT (Boweries).
- 4.2 CM/16/18/PL & Y/20/18/OUT were recommended for refusal but the appeals were both allowed. EG/22/19/OUT was dismissed in accordance with the delegated refusal. Costs were awarded against the Council in Y/20/18/OUT. This will be discussed in section 10.

5.0 PUBLIC INQUIRIES

5.1 During 2020, there were no appeals determined by way of public inquiries.

6.0 PERFORMANCE OF DEVELOPMENT CONTROL COMMITTEE

6.1 Since the committee was formed in May 2019, there has been a significant increase in the amount of decisions that have been taken contrary to the advice of officers. In the municipal year 2018/2019, there were 6 out of 88 applications that were refused planning permission contrary to the advice of officers. In the year 2019/20, there were 16 out of 81 (20%). These decisions have resulted in substantial additional costs to the Council (see section 8). These decisions have resulted in a large number of appeals and these decisions have started to be received in the calendar year 2020.

6.2 There have been 13 appeal decisions received on applications that were refused planning permission at Development Control Committee against the advice of officers during 2020. This represents over 25% of all appeals and has significantly increased the amount of officer time required to process and defend. These appeals were;

1	FG/35/19/PL	Quercus Nursery	Allowed	
2	Y/62/18/OUT	Clays Farm	Allowed	
3	K/19/19/HH	Little Tangley	Allowed	
4	CM/25/19/PL	Kent's Yard	Allowed	
5	Y/103/18/PL	Yapton Crematorium	Allowed	Costs Awarded against the Council
6	FG/74/19/PL	Highdown	Allowed	
7	BE/69/19/OUT	The Cottage, Shripney	Allowed	Costs Awarded against the Council
8	EP/148/19/PL	Lime Tree Close	Allowed	Costs Awarded against the Council
9	P/58/19/PL	Inglenook Hotel	Allowed	Costs Awarded against the Council
10	R/268/19/PL	Manor Road	Allowed	
11	BR/73/19/PL	Norfolk Hotel	Allowed	
12	AL/42/19/PL	Nyton House	Allowed	
13	AL/43/19/L	Nyton House	Allowed	

6.3 The Council has not managed to successfully defend any of the above decisions made by DCC contrary to the recommendation of officers in 2020. Further, four of these decisions resulted in an award of costs against the Council for unreasonable behaviour. This decision making has had a significant negative impact on the

Councils performance at appeals (see para 2.1). The costs associated with these decisions will be set out in section 8.

6.4 The areas of disagreement and conclusions in the decisions on these 13 appeals are as follows:

- The main area of note is the failure to be able to produce evidence, particularly in respect of technical matters such as highways (Crematorium, Inglenook, Lime Tree Close) and noise (Quercus). Failure to have such evidence has resulted in a number of awards of costs against the Council.
- Failure to recognise that detailed matters should be dealt with at reserved matters stage (The Cottage)
- The general theme of all of these appeals is that there has to be a sound reason for refusal, and evidence, in order to not to accept the advice of officers (or of those consultants instructed by the Council to provide an opinion). It is demonstrably not sufficient to just not support a refusal and have no evidence to justify why.

6.5 There are also 3 current appeals awaiting decisions for applications that were refused planning permission at Committee against the advice of officers.

6.6 Members will have noted the recent Planning Review which concluded that the Committee were not taking proper account of local and national policies in their decision making and the Council will continue to lose more appeals and incur increased costs if changes are not made. Further, the Review confirms that it is the responsibility of Officers to provide a risk assessment of the chances or success and risk of costs when taking decisions.

6.7 It states that there is a responsibility to learn from appeal costs and decisions. Further training for members will address recommendation 45 & 46 of the Planning Review. Committee may wish to express a view on whether a report such as this is necessary as regularly as every quarter (as suggested in recommendation 51).

7.0 MAJOR PROPOSALS

7.1 During 2020, there were 10 appeals classified as a 'major' scheme. Performance at appeal on 'major' applications is important for the reasons set out in section 11 of this report. These appeals were:

- CM/16/19/PL - Development of a 64-bed Specialist Dementia Care Home. Land to the r/o Bairds Farm Shop. Delegated refusal allowed at appeal.
- Y/20/18/OUT - Land adjacent to Bonhams & Flints, Hoe Lane. erection of 10 dwellings. Delegated refusal dismissed at appeal.

- Y/62/18/OUT – Clays Farm, North End Road. 33 Dwellings. Refused at DCC contrary to officer recommendation and allowed at appeal.
- LU/210/19/PL – Inglecroft, Toddington Lane. Erection of 10 detached dwellings. Delegated refusal allowed at appeal.
- AL/72/19/PL - Ryefields Farmhouse, Oak Lane. Erection of 10 dwellings. Delegated refusal dismissed at appeal.
- LU/3/19/PL - Empty Supermarket Premises, Avon Road. Redevelopment of site comprising 83 No. residential units & retail floorspace. Delegated refusal dismissed at appeal.
- BE/69/19/OUT – The Cottage, Shripney Road. Outline application for 31 dwellings. Refused at DCC contrary to officer recommendation and allowed at appeal.
- Y/103/18/PL - 10 Acre Field North of Grevatts Lane. Chapel Crematorium. Refused at DCC contrary to officer recommendation and allowed at appeal.
- AW/232/19/OUT – 19 – 21 Nywood Lane. Erection of up to 20 flats. Delegated refusal dismissed at appeal.
- EG/22/19/OUT – The Boweries. Erection of 28 dwellings. Delegated refusal dismissed at appeal.

