

Recommendation Report for Planning Permission

REF NO: AL/107/25/PL

LOCATION: Land at West Barn
Old Dairy Lane
Norton
PO20 3AF

PROPOSAL: Demolition of existing tennis court and erection of a commercial building (within Use Class E(g)), parking, landscaping and other associated works. This application is a departure from the Development Plan, may affect the character and appearance of the Norton Lane, Norton Conservation Area and is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The new commercial building will be 6.5m high to the ridge (4.8m to the eaves) and have a footprint of 15m (width) and 36m (length). It includes large windows on the western (front), northern and southern elevations. On the eastern elevation (rear) there will be 6 ground floor normal sized windows and 2 single doors. The building will be predominantly clad with plastic coated profiled steel sheeting in green to match the existing building ("West Barn") but there will be vertical timber boarding on the whole of the rear, in two locations on the front and above the two large windows on the ends. The roof will feature plastic coated profiled steel sheeting in light grey.

The building is proposed to have two floors with each having a predominantly open layout but with small rooms for toilets/kitchen/staff room. Externally, 36 additional parking spaces are proposed to complement the existing 40 spaces. Two new disabled parking spaces are proposed as well as new electric vehicle charging points (EVCP) and two LGV spaces are to be sited north of the building bordering the residential property, "The Old Stables". New landscaping is proposed to the southern and eastern boundaries, in part west of the new parking spaces that extend westwards (past West Barn) and also within the central parking area.

The building will be around 8m from the boundary with the Old Stables dwelling to the north and 3.5m in from the boundaries with "Harvests"/"New House Farm" to the east. Approximately 0.3m of the rear part of the building will be within the designated Conservation Area boundary.

The building is stated to be required by Biodot UK to support their existing premises within West Barn. The building will

provide new showroom/office space and support the growth of Biodot who are a life science and technology company which works with health care leaders to provide diagnostic equipment for the detection and confirmation of illness and disease. The proposed building will be predominantly used as showroom space and for training purposes. Customers would come to the showroom for demonstration or training purposes a couple of times per month. However, in practice the building could be used by another use class E(g) (office, research, and development or light industrial) occupier if circumstances change.

SITE AREA	0.22 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	There is a line of mature trees along the southern boundary. To the east of the tennis court there is a Yew hedge along the southern and northern parts of the boundary which is around 1.5m in height.
BOUNDARY TREATMENT	The eastern boundary is part 1m high post & rail but predominantly 1.8m high close boarded. There is also a hedge in part along this boundary. There is post & rail fencing and hedging/trees along the southern boundary. The northern boundary is mixed comprising of a hedge backed by a 1.8m high close boarded fence. There is then a 3m high wire fence behind forming the edge of the tennis court.
SITE CHARACTERISTICS	This is the site of an area of land associated with a recently converted former agricultural barn which is now in use for B1 office purposes (West Barn). The site is laid out with a single tennis court fringed by a mix of hard landscaping and grass. West Barn has an existing hard surfaced parking/turning area to the front. The site area also includes other areas of parking and the access from Norton Lane. The access from Norton Lane is around 3.4m wide and is restricted by the presence of private garden/private car parking on each side.
CHARACTER OF LOCALITY	<p>The site is on the western side of the small settlement of Norton and is sandwiched between residential properties, holiday accommodation, and West Barn. There is open pasture to the west of the barn. With the exception of the 5 former holiday properties which only have small amenity spaces, the surrounding residential area has a relatively low density with large, detached houses set in spacious gardens.</p> <p>The site is not wholly in the Norton Conservation Area but a circa 3.7m wide strip of land between the eastern side of the tennis court and the eastern boundary is within this designation. Around 30cm of the proposed building will sit within the Conservation Area.</p> <p>The immediate neighbouring residential property to the North (The Old Stables) is predominantly single storey but has an attic level room in a building which was originally a car port. It</p>

was previously understood that this room was used for storage. It has a south facing flank first floor window and a west facing velux. Adjoining the eastern boundary are the rear gardens of Harvests (circa 50m deep) and New House Farm (circa 38m deep).

RELEVANT SITE HISTORY

AL/70/20/PL	Residential Mews consisting of 6 No dwellings. This application may affect the Norton Lane, Norton Conservation Area, may affect the setting of a listed building, is a Departure from the Development Plan & is in CIL Zone 3 & is CIL Liable.	Refused 19-02-21 Appeal: Dismissed 14-12-21
AL/59/16/PL	Mews of 6 No.2 storey low rise live work studios. Resubmission of AL/79/14/PL. This application is a Departure from the Development plan & affects the character & appearance of Norton Lane, Norton Conservation Area	NON DET APPEAL 17-02-17 Appeal: Dismissed 10-02-17
AL/79/14/PL	Mews of 6 No. two storey low rise live work studios. This application is a Departure from the Development Plan.	Refused 26-06-15 Appeal: Dismissed 05-02-16
AL/56/13/	Repositioning of north and east site boundaries, additional parking and landscaping, re-location of bin storage area and provision of cycle store detail (resubmission following a grant of planning permission AL/28/12/)	ApproveConditionally 14-11-13
AL/28/12/	Revision to previous approval AL/92/08/ for change of use of existing farm building to office units (B1 Business)	ApproveConditionally 14-06-12
AL/92/08/	Re-use of redundant farm buildings for mixed use development - B1 offices, residential dwellings & tourist accommodation units	ApproveConditionally 21-01-09

The conversion of West Barn was approved in January 2009 (AL/92/08/) and amended in June 2012 (AL/28/12/). The AL/92/08 permission proposed a single tennis court for use by the new tourist accommodation units (approved by AL/92/08). It is believed that the conversion was undertaken between June 2012 and July 2013 when AL/56/13/ was submitted for changes to the external areas of the site. There have been subsequent applications submitted for residential development on the site of the tennis court with all three being refused and dismissed on appeal. The most recent appeal decision

(AL/70/20/PL, dismissed in December 2021) was due to the unsustainable location for new residential development and harm to the countryside.

