

Recommendation Report for Planning Permission

REF NO: AB/19/25/PL

LOCATION: Hanger Down House
Priory Lane
Arundel
BN18 0BG

PROPOSAL: Construction of 1 No. self build detached dwelling and associated works. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	A detached two storey dwelling (self-build).
TOPOGRAPHY	Predominantly flat.
TREES	There are trees to the boundaries although none would be removed to enable the proposal.
BOUNDARY TREATMENT	2m high brick wall along its north elevation. Rear and side boundaries are bordered by hedging and a post and rail fence.
SITE CHARACTERISTICS	The site forms part of the curtilage of a residential unit. The site is garden land with a detached outbuilding.
CHARACTER OF LOCALITY	The character is predominantly semi rural with some separation to the north between the site and the built up area of Arundel. A development is under construction to the north for 90 units. This extends the built up area boundary although the site will remain outside.

REPRESENTATIONS

Arundel Town Council provided an objection:

- The development is outside the built up area boundary.
- It is in the defined countryside and not in accordance with the Arundel Neighbourhood Plan.

No representations have been received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Ecology - No objection subject to conditions.

WSSC Highways - No objection subject to an informative.

Environmental Health - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Outside the Built-up Area Boundary.

Area of Special Advert Control.

The Setting of Arundel.

Potential risk of Surface Water Flooding risk within part of the site.

Low potential for groundwater flooding.

Within 2km of Arundel SSSI.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
SDSP2	SD SP2 Built-up Area Boundary
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
LANDM2	LAN DM2 The Setting of Arundel
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

[Arundel Neighbourhood Plan 2018-2031 AR1](#)

Arundel Built Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal conflicts with relevant Development Plan policies in that it is located outside of the built up area boundary and would have a materially adverse effect upon the established character of the surrounding area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan and these are summarised in the conclusion section.

BIODIVERSITY NET GAIN

The development is exempt from biodiversity net gain as it seeks a self build dwelling.

CONCLUSIONS

PRINCIPLE

Arun Local Plan (ALP) Policy C SP1 states residential development outside the built-up area boundary (BUAB) will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. Policy SD SP2 states development should be focused in the BUAB. The proposal conflicts with ALP policies C SP1 and SD SP2 and Policy AR1 of the Arundel Neighbourhood Plan (ANP) which defines the built-up area boundary of Arundel.

The Council are unable to demonstrate a 5-year housing land supply (currently 3.41 years), and the relevant housing policies of the development plan are out of date. Paragraph 11(d) of the NPPF is engaged. In order for the NPPF's (para 11) 'presumption in favour of sustainable development' to apply it must first be assessed whether the proposal would constitute 'sustainable development'. Paragraph 8 of the NPPF sets out the three objectives of 'sustainable development': economic, social, and environmental.

The dwelling is a walkable distance to the BUAB as a result of a revised settlement boundary in the ANP to incorporate a 90-dwelling housing development directly to the north. The development would contribute 1 dwelling with associated, albeit small scale, social and economic benefits. The proposal meets the economic, social, and environmental aspects of sustainable development and the presumption in favour of sustainable development is engaged.

In such circumstances Paragraph 11 (d) ii) of the NPPF is relevant and this states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for housing applications, where the Council cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Paragraph 14 of the NPPF states where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- (a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- (b) contains policies and allocations to meet its identified housing requirement.

The ANP was not 'made' in the last 5 years (January 2020) and the additional weight afforded to neighbourhood plan areas under Paragraph 14 of the NPPF does not apply in this instance.

Paragraph 125(c) of the NPPF states decisions should 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'. The NPPF definition of previously developed (brownfield) land is that which is or was occupied by a permanent structure, including the curtilage of development land. The site is residential garden used in connection with the main dwelling and includes a garage and is brownfield land. However, the substantial weight provided by 125(c) only applies to land within settlements and the site is clearly outside the settlement.