7.2 Of these 10 appeals, only four were dismissed. However, eight were determined in accordance with the recommendation of officers.

7.3 The data in section 11 relates to the two-year period 01/01/17 – 31/12/18 and so does not include these appeals. However, using the same methodology as in section 11, the performance of the authority in the calendar year 2020 was 9.2% which is a poorer performance than previous years and would put the Council dangerously close to the threshold of 10% for being an '**under-performing authority**' if this level of performance did not improve.

8.0 COSTS

8.1 The costs of defending appeals during 2020, 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 (£)
The Cottage, Shripney	Allowed	£11,500	n/a	£11,500
10 Acre Field, Yapton	Allowed	£29,000 (estimate)	n/a	£29,000
Lime Tree Close, East Preston	Allowed	£4,000 (estimate)	n/a	£4,000
Middleton Nursing Home	Awaited	Decision awaited	£10,700	£10,700
Inglenook Hotel	Allowed	Yes. Claim awaited.	£7,000	£7,000
BR/233/19/PL	Allowed	Yes. Claim awaited.	n/a	
Y/20/18/PL	Allowed	Yes. Claim awaited.	n/a	

TOTAL (£)		£17,700	£62,200
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8.2 The table above shows that the costs of defending appeals in the calendar year. All but two of the above appeals were submitted following decisions to refuse planning permission contrary to the advice of officers. It is estimated that all of these decisions will result in costs of about £95,000 being incurred by the Council.

8.3 An analysis of the reasons for a costs award against the Council for unreasonable behaviour is set out in section 10.

9.0 SUMMARY OF ISSUES

9.1 Attached to this report is a summary of all the appeal decisions received in the 2020 period.

The schedule for all appeals determined in 2020 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 nine of the decisions the Inspectors disagreed with officer's view that proposals would result in unacceptable harm to the area's character and appearance. This is a lower figure than in 2019, which shows that the Council is improving when using this as a reason for refusal.
- In seven appeal decisions Inspectors have disagreed that proposals would have an adverse effect on neighbour's/future occupiers' residential amenity. One of these decisions was as a result of an Environmental Health objection on excessive noise

on neighbours/future inhabitants from what was taking place. In 2 appeals Inspectors did not agree with the Council that there was a substandard amount of external amenity space. The forthcoming Arun Design Guide will help in appeals where this is an issue.

- In three appeals, Inspectors disagreed that a sites location outside the built-up area did not necessarily mean that it should be refused on sustainability grounds. Two of these were allowed on the grounds that the extra housing had more positive than negative effects.
- In three appeals Inspectors did not agree that settlement gap policy was being undermined.
- There were decisions made, contrary to Officer recommendation, where the Council chose to use highway reasons for refusal. The Inspector in each of these cases agreed with the expert highway opinion (and the second opinion sought by the Council) to approve and awarded costs against the Council for unreasonable behaviour in using this unsubstantiated reason for refusal.
- In three appeals the Inspector disagreed with officer's opinion that the impact of a change to a Heritage property (Listed Building) and/or the setting of a neighbouring heritage property (Listed Building) was unacceptable.

10.0 COSTS AWARDS AGAINST THE COUNCIL

10.1 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.

10.2 In 2020 there were 7 applications for costs. 6 of these were against the Council where costs were awarded and the other was an unsuccessful application made by the appellant where no costs were awarded (Clays Farm, Yapton).

10.3 The following appeals were where costs were awarded against the Council for unreasonable behaviour.

Y/103/18/PL	Yapton Crematorium	Allowed
BE/69/19/OUT	The Cottage, Shripney	Allowed
EP/148/19/PL	Lime Tree Close	Allowed
P/58/19/PL	Inglenook Hotel	Allowed
BR/233/19/PL	77 Aldwick Road, Bognor Regis	Allowed
Y/20/18/PL	Hoe Lane, Flansham	Dismissed

Y/103/18/PL - Costs awarded on grounds on unreasonable behaviour due to the fact that the development was in accordance with the development plan policies and there had been very little evidence submitted to demonstrate that the technical assessments of the effect of the proposal on the highway were flawed or factually wrong. The Inspector did acknowledge the importance of local knowledge as

evidence but considered this to be outweighed by the lack of contrary technical evidence.

BE/69/19/OUT - Costs awarded on grounds on unreasonable behaviour due to the fact that the Council determined the application in respect of matters that were not for determination at outline stage. The Council also did not substantiate its reasons for refusal with any clear evidence.

EP/148/19/PL – Costs awarded on grounds on unreasonable behaviour due to the failure to demonstrate why it did not accept officer advice, or the parking survey, that there was sufficient on-street car parking within the vicinity of the appeal site.

P/58/19/PL - Costs awarded on grounds on unreasonable behaviour due to the fact that the extensive professional evidence from both main parties submitted prior to the determination of the application was ignored and no evidence was provided at the appeal which allowed the Inspector to disagree with the recommendations of these professionals at the application stage.

Y/20/18/PL - The Council did not provide sufficient evidence at the Hearing to demonstrate that the strategic allocations were deliverable. It also sought to introduce a new issue at the appeal stage that of Flansham as a place being a non-designated heritage asset.

BR/233/29/PL - costs were awarded due to additional reasons for refusal being introduced which wasn't consistent with the planning histories on the site. These related to impacts on nos. 75, 77 and 79.

- 10.4 One very clear conclusion from these decisions is that, if the Committee are seeking to refuse an application, evidence to support this decision must be able to be produced at an appeal. Failure to be able to do this has resulted in four costs awards against the Council and significant expense.