Pre-application advice for the current proposal was provided in June 2025 with officers stating they were supportive of the proposal in principle and subject to the requested design changes as discussed (design, materials, and siting of the building), did not anticipate any concerns with compliance with the other relevant policies. However, this application has allowed for a more thorough assessment.

REPRESENTATIONS

Aldingbourne Parish Council state objection on the following grounds:

- The building does not preserve or enhance the character, setting and appearance of the Conservation Area.
- The proposal conflicts with Aldingbourne Neighbourhood Development Plan (ANDP) Policy EH1 in that it harms the landscape, results in light pollution, is not appropriate design and will harm biodiversity and local biodiversity corridors.
- No information on renewable energy.
- The site is not accessible by public transport and is an unsustainable location.
- The parking provision is excessive in number; and
- Harm to Listed Buildings.

As of 16/01/26, 55 letters of objection have been received. The following is a summary of the issues raised:

- Increased traffic congestion and harm to pedestrians in Norton Lane.
- Harm to the existing peaceful character.
- Overdevelopment of the site.
- No HGV tracking diagrams provided for the junction of Norton Lane and the access.
- HGVs cannot access the site as the access is not sufficient in size.
- HGV's unloading on Norton Lane contribute to safety issues and conflict with local residents.
- WSCC Highways advice is incorrect.
- Tracking diagrams commissioned by the resident demonstrate that vehicles over 7m in length cannot access the site without causing damage to third party land/property.
- The same tracking diagrams also show that an unloading HGV on Norton Lane causes problems for passing cars, refuse vehicles and fire engines.
- Harm to the Conservation Area.
- Departure from the Development Plan.
- Harm to protected species.
- Other industrial premises in Arun and Chichester should be considered before this.
- It would be preferable to remove the tennis court and rewild the area.
- No information on the proposed use of the building - number and size of machines, noise, staffing numbers, whether manufactured or stored on the site.
- Proposed parking spaces sited west of the existing West Barn building encroach beyond the building line.
- Inadequate new/compensatory soft landscaping.
- The new premises could be used for any Class E(g) uses, not just Biodot.
- The site is not accessible by public transport and is an unsustainable location.
- The previous applications were dismissed on appeal due to being unsustainable in location.
- The red edge on the location plan is still incorrect even after the revisions
- Overlooking and loss of light to "The Stables".
- Harm to the outlook of "New House Farm" and the "Harvests".

- Noise disturbance to residential properties from the use of the proposed LGV spaces and cycle storage.
- LGV Drivers in the parking spaces will be able to look over into the garden of "The Old Stables".
- Noise breakout from the rear, east facing doors
- Harm to the amenities of the dwellings located adjoining the access driveway.
- Light pollution and impact on Dark Skies reserve.
- Fire risk to nearby dwellings associated with EV Charging Points.
- No contamination survey given the site's previous agricultural use and observed buried waste such as tyres.
- The previous barn was demolished following fire damage prior to 2008 to allow for the tennis court and in part its removal justified the new holiday cottages. Its former presence does not set a precedent for the proposed building.
- The land is subject to a covenant.
- No existing facilities in Norton to support the business.
- Two visits to the site per month by visitors implies a retail use.
- No pre-application consultation undertaken with the Parish Council and only very limited pre-application consultation with residents; and
- Increased traffic to and from the site will impact the Listed Building immediately opposite (Letterbox Cottage).

8 Letters of support have also been received on grounds of:

- Insufficient commercial floorspace in the Aldingbourne Area.
- ANDP Policy EE3 supports the expansion of existing employment sites.
- Biodot require additional space to support their business growth.
- Biodot are a very important life sciences technology company.
- The proposal would improve the appearance of the wider site by creating a courtyard layout.
- Supports employment; and
- West barn provides a great environment to grow a business.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments are noted and will be considered elsewhere unless discussed below:

- There are no ANDP identified biodiversity corridors on or adjacent to Norton Lane. The closest is some 870m to the east between Hales Barn Farm and Level Mare Lane. ANDP Policy EH2 only requires that the corridors be considered for development within, or immediately adjacent to them. Therefore, there is no requirement to consider the impact on these corridors.
- It is accepted that no HGV tracking diagrams have been provided for the road junction, but WSCC Highways have not requested the submission of these. In addition, it is clear from evidence supplied by residents that HGVs cannot currently access the site and instead unload on the road (this is an existing situation for the existing businesses). The proposed scheme includes specific parking for Light Goods Vehicles (LGVs), but these are vans/small trucks under 3.5 tonnes and would be able to access the site.
- WSCC Highways raise no safety concerns with the present or proposed use of the access.
- Removing the tennis court in favour of re-wilding is unlikely to make commercial sense for the applicant/site owner.
- The application form and planning statement identify that there will be 5 new employees. It is not necessary to identify the number and size of machines or whether any manufacturing will take place at the premises.
- A noise assessment has been provided.
- It is accepted that the premises could be used for any Class E(g) use or occupier.
- It has not been made clear by the objectors how the red edge is still incorrect.
- Those dwellings adjoining the driveway are already subject to noise and disturbance associated with

the existing West Barn business uses.