The proposal is stated to be for a self-build dwelling, and this could be capable of being a material planning consideration. However, the supporting planning statement is silent on this issue. The Council determined a PIP application for self-build housing last year and this was then dismissed on appeal in October 2024 (APP/C3810/W/24/3344161). The appeal was dismissed on grounds of the site being in the countryside and harmful to the local character. The Inspector discussed self-build at paragraph 10 stating:

"The appellant argues that the proposal would contribute to the overall number of sites available in the district for self-build homes. The appellant has also brought to my attention that the Council does not have a recognised policy mechanism to deliver such sites, particularly those that are in the ownership of large-scale housebuilders. However, even if the previous government's commitment to at least double the amount of custom and self-build is to remain, of which I cannot be certain, the fact remains that the Council has identified strategic sites including Ford and Nursery Fields that could deliver up to 42 new self-build properties or more. Indeed, whether the appeal site is previously developed land and appropriately connected to services or not, given the relatively low number of households with an interest in self-build registered with the Council, I can only attribute the self-build scheme limited weight in respect of the use of the land."

The Council's current Self Build Register contains 54 individuals and 1 association, and it seems clear that this demand can be satisfied through the strategic developments coming forward. The Council has secured units at Nursery Fields, Land North of Chalcraft Lane (12 units) and the recent application to remove these from the scheme has been refused (BE/129/23/S73). The council has also secured custom-build plots on the Ford strategic site (30 units) and is hoping to secure self-build plots at the BEW and West Bersted strategic sites. Since August last year, the Council has approved 3 separate single

dwelling applications for self-build housing (K/23/24/PL, LU/139/24/PL, K/32/24/PL). On this basis, it is clear that the council is taking steps to fulfil its requirements in respect of self- and custom-build plots. Therefore, the self-build nature of the proposal has no bearing on this recommendation.

DESIGN, CHARACTER AND VISUAL AMENITY

It is proposed to locate the dwelling in the garden of Hanger Down House, which is on the western edge of a small cluster (approx. 5 other properties) of rural dwellings and converted agricultural buildings.

The development proposes a traditional dwelling which is in keeping in appearance with neighbouring buildings, particularly with that at Hanger Down House. It forms an L shape on the site, located centrally and would be two storeys with a single storey element to the north-western side. This is consistent with the height and scale of nearby properties. The build incorporates traditional features such as a timber porch, chimneys, tile hanging, timber casement windows and elements of flint.

The dwelling would be approximately 9.1m behind the front boundary wall and situated at an angle. As a result of the position of the dwelling on site, it does not appear unduly dominant on the street scene and views would be partly screened by existing boundary walling and surrounding vegetation.

Part Q of the Arun Design Guide discusses rural development and requires that development is simple, unobtrusive, traditional and respects rural character. There should be an emphasis on landscape integration and the avoidance of overly detailed buildings. The dwelling is reflective of the style of other dwellings in the vicinity and accords with the guidance. Materials consist of brick and flint to the external elevations with clay tile hanging at first floor. Clay roof tiles are proposed with timber windows. These materials are reflective of the locality.

The site has a brick-built wall surrounding the site. This has double wooden gates for access and no additional openings would be required to enable vehicular access. The existing crossover will be resurfaced, and this would be continued into the site to provide a driveway for parking and turning. An existing outbuilding would be utilised for parking/storage.

Whilst the design and appearance has taken cues from the surrounding area, the development would result in an additional dwelling that would result in harm to the wider semi-rural character of the area. Priory Lane in which the development is located is characterised by a small cluster of semi-rural properties to its east. The addition of a property to the west of Hanger Down House would essentially extend the built form along Priory Lane which would be out of character with the existing small scale, built form.

An allocation for 90 houses was approved in 2022 and is under construction, located opposite the site. This locates its open space and planting along the southern boundary which adjoins Priory Lane and further provides a form of green buffer and separation between the built-up area and that of the wider countryside and the small number of properties along Priory Lane. Further to this, the built-up area boundary, as revised by the Arundel Neighbourhood Plan to include the strategic allocation to the north of the proposal, does not encompass the whole of the site and is tightly wrapped around the built form. This contributes towards ensuring the wider rural setting is respected and retained. The development would erode the contrasting character of the countryside and the new built form to the north which would harm the visual amenity of this rural area.