11.0 UNDER PERFORMING PLANNING AUTHORITY?

- 11.1 The Government's document 'Improving Planning Performance (2018)' says that the performance of Local Authorities in deciding applications for planning permission enables development to deliver home ownership, building homes people can afford to buy and supporting economic growth. It also states that a Local Planning Authority can be considered as not fulfilling this role by reference to the criteria in this document and it may be that "the Secretary of State considers that there are respects in which the authority are not adequately performing their function of determining applications".
- 11.2 The data used in measuring performance by the quality of decisions made by Local Planning Authorities is the proportion of decisions on applications that are

subsequently overturned at appeal. If the threshold of 10% is exceeded, the department will be designated as an 'under performing authority' and applications can be submitted direct to the Planning Inspectorate for determination.

11.3 In the case of Arun for the period 01/01/17 – 31/12/18 (the most up to date evidence published by the Government), it records the number of major application decisions as 95 which have resulted in 10 appeals. Of these 8 are categorised as major decisions which have been overturned at appeal. It then goes on to score Arun as 8.3% in terms of quality of decisions. This compares to 0.6% for England as a whole.

11.4 Other authorities in West Sussex perform as follows;

Worthing	-	0%
Adur	-	0%
Horsham	-	0.8%
Chichester	-	1.1%
Mid Sussex	-	1.5%
Crawley	-	2.1%
Arun	-	8.3%

11.5 Whilst the performance of the Council over this period does not put it at risk of 'special measures' it has to be acknowledged that it is very poor when compared to the national average and the performance of our adjoining authorities. Nationally, Arun is 340 out of 347 authorities on this indicator.

11.6 As set out in section 7, it is likely that future performance in the next couple of years is likely to show a further decrease in performance against this measure.

12.0 CONCLUSIONS

12.1 When compared to 2020, the above shows that there has been a 13% decrease in the overall success rate in terms of the Council's ability to defend appeals. At a success rate of winning 49% of all appeals the Council has not met its corporate target of winning 70% of appeals for the last 5 years.

12.2 However, decisions made in accordance with the recommendation of officers has improved again in 2020. There has been a 14% increase in 2020 and an increase of 26% compared to figures in 2018.

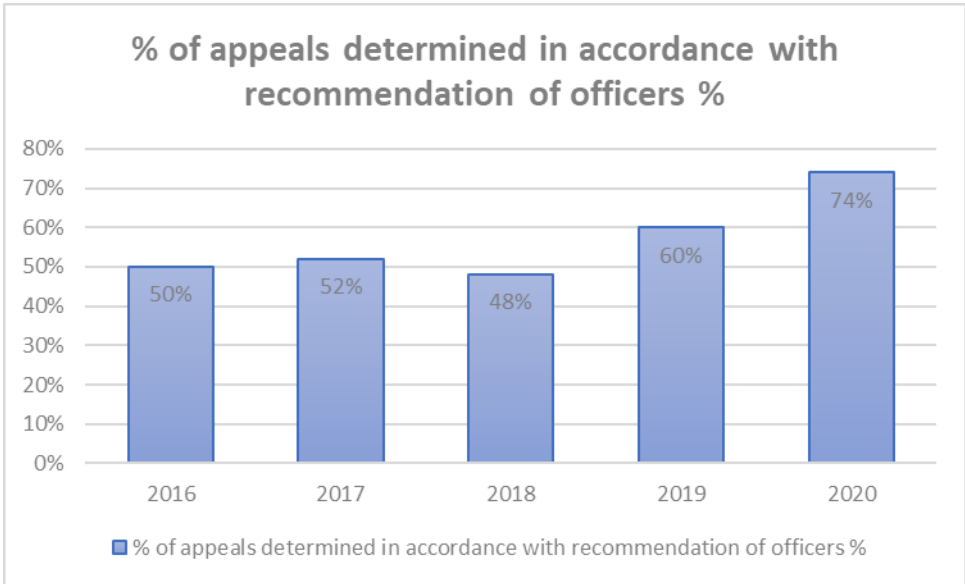
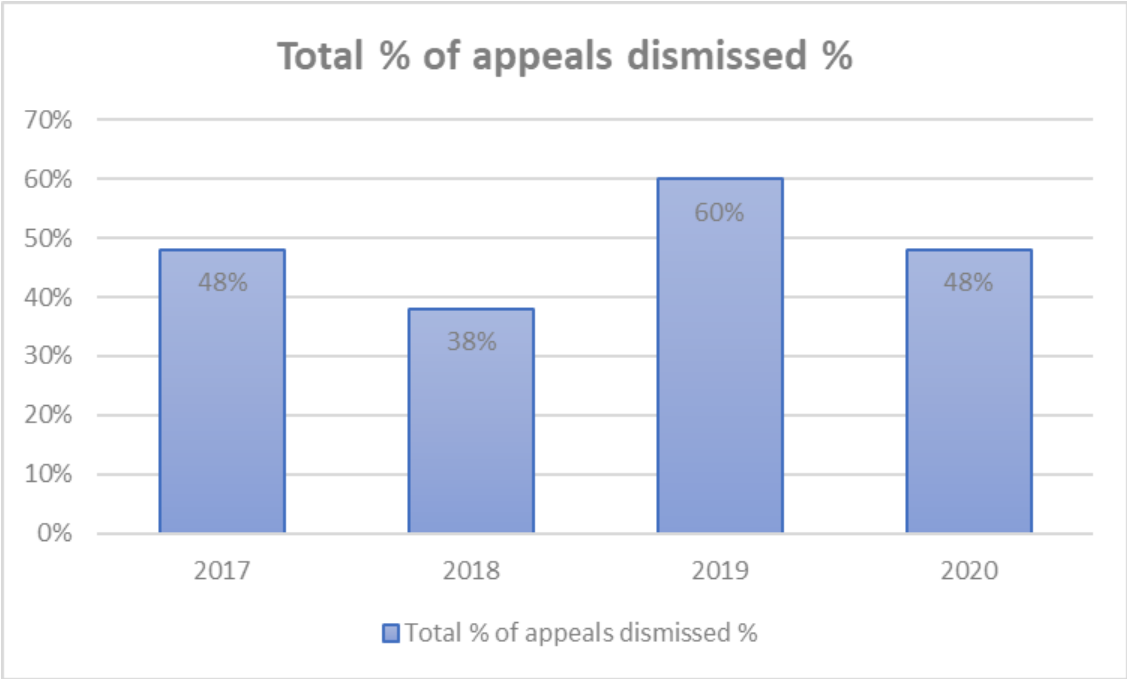
12.3 This report will form the basis of informal discussions between officers and members and these discussions will consider what further training may be required for members and officers.