- No evidence has been put forward to support the view that EVCP's are a fire risk.
- The council's environmental health officer has requested the imposition of a contamination condition.
- It is agreed that the former barn does not set any kind of precedent.
- Covenants exist separately to the planning system and are not capable of being a material planning consideration.
- This is not a retail proposal; and
- There is no formal requirement to undertake community consultation or to provide a minimum standard of details when doing so.

The letters of support are noted, and they raise valid planning considerations.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - no objection subject to conditions to protect existing foul sewers from damage including new tree planting and secure a surface water drainage scheme. Also request an informative reference foul sewer connections.

PORTSMOUTH WATER - state no objection regarding impacts to groundwater quality, as the location is outside their Source Protection Zone boundaries and on Clay.

WSCC HIGHWAYS - state no objection subject to conditions to secure the car and cycle parking spaces. Has visited the site (April 2025) and confirms the access is safe, there is sufficient visibility and that the potential increase in vehicle movements can be accommodated into the local highway network without adverse safety impact. No objection to the parking proposals and advises that the site is a sustainable location having regard to local bus services, the ability to cycle to a railway station and the submitted Travel Plan. Confirmed that HGV tracking diagrams are not required as HGVs cannot enter the site.

WSCC MINERALS AND WASTE - state no objection on the grounds that the site is previously developed land therefore meets the exemption criteria listed within paragraph 2.4 of the Minerals and Waste Safeguarding Guidance. The proposal would not result in the sterilisation of any significant amount of the safeguarded mineral resource.

WSCC COUNCIL DRAINAGE (as the LLFA) - raise no objection subject to conditions. State the applicant has accounted for the local flood risk issues and surface water drainage at this location.

ADC DRAINAGE - state objection concerning several aspects of the National Standards for Sustainable Drainage Systems including proposed runoff destination, interception drainage, extreme rainfall/flood risk, water quality, amenity and biodiversity benefits, and construction/operation. Crucially, no winter groundwater monitoring data has been provided.

ADC ENVIRONMENTAL HEALTH - state no objection on the basis that the site is designed so that the noise from plant and the internal use does not exceed 5dB(A) below the background noise level. Advise there will be a slight noise increase noise from vehicles but only during normal working hours therefore is acceptable. Requests conditions concerning unexpected contamination, lighting, and construction management.

ADC ECOLOGIST - state no objection subject to conditions to secure the BNG proposals and to control lighting. States there is no need due to scale/development type to carry out an Appropriate Assessment

reference the location within the buffer of the Singleton and Cocking Tunnels Special Area of Conservation (SAC). The submitted report identified no impacts to protected species and no further surveys are required.

ADC ECONOMIC DEVELOPMENT - state they are always keen to support applications for new, appropriate commercial development across the district.

ADC CONSERVATION OFFICER - advises no objection. the following is a summary of the key points:

- The proposal will develop a narrow section of the Conservation Area that is enclosed by fencing to the east and the tennis court to the west, green and open in character but not visible from any public vantage point within the conservation area. It makes a neutral contribution to the area's significance.
- The proposed unit would reflect the layout and design of West Barn i.e. a similar large building in modern style, with a simple material and glazing pattern.
- Where visible, the use of timber cladding will ensure the building maintains an agricultural appearance, and the proposed planting will soften its presence.
- Although the building may be partially visible in glimpsed views from Norton Lane, such as between New House Farm and its garage, its appearance will remain consistent with the rural character of the area.
- The proposed layout reinstates a courtyard arrangement within the site, reflecting when the previous agricultural building was in place.
- The new building will form part of the modern development south of Norton Farmhouse, which no longer contributes to the setting of the listed building.
- The proposal will not affect the elements of setting that contribute to the significance of nearby listed buildings. The site will continue to make a neutral contribution to their significance.
- No changes are proposed to Old Dairy Lane, and the development will not harm the setting of the nearby Listed Buildings.
- The development should not impact the setting of heritage assets, and as a consequence, there is no harm to their overall significance; and
- These changes would have a neutral impact upon the assets/their settings and would not affect the way in which their significance is currently experienced and understood. As such, the special interest would be preserved by the proposed development.

ARUN CONSERVATION AREA ADVISORY PANEL - state no objection subject to a condition to control the proposed materials.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

SOUTHERN WATER - a planning condition to protect existing sewers would not meet the condition tests set out in the NPPF.

ADC DRAINAGE - the applicant is presently undertaking the necessary winter groundwater testing, but this will not be ready before the application is due to be determined.

ADC ENVIRONMENTAL HEALTH - a further condition would be required to ensure the Noise Assessment recommendations are implemented.