The proposal would result in an additional dwelling which would result in an extension to the built form eroding the rural character of the area in conflict with Arun Local Plan policies D DM1 and D SP1.

RESIDENTIAL AMENITY

There are no dwellings to the west or south of the site that would be impacted. The dwelling is

approximately 41m from Hanger Down House with approximately 22m retained from the eastern side to the boundary fence and a further 19m to its western elevation. The dwelling would not result in adverse overbearing or overshadowing on Hanger Down House.

The dwelling will have numerous ground and first floor windows which would result in new residential views although due to the separation distances there would be no harm to the amenities and living conditions of nearby properties.

The development would not result in adverse harm upon amenity by way of overbearing, overshadowing, or overlooking in accordance with ALP policies D DM1 and D SP1.

SPACE STANDARDS

Policy D DM2 of the ALP requires internal space standards to be an appropriate size to meet the requirements of all occupants and their changing needs. The dwelling provides 295qm and exceeds the national space standards requirements of 128sqm (based on 5 bedrooms).

Section H.04 of the Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states that rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space. The property has large rear garden which exceeds Arun Design Guide. The development would reduce the size of the garden of Hanger Down House however the garden that is retained for the existing dwelling remains more than sufficient in area.

The proposal complies with policy D DM2 of the ALP and the Arun Design Guide.

PARKING

There is an existing access to the site from the north off Priory Lane and this would be utilised for the development. WSCC Highways confirm there is sufficient visibility. This access is separate to that which Hanger Down House uses and would not result in adverse noise by way of coming and goings, with the access a sufficient distance from the existing dwelling.

The Arun Parking SPD specifies that a dwelling with 5 bedrooms in this location (Parking Zone 1) should provide 3 car parking spaces on site. No specific parking spaces have been allocated on the plans however there is a large driveway which would be sufficient for the parking of 3 cars.

New dwellings with a private drive, and/or a garage should provide for electric vehicle charging. This will be conditioned. There is an existing outbuilding on site that will be retained, and the details note that cycles will be stored within, which is acceptable.

Given the scale of the site, there is ample space to provide the required number of spaces for car and cycle parking and this would not result in harm upon the highway, in accordance with ALP policy T SP1.

BIODIVERSITY

Recent changes to the Environment Act came into force in April and require a 'measurable' 10% net gain to be made. The proposal is exempt from this as the development is for a self-build dwelling however it would still need to provide a net gain in compliance with ALP policy ENV DM5.

The site consists primarily of grassland surrounded by native hedgerow to the west and south boundaries with scattered trees to the east. The existing outbuilding was assessed for the presence of bats. No evidence of bats was found internally or externally, and it is considered to be of low bat roost suitability. The hedgerows likely offer foraging and commuting value and offers local suitability. The hedgerows are patchy and offer limited potential for dormice. A ditch is present off site but is a well-

maintained feature and would not support amphibian breeding.

No hedgerows or trees will be felled to enable the scheme. Ecological enhancements are proposed including installation of bat and bird boxes, an insect feature log pile, bee bricks. the planting of fruit trees, planting of further hedgerows, planting of night flowering plants to increase foraging bats and a hedgehog box.

With the site forming part of a garden, there are limited species on site and the proposal would have a negligible impact to ecology. Subject to conditions the proposal will provide a net gain and comply with ALP policy ENV DM5.

TREES

The site is lined with a narrow hedge which contains small trees of moderate value. To the north-west corner is a high value Oak. To the east the garden of Hanger Down House contains several moderate value trees and the road frontage contains similar value trees of Elm and Oak. The trees on the frontage are to the external side of the boundary wall. None are protected nor form part of a Conservation Area.

The proposal does not seek to remove trees. The development will require upgrading works to the access, near the root protection area (RPA) of trees on the frontage. The driveway extension surrounding the existing outbuilding has the possibly to encroach on the RPA of nearby trees. To minimise this risk, these areas are proposed to be laid to a 'no dig' geocellular construction with a suitable porous wearing layer over the top such as a gravel retention system.