Background Papers: Appendix 1 – Appeals Summary 2020

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Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
FG/59/19/HH Pied A Terre, Ferring Street	Erection of single storey extension to east elevation & first floor extension	R-R-ALC	WR The proposal due to its's modest scale would remain subordinate, rather than overbearing, in relation to the apartments at Pump Court. Moreover, the separation of the proposal from No 2 and Pump Court would be at a distance not uncommon in this residential location. Further, the first-floor window facing Pump Court would be obscure glazed in the interests of privacy for neighbouring occupiers. Sunlight and daylight experienced by neighbouring occupiers to the side and rear of the property, despite the given solar path, may well rise and fall during the day and through the course of the year. Nonetheless, given the distance between the buildings and the relative height of the proposed development I find this would not be materially harmful on the basis of the evidence before me.
K/19/19/HH Little Tangley, Middle Way	Two storey rear extension with a small canopy projecting the footprint to the front.	DIS-DC Committee- AC-R-ALC	WR The proposed development would not have a material impact on the living conditions of the occupants of The Poynings and Clova.
CM/16/18/PL Land to the r/o Bairds Farm Shop	Development of a 64-bed Specialist Dementia Care Centre.	DIS-DC Committee R-R-ALC	Hearing The location of the site, relative to the farm shop and properties to the south, would not bring the built form of Climping any closer to Littlehampton or Middleton. The erection of buildings where none presently exists would inevitably result in some loss of openness. However, the enclosed nature of the site and modest roof height being proposed means that the impact would not be significant or harmful in the context of the gap as a whole. The visual separation between Littlehampton and Middleton-on-

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>Sea and the separate identities of those respective settlements would be maintained. The development could not reasonably be located elsewhere. There would be no conflict with ALP Policy SD SP3.</p> <p>The footprint would be extensive, but this would not be apparent to the casual observer who would only see parts of a domestic scale building.</p> <p>Although outside of the Built-Up Area Boundary, the site has good accessibility to services and facilities There is no compelling evidence to support the assertion that the land could revert back to agricultural production.</p> <p>The scheme would free up general needs housing. The development would also bring forward key social benefits by reducing hospital admissions and 'bed blocking'. It would enable dementia sufferers to remain local to home and improve their well-being. All of these benefits are factored into the planning balance.</p>
EP/82/19/HH 31 Cheviot Close	Erection of a fence	R-R-D	<p>WR</p> <p>Although the open plan front garden would be retained, the provision of a close boarded fence, mostly 1.8 metres in height, along the front, side and rear boundary of the appeal property would introduce a substantial and unsympathetic form of boundary treatment in a locally prominent location.</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
CM/18/19/PL Land at Entrance to Waterford Gardens Horsemere Green Lane	Erection of 2 No 3 bed dwellings with off-road parking and associated landscaping	R-R-ALC	WR The proposal does not have a harmful impact on the character of the area, represents sustainable development, has suitable parking provision, has good access to the road, there is fallback permission for a larger dwelling and the Council has no HLS.
Y/20/18/OUT Land adjacent to Bonhams & Flints Hoe Lane	Outline application with some matters reserved for the erection of 10 dwellings with access from Hoe Lane, Flansham (resubmission following Y/40/17/OUT).	R-R-D Costs decision - Allowed	Hearing This appeal was solely dismissed on the grounds of significant and demonstrable harm to the character of Flansham by the change of the existing rural character of the appeal site to an urban area linking Felpham and Flansham and because the development would not satisfactorily recognise and respond to the intrinsic character of the countryside. The Inspector also dismissed any concerns as to loss of agricultural land, the safety of the access, the impact of new lighting, the impact of the development on local surface water drainage and the impact on the foul sewer network. The Costs decision was allowed because: (a) the Council had not corrected an error in the Local Plan regarding the 930 dwellings per annum figure for the annual housing requirement for the period 2016/17 to 2020/21 (b) the Council had not been able to provide any evidence that the strategic sites were deliverable. The Council was only able to provide verbal reports of conversations with developers/landowners/site promoters and this was not