POLICY CONTEXT

Designations applicable to site:

- Within the Countryside/outside the Built-Up Area Boundary.
- Located in an area with potential for groundwater flooding.
- Partly within Water Source Protection Zone 2c.
- Flood Zone 1 with no predicted change due to climate change.
- No known/predicted surface water flooding on the site.
- Area of Advert Special Control.
- Adjoins and part within the Norton Lane Conservation Area.
- Potentially affecting the setting of nearby Grade II Listed Buildings.
- Within the Lidsey Wastewater Treatment Plant Catchment Area.
- Within a designated Sharp Sand & Gravel Consultation Area; and
- Within the 12km buffer of the Singleton and Cocking Tunnels Special Area of Conservation.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

Joint Minerals Local Plan 2018:

	Joint West Sussex M9 Safeguarding Minerals
<u>Aldingbourne Neighbourhood Plan 2019-31 Policy EH1</u>	Built up area boundary
Aldingbourne Neighbourhood Plan 2019-31 Policy EH5	Surface water management
Aldingbourne Neighbourhood Plan 2019-31 Policy EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2019-31 Policy EH9	Conservation areas

Aldingbourne Neighbourhood Plan 2019-31 Policy EH12	Protection of bat habitats
Aldingbourne Neighbourhood Plan 2019-31 Policy GA1	Promoting sustainable movement
Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Parking and new developments
Aldingbourne Neighbourhood Plan 2019-31 Policy EE1	Supporting existing employment and retail
Aldingbourne Neighbourhood Plan 2019-31 Policy EE3	Support for new commercial uses

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
SPD2	Conservation Areas

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 complies with the Arun Local Plan concerning the principle of development given it is for economic development in the countryside and the expansion of an existing countryside based business. However, the policies in the Aldingbourne Neighbourhood Development Plan (which is the newer of the two Plans) are different and do not state approval of the principle of such economic development in the countryside. Therefore, there is conflict with the development plan as a whole. There is also conflict with drainage policy in both the Arun Local Plan and the Neighbourhood Plan, and with residential amenity policies in the Arun Local Plan.

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.

Where the building is located in a Conservation Area, Section 71(1) of the Act states: "In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal complies with these criteria in that it will not materially affect the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan other than as discussed below.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG). The proposal will result in a slight loss of habitat on the site (minus 0.2 Habitat Units, -19.01%) and therefore, it will be necessary to either increase the number of proposed trees (from 22 to 49 would result in a net gain of 0.11 equivalent to 10.52%) or purchase off-site credits to deliver net gain elsewhere.

CONCLUSIONS

PRINCIPLE:

The site is outside of the built-up area boundary (BUAB) as set out in both the ALP and the ANDP. However, ALP Policy C SP1 states that development in the countryside will be supported where it complies with another ALP policy. In this case, Policy EMP DM1 (3) supports the expansion of existing businesses. However, part (6) refers specifically to economic development in the countryside and states permission will be granted subject to the following 8 criteria being met:

- a. That it is an appropriately sized extension of an existing employment site, or no acceptable alternative can be identified within existing permitted or allocated sites, or within or through redevelopment of existing commercial premises.
- b. That it would not intensify uses at the site to the detriment of existing public access routes and highways.
- c. A high standard of design, layout, and landscaping appropriate to the context.
- d. That it is capable of being well served by public transport or otherwise is readily accessible by means other than by private car to a significant residential workforce if employment intensive uses are proposed.
- e. Access arrangements and parking facilities will be provided in accordance with the Council's adopted standards.
- f. A sympathetic relationship to the surrounding areas that shows consideration of the landscape, habitat, built and historic environment contexts, the opportunities to deliver on-site habitats and protect key species.
- g. A satisfactory relationship with neighbouring uses in order that the amenities of nearby residents, in particular, are protected; and
- h. Where appropriate, crime prevention measures are incorporated.

The following is a response to these criteria:

- a. The proposed building is of a very similar size to West Barn and is sited within the confines of the existing site. It does not physically extend the existing site but is an appropriately sized addition. The wording of the Policy includes the word "or" not "and" and therefore It is not necessary to also demonstrate that there are no other suitable premises elsewhere.
- b. As set out elsewhere, the Highway Authority raise no highway safety concerns.
- c. Design, landscape, and layout issues are discussed in detail elsewhere. However, this report finds no conflict with the criteria.
- d. Sustainability/accessibility issues are discussed in detail elsewhere. However, this report finds no conflict with the criteria.
- e. Access and parking issues are discussed in detail elsewhere. However, this report finds no conflict with the criteria.
- f. Landscape, biodiversity, and heritage issues are discussed in detail elsewhere. However, this report finds no conflict with the criteria.
- g. Residential amenity issues are discussed in detail elsewhere. However, this report finds no conflict with the criteria.
- h. The site is not isolated and no specific crime prevention measures beyond normal locks and alarms are required. The application also proposes the use of CCTV.

Overall, the proposal is in accordance with Policy EMP DM1 and therefore by association acceptable in principle in this countryside location as per the ALP.

ANDP Policy EH1 states "Proposals for development of land located to the west of Westergate Street and outside of the BUAB will not be supported." It does include criteria but states these are only to be applied for residential proposals. Therefore, the ANDP does not allow for any other forms of development in the countryside. The proposal is therefore in conflict with the ANDP.

Section 38(5) of the Planning and Compulsory Purchase Act 2004 advises that where there is conflict between different parts of the development plan, then the conflict must be resolved in favour of the policy which is contained in the last document. Therefore, any conflict between the ALP and the ANDP would be resolved in favour of the latter as the ANDP is the newer of the two documents.

Notwithstanding, it is positive that ANDP Policy EE1 supports the upgrade or extension of existing employment sites and that Policy EE3 generally supports new B1 development in the ANDP area.

