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[redacted]

The Director of Planning and Economic Regeneration
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

26th October 2016

Dear Sir

Tortington House, Tortington Lane, Arundel.
Garage, car port and artists studio.

1. Our client Michael Bradley is naturally disappointed that planning permission for the erection of a garage, car port and artists studio in the garden of his home at Tortington House has been withheld (AB/85/16/HH) but, rather than prosecute an appeal, he has issued instructions that a revised proposal be submitted; this letter is presented to support the new application.

2. Tortington House may be approached from the north or south on Tortington Lane. Approaching from the north, one first passes the Manor Farm Liveries and then the Arundel Equine Hospital, the buildings of which stand close to the west side of the Lane. Tall hedges beside Tortington House and then a row of mature roadside trees foil the view towards the south end of its garden. The trees and roadside hedge of Orchard Cottage command one's view in the approach from the south and block long views towards the site. The substantial 'Tortington Manor' residential development dominates the local scene directly opposite the site and its brick garages close to the highway generate a distinctly 'built-up' character to this part of the Lane.

3. Permitted development rights for the erection of detached buildings are enjoyed within the curtilage of Tortington House. Our client has a substantial garden (it comprises some 0.65 hectare of land) but there are no walls, fences or hedges to separate the residential curtilage from the remainder. We have therefore formed the view that permitted development rights are enjoyed across the whole of our client's ownership and it would be within his gift to erect a double garage, a car port and an artists studio as individual buildings, without the prior expressed consent of your Council as local planning authority.

4. Application AB/85/16/HH proposed the erection of a detached building towards the south end of Mr Bradley's garden, in order to derive access advantage from the gateway that stands in the southeast corner. Eleven metres long and 7.5 metres wide, the proposed building would have stood 23.7 metres from the south boundary and 7 metres from the east boundary. Dimensions on the submitted drawings indicated that the eaves of the building would lie 2 metres above finished ground and the ridge of the barn-hipped roof would lie 7 metres above ground. With walls of stained weather-boards and a slated roof, the ground floor was proposed to provide a double garage and an open bay, with an artist's studio in the roof-void.

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5. Arundel Town Council had no objection to the proposal and no third party comments were submitted to the District Council. While local public opinion clearly favoured the proposal, the Officers recorded this contrary approach in the 'Recommendation Report':

> "Development outside the defined built-up area will only be allowed in exceptional circumstances or where there is a strong justification for a countryside location. No such justification has been put forward for the proposal and the Council is of the opinion that there are no other compelling reasons for it...Policy GEN3 seeks to ensure that outside the Built-Up Area, as defined on the Proposals Map, the countryside will be safeguarded for its own sake. Whilst it is accepted that the proposed development would be an ancillary use to the main house and as such its use could be controlled by a suitable planning condition, it is considered that the proposed size of the building and it proposed siting would introduce a large isolated building which would be harmful to the character and appearance of the countryside location".

6. The decision notice issued on 27th September alleged that our client's previous proposal would conflict with Policies GEN2, GEN3 and GEN7 of the Arun District Local Plan and unspecified elements of the NPPF (it has 59 pages). Article 31 of the Development Management Procedure Order requires a local planning authority to '*...state clearly and precisely the full reasons for the refusal, specifying all policies and proposals in the development plan that are relevant to the decision*'; the vague Reasons for Refusal that were cited against the previous proposal was a clear breach of that requirement.

7. Policy GEN2 re. 'Built-up Area Boundary' states that '*Outside the built-up area boundaries, development or redevelopment will not be permitted unless it is consistent with other Local Plan policies*'. Policy GEN3 re 'Protection of the Countryside' states that '*Development will not be permitted unless..*' it falls within one of five nominated categories (which includes 'quiet informal recreation'). Policy GEN7 re 'The Form of New Development' states that '*Development proposals involving new buildings...must be accompanied by an illustrated written analysis of the site and its immediate setting, together with its relationship with the relevant townscape, landscape, wildlife and movement characteristics of the wider area*'; this letter fulfils that role. Policy GEN7 sets down eight tests for any development proposal; the decision notice did not indicate precisely which of those was allegedly breached but it has been assumed that the call for proposals to '*...respond positively to the identified characteristics and resources of the site and the area*' and '*...not have an unacceptable adverse impact on adjoining occupiers, land, uses or property*' lay at its heart.

8. Via email at 1428 hours on 20th October, Area Team Leader Juan Baeza recorded his opinion that '*Given the site is residential curtilage, conflict with policy GEN3 as a reason for refusal is not factually correct*'. While the Development Control Officers evidently set considerable store (in their Recommendation Report) by the fact that '*the erection of a new building within the curtilage of a dwellinghouse*' was **not** one of the circumstances explicitly nominated in Policy GEN3, it is now evident that their approach did not follow advice from their Policy colleagues and was consequently flawed. Notwithstanding, it is submitted that an artists studio should be seen to be a 'quiet, informal recreation' use that is appropriate for a residential garden outside the built-up area.

9. As a garage/carport/studio proposal within his residential curtilage would not conflict with Policy GEN3, Michael Bradley wishes to reiterate his general intention but in a manner which addresses your Council's previous concerns. The building is to be reduced in height (the ridge would now lie at 6.6 metres above ground rather than 7 metres) and sited further away from Tortington Lane, so that its east elevation would stand 33 metres away from the highway and be seen from the public domain against a dark back-drop of mature trees. It is submitted that, altered in this way, our client's proposal would be seen to respond positively to the identified characteristics and resources of the site and the area and not have an unacceptable adverse impact on adjoining occupiers, land, uses or property ie it would **satisfy** the requirements of Policy GEN7.

10. The Arun District Local Plan 2003 was adopted nine years prior to publication of the National Planning Policy Framework so its provisions do not (indeed could not) reflect the Government's contemporary requirements and, although your Council has held that the Publication Version of the new Local Plan may be used as a material consideration in the determination of applications, none of those emergent provisions were relied upon in the determination of application AB/85/16/HH. We have noted, too, that no policies of the Arundel Neighbourhood Plan were seen to bear on the consideration of that application.

11. Our client Michael Bradley is naturally hopeful that the re-siting of his proposed building 26 metres further away from Tortington Lane and a reduction in its ridge-height by 0.4 metre will be seen to address your Council's concerns and that his revised proposal will enjoy the benefit of the Officers' support. Thank you.

Yours faithfully

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Robert Tutton
Director