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>sufficient.</p> <p>(c) That the Council stated in its statement that Flansham should be considered as a non-designated heritage asset without there being a material change of circumstances since the planning refusal.</p>
<p>A/158/18/PL Land Rear Of 1 To 6 The Cottrells</p>	<p>Variation of condition 1 imposed under A/8/18/PL relating to the substitution of approved plan drawings</p>	<p>R-R-ALC</p>	<p>WR</p> <p>The internal layout is not in accordance with the approved plans and the dwelling appears to be set-out as a 3-bedroom dwelling.</p> <p>The amenity space would not be attractive to every household, particularly families with children. Nevertheless, it may suit single occupiers or couples, including older persons and those who find gardening a chore.</p> <p>The re-configuration of the internal layout has not created an unacceptable living environment. It is sufficient for day to day activities, in respect of either a two or three-bedroom dwelling. Consequently, the proposal accords with Policy DDM1 of the Arun Local Plan.</p>
<p>Y/62/18/OUT Clays Farm North End Road</p>	<p>Outline application with some matters reserved (appearance, landscaping, layout & scale) for 33 No. residential</p>	<p>DIS-DC Committee- ACS approved cond sub S106-R-ALC</p> <p>Cost decision - Dismissed</p>	<p>WR</p> <p>The main issue was the effect of the development on agricultural land and the Inspector considered the harm to be moderate but that this harm would not significantly and demonstrably outweigh the benefits of the proposal. These being 33 dwellings in a sustainable location - a modest contribution towards the Council's housing shortfall and the related social & economic benefits).</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
	dwellings, access, landscaping & associated works.		<p>The costs decision was dismissed because:</p> <p>(a) despite the change in agricultural land grade from 1 to 2, there remained conflict with ALP policy SO DM1; and</p> <p>(b) committee members are not bound to follow the recommendations of their officers and that the Housing Land Supply was different when the appeal application was refused compared to when the duplicate application was approved.</p>
LU/210/19/PL Inglecroft Toddingon Lane	Demolition of the existing vacant dwelling and workshop and the erection of 10 detached dwellings (9 dwellings net) - Resubmission of LU/133/19/PL	R-R-ALC	<p>WR</p> <p>The main issue is whether adequate information in respect of drainage, construction management and contamination has been provided in order to permit the proposal without the need for associated pre-commencement conditions.</p> <p>The Local Lead Flood Authority, identifies that the site is at a low risk from flood, however requested that a pre-commencement condition requiring a Surface Water Management Plan (SWMP) should be imposed on any permission granted for this scheme.</p>
LU/125/19/PL 54 Arundel Road Littlehampton	Demolition of 3 no. garages & erection of 7 room HMO with shared facilities & parking for 3 cars.	R-R-D	<p>WR</p> <p>The intention was to build a three-storey dwelling in the rear garden of a large Victorian terraced property on the site of a block of three garages.</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
FG/35/19/PL Quercus Nursery Littlehampton Road	Variation of condition 2 following a grant of planning permission FG/52/18/PL - permit deliveries to be made to the site by HGVs	DIS-DC Committee-approved cond-R-ALC	<p>WR</p> <p>The disputed condition was imposed to limit the hours and volume of deliveries to Quercus Nursery in the interests of amenity of adjacent residential dwellings, particularly noise and activity associated with the business. However due to the nature of the business which requires early delivery of perishable goods, and the driving restrictions placed upon delivery drivers there is a need to extend the opening hours and frequency of deliveries from those imposed by the Council.</p> <p>Deliveries would be made into a defined area set behind protective fencing and away from the nursery entrance.</p> <p>I give substantial weight to the independent Noise Impact Assessment and the evidence provided by the Councils' professional Environmental Health Department.</p> <p>In the absence of any convincing evidence to the contrary, the limited number of deliveries suggested from 5am would not cause an unacceptable impact on the living conditions of the occupiers of nearby properties..</p>
K/16/19/PL The New Stables Kingston	Proposed single four bed dwelling	R-R-D	<p>WR</p> <p>The appeal was successfully defended but the Inspector did not agree that the proposal is in an inaccessible location. The proposal is however in a spatial gap.</p>
AL/72/19/PL Ryefields Farmhouse, Oak Lane	Demolition of existing buildings & erection of 10 No. houses.	R-R-D	<p>WR</p> <p>The Inspector concluded:</p> <p>(i) That the proposed development would not prejudice the comprehensive delivery of development in respect of the</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>BEW strategic allocation;</p> <p>(ii) That the proposed development would not be accessible to all users other than by vehicle and would not meet the needs of vulnerable users;</p> <p>(iii) That the proposal failed to demonstrate that kerbside collection of waste bins would be possible for waste collection vehicles of 12 metres in length;</p> <p>(iv) That inadequate information had been provided to demonstrate that the proposed development would be capable of providing satisfactory foul and surface water drainage.</p>
R/72/19/PL 6 Manor Road	Demolition of existing garage & store on existing dwelling	R-R-D	<p>WR</p> <p>The design of the proposal would fail to provide adequate living conditions for future occupiers. It would therefore conflict with Policy D SP1 of the Arun Local Plan (2018).</p>
LU/3/19/PL Empty Supermarket Premises Avon Road	Demolition of existing buildings & redevelopment of site comprising 83 No. residential units (C3 Dwelling Houses) & 158.5 sqm flexible retail floorspace.	R-R-D	<p>WR</p> <p>The development when considered in its entirety would tower over the adjacent buildings, particularly the adjacent conservation area and listed buildings. This would fail to reflect the general townscape which. As such the proposal would fail to reflect the more modest level of development in the area.</p> <p>The building would extend almost the full length of the site along Anchor Springs in several places this would provide a blank façade facing the highway which would appear as an oppressive and uninhabitable space.</p> <p>The vertical elements and front gable ends exacerbate the excessive height of the buildings.</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>The redevelopment of this site as proposed would fail to achieve a high-quality development. The excessive scale and mass of the proposal when considered in its entirety would result in harm to the character and appearance of the area.</p> <p>The proposal would result in harm to the setting of the adjacent and nearby listed buildings, and it would fail to preserve or enhance the setting of the adjacent CA.</p>
FP/139/19/OUT Land East of 12 Alfriston Close	Outline application with all matters reserved for the erection of 1 No. dwelling.	R-R-D	<p>WR</p> <p>The site would occupy a small grassed area. A small bungalow on the confined site would appear cramped and incongruous - out of keeping and harmful to the character and appearance of the area. The proposal would conflict with Local and Neighbourhood Plan policy. The presumption in favour of sustainable development.</p>
BE/69/19/OUT The Cottage, Shripney Road	Outline planning application with all matters reserved except access for up to 31 No. houses	DIS DC Committee- AC-R-ALC (costs allowed)	<p>WR</p> <p>Inspector found that the proposal would conflict in principle with regards to its location but that there are material considerations that would outweigh this conflict and that the proposal would comply with the development plan in respect of a number of policies.</p> <p>A separate costs decision awarded full costs in favour of the appellant. This was on the basis that the Council had gone against the advice of its professional officers without good reason to do so and then failed to substantiate its objection.</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
BE/112/19/PL 12 Plover Close	1 No dwelling (resubmission following BE/65/19/PL)	R-R-D	WR The differing design of the bungalow together with its detached set back position would give a visual impression of a dwelling squeezed on to it. The proposal would appear cramped at odds with the character of the area in conflict with Local Plan and Neighbourhood Plan policies. The lack of housing land supply did not outweigh the harm of the scheme.
A/146/19/PL Land rear of 1 The Heathers	Demolition of existing storage building & erection of a 3- bedroom chalet bungalow.	R-R-D	WR The site is located in a tight-grain residential area of two-storey dwellings. The development has been completed with the required parking spaces. The internal layout is not in accordance with the approved plans and the dwelling appears to be set-out as a 3-bedroom dwelling.
EP/74/19/HH 2 Hillview Crescent	Hip to barn hip extension & single storey rear extension.	R-R-D	WR The proposed development would have a harmful effect on the character and appearance of the host property and the surrounding area.
AW/228/19/HH 44 Aldwick Felds	Re-siting of boundary wall.	R-R-D	WR The area is typified by open plan or low-walled gardens and landscaped setbacks and verges to create a sense of space. The proposal would enclose a setback and extend forward of the side elevation of no 44 and in front of 46. The proposal was overly prominent and at odds with its immediate setting. The height, scale, and position of the wall would be incongruous with the prevailing streetscene in conflict with Local Plan policy and the NPPF.