SUSTAINABILITY:

ALP Policy SD SP1 supports development that is sustainable. As noted above Policy EMP DM3(6) requires sites be accessible by means other than the private car. ANDP Policy GA1 states proposals that increase travel demand will be supported where they are located in places accessible to public and community transport.

The NPPF at para 89 states that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

It is recognised that all three of the previous appeal decisions were dismissed partly on grounds of environmental harm arising from the poor location in terms of access to local services and facilities including public transport provision. However, they all concerned residential development, and residential occupiers have a different profile to employees in terms of trip frequency and type. On this basis, the previous dismissals do not establish a precedent for refusal of this scheme on sustainability grounds.

WSCC Highways state that there is a bus stop approximately 500m south of the site on Nyton Road, whilst more regular bus services can be caught from the A29, within walking/cycle distance. They also state that Barnham Railway Station is within cycle distance of the site. It is noted that the bus services on Nyton Road are not regular with the 85/85a (Compass) having only 5 services a day whilst the 655 (Stagecoach) runs only once per a day. However, it is clear that there are opportunities to access the site other than by car (by cycle and by the bus service, albeit on an irregular basis). Furthermore, this site being previously developed land means it also gains support from the NPPF as per para 89 above.

Whilst the premises could be used by someone other than Biodot, it is nonetheless positive that Biodot are the intended occupier and that they already have a presence on the site meaning there will be no need for additional trips between this site and another location. The application includes a Travel Plan which proposes the use of an electric minibus to collect visitors from the railway station and transport them to/from the site. This would reduce the need for private car use. Finally, it is noted that all of Biodot's non-field-based operatives are based within a 20min drive time of the site.

Whilst this is not a particularly well-connected location for new development, the NPPF is clear that it is appropriate to locate business development in such locations particularly where they are on brownfield land. On this basis there are no conflicts with the relevant policies. It is also noted that the Biodot operation will employ only a small number of staff and have a small number of visitors so whilst there will be an increase in travel demand it will only be slight.

MINERALS SAFEGUARDING:

The site is in a Sharp Sand and Gravel Mineral Safeguarding Area as defined by the West Sussex Joint Minerals Local Plan (2018). Policy M9(b) states that proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

WSCC Minerals and Waste have stated no objection and that the site is exempt from the policy as it is previously developed land. On this basis, there is no conflict with Policy M9.

TRAFFIC & ROAD SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

As set out elsewhere Policy EMP DM3 (6) requires that proposals provides sufficient parking and access arrangements plus do not intensify uses at the site to the detriment of existing public access routes and highways. ANDP policy GA3 requires parking be provided to meet current standards.

The site benefits from an existing access and a large car park that serves the current occupiers of West Barn. There is no evidence that the access is unsafe and WSCC Highways raise no objections. It is true that HGVs cannot enter the site due to the width and configuration of the access, but this is an existing situation, and the application does not state a requirement for such large vehicles to do so. Indeed, the supporting documents state that the site is currently accessed by refuse vehicles and small vans that deliver materials and equipment to the site. In addition, it is confirmed that a fire engine can access the site.

One local resident has commissioned their own tracking diagrams from a highway consultant for the site access and these show that HGVs cannot enter the site without causing damage to third party land/property. The supporting letter states that an allowance has been made for a 7m long vehicle to turn in the site and so there is clearly no issue with the LGV's that are proposed to deliver to and park within the site.

The tracking diagrams show that an unloading HGV on Norton Lane causes problems for passing cars and that refuse vehicles and fire engines cannot squeeze through the gap. However, should an unloading lorry block access for an emergency vehicle then they would be requested to move. Likewise, whilst not an emergency, a refuse vehicle driver could also request the lorry driver move up to give more space. Cars passing an unloading lorry would be doing so at low speed thus minimising safety concerns.

It is important to note that WSCC Highways have visited the site and raised no objections. Whilst they have not been re-consulted on the basis of the tracking diagrams, they have previously advised that such drawings were not required and so it is reasonable to assume that the drawings would not now result in a change to the Highway response.

The proposal includes an additional 36 car parking spaces to cater for the additional demand created by 1,080sqm of class E(g) (old class B1) floorspace. This is in accordance with the Council's Parking Standards SPD which state a requirement for 1 parking space per 30sqm of B1 floorspace. This may be in excess of what Biodot need but it is important to provide for the potential needs of the building not just the occupier.

It is positive that the layout shows 4 accessible parking spaces as this meets the Manual for Streets requirement of 5% accessible spaces (based on the overall total of 76). The proposed larger LGV specific spaces are also positive however their location adjoining the Old Stables dwelling is problematic for other reasons as is discussed elsewhere. Cycle storage is also shown on the layout drawing and the details of this would need to be secured by condition.

The proposal is in accordance with the relevant policies listed above. It should also be noted that the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios (para 116). In the absence of a highway objection and given the localised nature of the impacts, it would not be possible to demonstrate a severe impact on highway safety.

HERITAGE ASSETS:

Approximately 3.8m of the eastern half of the site is within the Conservation Area and around 30cm of the proposed building will therefore sit within the Conservation Area. There are nearby Grade II Listed Buildings at Norton Farmhouse and Letterbox Cottage, and then three locally listed buildings on Norton Lane.