The construction works would bring the built form slightly closer to existing trees, however this is minor, and the dwelling would not result in an increased pressure to prune as a result of overshadowing.

No trees are proposed for removal and subject to conditions, the development would not result in harm upon the trees on the site in compliance with ALP policy ENV DM4.

FLOOD RISK AND DRAINAGE

Arun Local Plan Policy W DM2 relates to flooding. Policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable urban Drainage Systems (SuDS) as appropriate to the size of development.

The site is in Flood Zone 1 (FZ1) and is not at risk of future flooding. Arun mapping data indicates that some areas of the site to the southwest corner are at risk of surface water flooding at 1 in 1000 (0.1%) chance of flooding in any given year. A Flood Risk Assessment (FRA) was submitted. The dwelling has been positioned to avoid surface water flooding areas so that only the garden is in these areas and with the vulnerability classification remaining as existing the development is acceptable with regards to flood risk.

Surface water drainage is proposed to be discharged to ground via infiltration. If it is deemed that infiltration is not viable option for surface water disposal then a connection to the watercourse along the northern boundary will be sought. This would require ordinary watercourse consent, and if the application were to be approved then an informative to this effect would be added. The parking/access will have permeable paving. There are no foul water sewers near the site, and it is proposed to treat foul water on site via a package treatment plant prior to discharge into the water course.

As the site is in FZ1 and is outside the Lidsey Treatment Catchment Area, the proposal is not subject to particular drainage requirements and any soakaway/technical drainage requirements will be addressed at the Building Regulations stage.

The development would comply with ALP policies W DM2 and W DM3.

SETTING OF ARUNDEL

ALP policy LAN DM2 refers to the setting of Arundel. This does not permit development that would adversely affect the views of the town of Arundel, its Castle, Cathedral, and its special setting. The development should not adversely affect the rural views outwards from the town from a number of locations including London Road, Maltravers Street and Queen Street. Any development should be of high design standard that reflects the quality of the landscape and the setting of Arundel.

The proposal is a sufficient distance from these locations and as a result the dwelling would not adversely affect the views available from these places. The development is of a design that is in keeping with the surrounding properties traditional appearance. The dwelling is adjacent to a larger scheme for 90 dwellings which is under construction and views would be in context with the wider development.

The proposal would accord with ALP policy LAN DM2.

ENERGY EFFICIENCY

Policy ECC SP2 relates to energy and climate change mitigation and states that new residential development should utilise energy efficient measures that reflect current standards, use design and layout to promote energy efficiency and incorporate decentralised, renewable, and low carbon energy supply systems.

Electric vehicle charging, air source heat pumps and low energy lighting and water usage have been suggested for ensuring energy efficiency measures are incorporated into. Utilising these features, it is expected that the dwelling would meet the requirements of ALP policy ECC SP2.

SUMMARY

The NPPF presumption in favour of sustainable development states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Paragraph 14 of the NPPF is not applicable in this case as the ANDP is over 5 years old.

In respect of the part (ii) of the test, the report identifies that the proposal conflicts with policies in respect of development in the countryside and results in harm upon the character of the area.

The site is sustainable, and the scheme will result in benefits although limited by providing one new dwelling, the creation of construction jobs and limited spending by future residents on local shops/services in Arundel. The site will provide development on brownfield land however this weight is reduced as the site is not within the settlement boundary.

Taking into consideration the tilted balance as required by paragraph 11d and weighing all matters together, given the minor nature of the benefits, the clear policy conflicts and the weight given to those conflicts, it is concluded that the adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole and so a refusal is justified. Therefore, it is recommended that the development be refused for the following reason.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may

arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

REFUSE

- 1 The proposed dwelling by reason of its location within the defined countryside would have a materially adverse effect upon the established semi-rural character of the area and the benefits of the development do not significantly and demonstrably outweigh the harm contrary to Arun Local Plan policies C SP1, SD SP2, D DM1 and D SP1, Arundel Neighbourhood Development Plan policy AR1 and the NPPF.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.