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LU/255/19/HH 33 Potters Mead	Construction of two storey side extension and associated works	R-R-D	WR The proposed development would have a harmful impact upon the character and appearance of the host dwelling and its wider locality as a result of its prominent location.
LU/297/19/PL Land to rear of 141 Wick Street, Littlehampton	1 No. new dwelling (resubmission following LU/84/19/PL).	R-R-D	WR Whilst the Inspector found in favour of the appellant on the third main issue, this does not justify the harm identified on the first and second main issues. The proposed development would conflict with the adopted development plan in respect of the first and second main issues, and there are no material considerations indicating a decision otherwise than in accordance with it.
LY/9/18/PL Arundel Vineyard	Application for Continuance of use without compliance with condition 2-occupation imposed under LY/16/02/, condition 3-occupation imposed under LY/3/04/ & condition 3-occupation imposed under LY/25/04/	R-R-ALC	WR The Inspector found that based on the information available the dwelling is no longer required for a rural worker and there is no evidence the attempts made to market the dwelling were unreasonable. The Inspector concluded that it is not necessary or reasonable for the occupancy of this dwelling to be limited to an agricultural or forestry worker as set out in the condition, and, that removing the condition does not conflict with Policy H DM3 of the Local Plan.

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LY/8/18/PL Arundel Vineyard	Change of use from Vineyard to garden amenity area serving Arundel Vineyard (resubmission following LY/19/17/PL).	R-R-ALC	<p>WR</p> <p>The Inspector concluded that the site is enclosed and not easily seen from any public viewpoints. Therefore, any visual effects of the change of use from outside the site are particularly limited and does not harm the character or appearance of the area.</p> <p>The Inspector was of the opinion that, given the enclosed nature of the appeal site and the lack of built development forming part of the appeal development, there is no significant effect on the gap between Arundel and Littlehampton.</p>
FG/74/19/PL Highdown Industrial Park	2 No. commercial B1/B8 use buildings with associated car parking, access & refuse storage	DIS DC Committee- AC-R-ALC	<p>WR</p> <p>The proposal would retain the identity of the gap between Angmering and Worthing, and would comply with the criteria set out in Policy SD SP3 of the Local Plan in respect of ensuring the gap as identified is protected to prevent coalescence and retains its separate identity. The proposal would not conflict with Policy 7 of the FGNP.</p> <p>The proposal would not be detrimental to the setting of the SDNP or High Down Hill, it would therefore comply with Policy LAN DM1 of the Arun Local Plan which requires that development within the setting of the SDNP must have special regard to the conservation of that setting.</p>
EP/148/19/PL 9 Lime Tree Close	Application for variation of condition no.2 imposed on planning permission	DIS DC Committee- AC-R-ALC Costs allowed	<p>WR</p> <p>The proposal would not meet the level of parking as set out in the Council's adopted standards. However, the level of overspill would be comfortably accommodated within the local area, and the proposal would not have a severe impact on highway safety.</p>