ALP Policy HER DM1 requires proposals to protect and enhance the setting of Listed Buildings. Policy HER DM3 refers to Conservation Areas and states permission will normally be granted for proposals within or affecting the setting of a Conservation Area, provided that new buildings acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings. Development should also not harm important views in or out of the Area. Policy HER SP1 refers to the need to protect the setting of all designated and non-designated heritage assets. ANDP policy EH9 also refers to development affecting Conservation Areas and is similar in content to the ALP.

Paragraph 207 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 208 then requires LPAs to identify and assess the particular significance of the heritage asset that is affected by a proposal. The LPA must then consider the level of harm associated with the proposal and decide whether there is 'no harm', 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance any harm with the level of public benefits associated with the proposal (as set out in para 215).

The application includes a heritage statement which concludes the proposals will preserve the significance of the Norton Lane Conservation Area and the listed buildings of Norton Farmhouse and Letterbox Cottage. The council's conservation officer has reviewed the application and advises that the development would not impact the setting of heritage assets and would have a neutral impact on the character of the Conservation Area. Per the NPPF, there is therefore no harm.

The proposals falls to be determined by the policies of the development plan. The building has been designed to have an agricultural appearance and reflects the existing building on the site. As such, the character and appearance of the conservation area as a whole will remain unaffected, and its significance will be preserved. There will also be no impact on key views in or out of the Conservation Area. The proposal complies with the relevant policies.

Some residents argue that the use of the access by large vehicles could cause damage to Letterbox Cottage which is Grade II Listed and for this reason the application should be rejected. However, as already stated, HGVs cannot access the site and are not stated to be required to do so. Furthermore, if damage to the property from a vehicle did occur then it would be a result of driver error not the proposed office building. As if to illustrate this point, local residents reported that on the morning of 14/01/26, a Biffa waste vehicle collided with a brick pier at the site entrance. This site is already subject to a regular waste collection and no issues have previously been noted so it seems likely that this was a case of driver error.

CHARACTER AND DESIGN:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. They generally require developments to reflect the characteristics of the wider locality, particularly concerning layout, landscaping, density, mix, scale, massing, character, materials, finishes, and architectural details.

Policy EMP DM3 (6) sets out the requirement for a high standard of design, layout, and landscaping appropriate to the context. Development must also be sympathetic to the surrounding area in terms of landscape, built and historic environment contexts. The ANDP policies on character/design only relate to housing applications so are not relevant to this determination.

The Arun Design Guide (ADG) generally requires development to respond to the distinctiveness & characteristics of their surroundings in terms of scale, massing, and materials. Section Q of the ADG is relevant to all rural development and requires that development integrate with the landscape setting and use a simple & unobtrusive design. New development should comprise a rectangular floor plan and pitched or half-hipped roofs. Facades, elevations, and boundaries should be reflective of their rural context, in which the visual impact of buildings is often greater than those in urban areas. Elevational style and layout should generally be kept simple to avoid crowded facades and arrangements.

The building has a functional form/design and will be similar to West Barn in appearance. Following, pre-application advice, the applicant amended three of the elevations to include vertical timber boarding features and amended the entirety of the eastern elevation (facing the Conservation Area) to be similarly

timber clad. This cladding will be left to silver naturally. The applicant brought the building around 1m further away from the eastern boundary and proposed new trees and other landscaping to soften it in views from the east and south.

The building reflects the ADG advice by virtue of having a simple, agricultural form with a pitched roof and rurally appropriate materials. This also ensures compliance with the relevant policies on building design. It is also relevant that the previous planning inspectors identified that the residential development proposed on the tennis court would preserve the character and appearance of both the conservation area and its setting. They raised no concerns with other aspects of building design, layout or character and those appeals were all refused on the grounds of the unsustainable location and associated harm to the countryside.

The site layout is appropriate given it creates a courtyard feel reminiscent of the time when the site had two barns facing each other with a large yard between. It is also clear that there are already parking spaces on the western side of the tennis court and so whilst the scheme does deliver an additional 36 spaces, it predominantly does so by reorganising the existing areas of hard standing and making more effective use of the space.

The scheme does propose 9 new parking spaces beyond the western edge of West Barn, and this is a new proposition. It is acknowledged that the same number of parking spaces were included in application AL/79/14/PL and the Inspectors decision on that (as received in February 2016) stated:

"In laying out the development to provide sufficient parking, it is proposed to extend that parking beyond the front of West Barn and a short distance into the open countryside beyond. That incursion into the surrounding grazing land would cause harm to the character and appearance of this rural area. Whilst additional landscaping could help to screen the parking, no details have been proposed, and I am not satisfied on the basis of evidence before me that effective landscaping could be secured through a condition."

No landscaping had been proposed on the previous application, but this scheme does now include new planting including three trees at the western end of these spaces. Additional landscaping is shown in the south-west corner of the site. These elements will help to screen these additional parking spaces and overcome the previous concerns.

In summary, the proposal will not cause harm to the character of this area, and the design and layout aspects are acceptable unless considered otherwise (see residential amenity section below). No relevant policy conflicts are identified.

RESIDENTIAL AMENITY AND NOISE:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. This would include consideration of noise and air pollution where not covered by other specific policies. Policy QE DM1 states new noise generating development must be supported by a noise report and include mitigation measures.

ALP policy EMP DM1 (6) requires a satisfactory relationship with neighbouring uses in order that the amenities of nearby residents, are protected. In addition, ANDP policy EE1 supports proposals to upgrade or extend existing employment sites but provided that the impact on the amenities of surrounding properties is acceptable. Para 135 of the NPPF requires that development ensure a high standard of amenity for existing and future users.