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
	EP/52/18/PL relating to amended internal layout & external appearance		The proposal would comply with Policy TSP1 which requires development to take into account the impact on onstreet parking. The proposal would comply with Policy 1 of the East Preston Neighbourhood Plan
Y/103/18/PL 10 Acre Field North of Grevatts Lane	Single Chapel Crematorium with car parking, landscape works, surface water drainage features & associated highway improvements	Dis DC Committee- Acs App cond sub to S106-R-ALC Costs allowed	<p>WR</p> <p>Inspector concluded that the proposal would not be detrimental to highway safety and is a sustainable form of development.</p> <p>A separate costs decision awarded full costs in favour of the appellant. This was on the basis that the proposed development was in accordance with the provisions of the development plan, national policy and other material considerations</p>
CM/25/19/PL Kents Yard, Brookpit Lane	Change of use of barns to 3 No dwellings (resubmission following CM/24/18/PL). This application may affect the setting of a listed building	Dis DC Committee- AC-R-ALC	<p>WR</p> <p>The proposal would largely maintain the external appearance of the host building, with no significant change to the existing proportions of the barn structure. The existing open courtyard to the front of the building would also be retained and the agricultural appearance of the building would be preserved, in views from the surrounding area.</p> <p>All 3 properties would have a private area of garden to its rear that provides enough space for most activities typically carried out in such areas. The large courtyard to the front of each unit would add to this space, providing opportunities for informal recreation. Cumulatively, there would be a more than</p>

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			satisfactory level of external amenity space provided for each of the 3 units proposed.
CM/53/19/PL Kents Yard Brookpit Lane	Change of use of barns to 3no dwellings - Resubmission of CM/25/19/PL	R-R-D	<p>WR</p> <p>The existing courtyard would be partitioned into parking and amenity spaces in an awkward and asymmetric manner. The box hedging and ornamental trees would occupy a significant proportion of the courtyard, resulting in the loss of its current open appearance.</p> <p>There would be a more than satisfactory level of external amenity space provided for each of the 3 units proposed. Whilst the proposal would provide acceptable living conditions for future residents in relation to amenity space, there would be unacceptable harm to the character and appearance of the area and the setting of the neighbouring listed building, specifically due to the proposed partitioning of the internal courtyard.</p>
BE/117/19/HH 29 Westfield	Drop kerb to front of property with works to existing wall	R-R-D	<p>WR</p> <p>In order to facilitate access to the appeal site it would be necessary to lay a hardstanding over the generous green verge adjacent to Rowan Way to provide this access. Such development would be an alien and discordant intrusion into this open and established space.</p> <p>The proposal would result in an incongruous and alien development that would be harmful to the character of the area.</p>

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BE/79/19/PL Land adjacent to Walnut Tree Cottage, Shripney Lane	Single-storey bungalow on land adjacent to Walnut Tree Cottage	R-R-D	WR The building would have a very modern design which bears no relation to the buildings around it or the nature of the Conservation Area. The design would fail to comply with Local Plan policy or make a positive contribution to the Conservation Area.
AW/232/19/OUT 19-21 Nyewood Lane	Outline application with all matters reserved for demolition of 19 & 21 Nyewood Lane & erection of up to 20 No 1bed & 3 No 2bed flats.	R-R-D	WR The Inspector considered this aspect of Nyewood Lane to be transitional; despite taller and denser development being found both to the north and the south. The Inspector considered that the development would more than likely result in overlooking as a result of the height, size, scale and outlook of any possible building that could result. The Inspector also considered that the proposed parking arrangement would result in vehicular/pedestrian/bicycle conflicts given the combination and frequency of movements.
AL/75/19/PL Bridge Cottage, Lidsey Road	Construction of 8 no. dwellings, alterations to access and associated works.	R-R-D	WR The Inspector considered that the proposed development would cause significant harm to the countryside and to the delivery of the strategic site for a comprehensively planned new settlement, including the provision of infrastructure. The Inspector considered that the proposed development would not provide safe or convenient means for non-car travel and

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
			<p>would cause significant harm to highway safety.</p> <p>There is a realistic prospect that the appeal proposal would cause significant harm to protected species (reptiles) and habitat.</p>
M/62/19/PL 177 Middleton Road	Construct an additional dwelling house along Sundale Lane to rear of 177 Middleton Road.	R-R-D	<p>WR</p> <p>The Inspector found that the development would be harmful to the character of the area. It would conflict with Policies D SP1, D DM1, D DM2 of the Arun Local Plan which collectively require new development to make efficient use of land and to reflect the characteristics of the site and local area. It would also conflict with the policy HER DM4 of the Local Plan which requires new development to preserve, and where possible, enhance the special character of such areas. The loss of the tree and subsequent failure to address possible improvement to biodiversity conflicted with policies ENV DM4 and D DM1 of the Local Plan. The proposal would provide adequate living conditions for future occupiers.</p>
BE/100/19/PL Springfields, Chichester Road	2 No. dwellings	R-R-D	<p>WR</p> <p>The Inspector found that the development of 2 no. dwellings would adversely affect the open landscape character. The Inspector found that the benefits associated with 2 detached dwellings would not be substantial enough to outweigh the irreversible harm to the landscape.</p>

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AL/42/19/PL Nyton House	Construction of a 10 No. bedroom dementia unit with attached covered walkway	DIS DC Committee- AC-R-ALC	WR Inspector found that the harm would be less than substantial, and this would be outweighed by the need for dementia care provision. Also, no harm to living conditions of neighbouring properties.
AL/43/19/L Nyton House	Listed building consent for the construction of a 10 No. bedroom dementia unit with attached covered.	DIS DC Committee- AC-R-ALC	WR Inspector found that the harm would be less than substantial, and this would be outweighed by the need for dementia care provision.
R/268/19/PL 6 Manor Road, Rustington	Demolition of existing garage & store on existing dwelling & erection of 1 no. four-bed chalet style dwelling (re-submission of planning ref: R/72/19/PL).	Dis DC Committee- AC-R-ALC	WR The erection of a well-designed and respectfully scaled building in this location would be a suitable addition to this residential area. As such the proposal would comply with Policy QE SP1 of the Arun Local Plan which requires development to contribute positively to the quality of the environment. The proposal would comply with Policy 2 of the Rustington Neighbourhood Plan which requires development to reflect the character and scale of the surrounding buildings.
R/92/20/PL 6 Manor Road	Demolition of existing garage & store on	DIS DC Committee- R-R-ALC	WR The erection of a well-designed and respectfully scaled building

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	existing dwelling & erection of 2 No detached bungalows to rear		in this location would be a suitable addition to this residential area. As such the proposal would comply with Policy QE SP1 of the Arun Local Plan. The proposal would comply with Policy 2 of the Rustington Neighbourhood Plan which requires development to reflect the character and scale of the surrounding buildings.
BR/73/19/PL Land to East of Royal Norfolk Hotel, Aldwick Road,	Three terraced residential dwellings, garden/cycle storage sheds and associated parking utilising the existing access	DIS DC Committee-SAC App Cond with S106-R-ALC	WR The main issue was the effect on the setting of the Grade II listed Royal Norfolk Hotel and the character and appearance of the Conservation Area. The Inspector considered there to be no harm to the Conservation Area and 'less than substantial' harm to the setting & Significance of the LB. This would be outweighed by the public benefits.
AL/62/19/PL Sundown, Littleheath Road	1 No. new dwelling. This application is a Departure from the Development Plan	R-R-ALC	WR The location of the proposal would increase travel demand and conflicts with NP policy on sustainable movement. The character of the area would not be harmed. The adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
P/58/19/PL Inglenook Hotel, Pagham Road	Erection of 9 no. dwellings with associated access,	DIS DC Committee-SAC App Cond with S106-R-ALC	WR The Inspector did not consider that the proposal would result in any harm to highway safety and considered that it was an

Site	Proposal	Recommendation/ Decision/Appeal Decision	Procedure/Issues Raised By Inspector
	parking, cycle & refuse storage and landscape design	Costs allowed	<p>appropriate location for new dwellings. The Inspector found no other harm with the proposals.</p> <p>A separate costs appeal was awarded to the appellant on the basis that the Council demonstrated unreasonable behaviour.</p>
BR/75/20/HH 140 London Road	Conversion of roofspace to habitable use to include a rear dormer and terrace	R-R-D	<p>WR</p> <p>The proposed terrace would give rise to an unacceptable level of overlooking of neighbouring properties private amenity areas.</p>
EG/22/19/OUT The Boweries, Barnham Road	Outline application with some matters reserved for the erection of 28 No. dwellings.	R-R-D	<p>Hearing</p> <p>The adverse impacts arising from the failure to achieve high quality design by incorporating surface water drainage into the mini-masterplan would significantly and demonstrably outweigh any benefits of delivering new homes more quickly than might otherwise have been the case had the appellant waited for the masterplan exercise to conclude.</p>
BR/233/19/PL 77 Aldwick Road, Bognor Regis	Part change of use of ground floor & formation of a first floor rear extension to create 2 No self-contained studio flats	R-R-ALC Costs allowed	<p>WR</p> <p>Inspector considered the loss of the individual existing business to be regrettable, some retention of retail space at the site limited the weight given to this factor.</p> <p>Inspector considered impacts on highways to be informed by the evidence and not the empirical evidence provided by residents.</p>

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			Appellant had not provided for Pagham Harbour SPA mitigation. Inspector considered that a condition requiring a new planning obligation was deemed to meet the NPPG tests for Grampian conditions.
BR/149/20/HH 11 Westingway Bognor Regis	Extension of existing garage to be an Oak framed garage	R-R-ALC	WR While outbuildings in the area are mostly set back behind the established development line there are exceptions. The extended garage would infill the gap to the road frontage so that the resultant outbuilding would be flush with the footpath along Parkway. The development would not represent an unduly dominant feature as it would assimilate well into the street scene.
BR/281/18/PL 99 Victoria Drive	Demolition of existing dwelling & erection of a three story building to provide 9 No. flats.	R-R-ALC	WR The Inspector noted the 6m gap between the proposal and 97 and so determined that there would be no harm to 97 from overlooking or any sense of a visually overbearing development. The occupiers of 95 and 97 are also able to introduce new planting to mitigate any perceived overlooking.
FG/141/19/PL Elm Lodge Tamarisk Way Ferring	1 No detached chalet style dwelling	R-R-ALC	WR The Inspector concluded that there would be no material harm to the living conditions of the occupiers of Elm Lodge or Magalia.