Turning first to noise, office/showroom uses are not inherently noisy however the proposal does include the use of plant and air moving equipment. Therefore, having reviewed the submitted noise report, environmental health officers raise no objection on the grounds that the building and associated plant will be designed to ensure that noise levels will not exceed 5dB(A) below the background noise level. They advise there will be a slight noise increase from vehicles entering/leaving and within the site but only during normal working hours which is acceptable. Subject to the imposition of conditions, there would be no conflict with the requirements of Policy QE DM3.

Residents have raised concerns regarding impacts associated with the use of the proposed LGV spaces and with the height of the building and with its windows. The scheme includes two LGV spaces on the northern side of the building with the northernmost being hard up against the southern boundary of The Old Stable's garden. This boundary has a 1.8m high fence with hedging. The scheme does not include a buffer of any kind to this boundary.

It is understood that the typical range for van drivers' eye height is 1.4m to 1.6m, while larger commercial vehicles can generally be up to 2.0m. There is therefore potential for drivers sitting in the northernmost space to be able to look out across the neighbour's garden. In addition, the use of these parking spaces could result in disturbance associated with engines running/doors slamming to the detriment of the neighbours' living conditions. There may also be issues of localised air pollution if engines are left running during deliveries. Setting these spaces away from this boundary and enhancing the boundary could resolve this concern but as the scheme stands, the location of these spaces are not appropriate in the interests of ensuring a high standard of residential amenity.

The building itself is not inappropriately high and the distance from it to the facades of nearby dwellings will ensure no harm from overshadowing. It is noted that the only reference in the Arun Design Guide to overshadowing is in relation to rear extensions and the need to protect neighbouring buildings not their associated gardens. There may be some localised shading of gardens particularly when the sun is lower during the winter, but this will not be so harmful as to justify a refusal on this issue.

The proposed windows and doors on the eastern elevation could allow overlooking of the gardens of Harvests and New House Farm however they are at ground floor level, and there is a 1.8m high fence along this boundary. This and the proposal for tree planting will be sufficient to screen out any views from the proposed windows. Residents also consider that the building will harm the outlook from these properties however there is no right to a view in planning decisions.

A new large first floor window is however included on the northern elevation, and this would allow clear elevated views over The Old Stables at a distance of only 8m (and potentially other dwellings beyond The Old Stables). This would be unacceptable. It is accepted that this window could be obscure glazed and that would be sufficient to prevent overlooking however, the residents would have to live with a continuous fear that they are being watched over as a sense of perceived overlooking would remain. This would not ensure a high standard of amenity to these residents.

Overall, the scheme would not ensure a high standard of amenity to the residential occupiers north of the building by virtue of the new LGV spaces and the new window. These aspects generate conflict with the relevant policies. The other parts of the scheme are either acceptable or could be made so through the use of conditions.

LIGHT POLLUTION:

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve

designation. ANDP Policy EH10 states development proposals which detract from the unlit environments of the Parish will not be supported.

There is no information on proposed lighting in the application. However, this is not unexpected given that a condition would normally be applied to secure the details of this at a later date. Indeed, environmental health and ecology officers both request the imposition of a condition. It is also relevant that the building will be located within an existing development site on the edge of an existing small settlement. Provided that the eventual light scheme is appropriate in design then there would be no reason to conclude that in itself the development would result in adverse harm to the South Downs Dark Skies reserve. Therefore, subject to further assessment of the lighting scheme in the future, there is no policy conflict.

SURFACE WATER DRAINAGE:

The site is entirely in Flood Zone 1 which is low risk, and this is not expected to change in the future when climate change data is considered. Furthermore, there are no known surface water flood issues at the site.

ALP 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. ANDP Policy EH5 requires developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide surface water drainage. The new "National Standards for Sustainable Drainage Systems" (NSfS) were published in July 2025.

The council's website makes it clear that groundwater levels should be fully evaluated before determining the extent that infiltration can be used on a site. Arun is located on the coastal plain, is typically low lying, and the superficial deposits generally consist of silty clays which are poorly drained. A high-water table is common in the district, whether this is perched groundwater, the aquifer, or springs.

There are checklists on the website to advise developers on what to submit with applications. In this case, the full application checklist makes it clear that winter groundwater and infiltration testing results must be supplied. In addition, it is necessary to provide a proposed drainage scheme in order to ensure there is space within the site for drainage alongside all of the other proposals/policy requirements.

This site lies within the Lidsey Wastewater Treatment Catchment Area which is an area where surface and ground water can enter the foul sewer network resulting in foul sewage flooding of roads and property which has led to the pollution of watercourses. It is doubly important to ensure appropriate and effective surface water drainage schemes are in place for new developments in this area.

The application is accompanied by surface water proposals which propose discharge to ground via a modular crate storage soakaway. However, due to high groundwater potential, ADC's drainage engineers conclude it is unlikely that the proposed infiltration solution will be acceptable. In addition, the scheme is not accompanied by the necessary groundwater testing, and no alternative drainage method has been identified. As such the viability of the solution has not been demonstrated and there is no guarantee that the scheme will not increase flood risk as a result. The Engineers have raised other concerns with the drainage proposals following assessment against the NSfS.

The proposal is therefore in conflict with the relevant policies and the NSfS and it is not possible to determine that the proposal will not result in flooding at the site or to adjacent land.

FOUL DRAINAGE:

ALP policy W DM1 states that major development within this area must be accompanied by a full Drainage Impact Assessment which must take account of surface water disposal and foul water disposal.

The submission is accompanied by a "Flood Risk Assessment/Drainage Statement/Foul Drainage Impact Assessment" which deals with both of these aspects and satisfies the policy requirement. Foul sewerage will be directed to the existing public sewer via the existing system for West Barn. This comprises a gravity-based system to an existing package pumping station, a pumped rising main to a manhole and then a gravity fed drain to Norton Lane. Southern Water raise no objections and so the foul sewage proposals are acceptable and there is no conflict with Policy W DM1. The impact on the Lidsey Treatment Area from foul flows has therefore been appropriately assessed.

TREES:

ALP policy ENV DM4 states TPO protected trees, those in ancient woodland, in a Conservation Area or trees that contribute to local amenity should not be damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland. ANDP policy EH6 relates to trees and is similar in scope to ENV DM4.

There is a line of mature trees along the southern boundary whilst to the east of the tennis court is a Yew hedge. None are TPO protected. The application proposes to remove a group of three 4m high Maple trees (TG10) on the southern edge of the site to enable the car park extensions and drainage works. These are category C trees. In addition, it is necessary to place the same hard surfacing, and drainage works within the Root Protection Area (RPA) of a 9m high Ash tree (T08) rated as category B. This is adjacent to TG10. It is stated that the excavation works will be undertaken by hand with manual tools under arboricultural supervision.

The Council's Tree Officer has not provided any advice. However, the proposed tree works are minor and will not have a significant impact on local amenity. A condition can be applied to ensure that the proposed tree protection measures are followed. The benefits of the development therefore outweigh the limited harm and there is no conflict with policy.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. Policy EMP DM1 (6) requires consideration of the opportunities to deliver on-site habitats and protect key species. ANDP policy EH6 requires that developments retain hedgerows, incorporate biodiversity in layouts and demonstrate biodiversity net gain.

The application includes a Preliminary Ecological Appraisal which has been reviewed by the council's ecologist and found to be acceptable. No further surveys are requested, and conditions could be imposed to ensure on-site biodiversity net gain and an appropriate lighting scheme. It is material that the applicant site has limited habitat value comprising developed land (sealed surfaces), vacant/derelict land, modified grassland, introduced shrub and trees.

In respect of BNG, the scheme will result in a slight loss of habitat on the site (minus 0.2 Habitat Units, - 19.01%) predominantly associated with the loss of the grassland and shrubs. As such, it will be necessary to either plant a much greater number of trees, purchase off-site credits to deliver net gain elsewhere or a combination of the two. These aspects can be agreed separately through the discharge of the required Gain Plan condition.

The site falls within the 12km buffer of the Singleton and Cocking Tunnels Special Area of Conservation (SAC). ANDP policy EH12 (2019) requires proposals for the development of greenfield sites within the

Parish to evaluate whether there is a potential for the loss of suitable foraging habitat and / or the severance of commuting flight lines, such as in the form of mature treelines, hedgerows, and watercourses.

However, the council's ecologist states there is no need due to the scale/type of the development to carry out a separate assessment of the impact on the SAC. It is clear that this is not a greenfield site and that there will be no loss of suitable foraging habitat or severance of commuting flight lines. On this basis, the proposal can be screened out of further assessment and there is likewise no conflict with the ANDP policy.

CLIMATE CHANGE:

ALP policies ECC SP1 and SP2 require all new residential and commercial development be energy efficient, designed to adapt to impacts arising from climate change, and incorporate decentralised, renewable, & low carbon energy supply systems. The application proposes placing solar panels on the western facing roof of the building. Subject to a condition to secure the final detail of these, then there is no policy conflict.

SUMMARY:

This report identifies that the proposal is in conflict with the development plan as a whole in respect of development in the countryside, insufficient surface water drainage information, and harm to the amenities of adjacent residential properties. However, at the same time the site is previously developed land and para 125(c) of the NPPF makes it clear that substantial weight should be given to the value of using suitable brownfield land for homes and other identified needs, unless substantial harm would be caused.

Given this and the lack of conflict with the countryside policy in the Arun Local Plan, a refusal on countryside location would not be appropriate or sustainable. However, the remaining policy conflicts have the potential to result in substantial harm.

Paragraph 11(d) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then permission should be granted unless (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

There are relevant development plan policies, and they are not considered to be out of date as they are in accordance with the NPPF. However, in any case, the harm generated by drainage and amenity aspects of this proposal would outweigh the benefits including those identified by the supporters and by Economic Development officers. Therefore, it is recommended that this application be refused for the following reasons.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

REFUSE

- 1 Insufficient information has been submitted to demonstrate that an acceptable SuDS scheme can be achieved and that there will be no off-site flooding as a result of the development, including no adverse effect on the foul sewage network. The proposal conflicts with Arun Local Plan Policies W DM1, W DM2 and W DM3, Aldingbourne Neighbourhood Development Plan Policy EH5, the National Standards for SuDS, the NPPF, the SuDS Manual and the associated Planning Practice Guidance on Flood Risk and Drainage.
- 2 The proposed first floor flank window on the northern elevation will allow for overlooking of the residential property, "The Old Stables" to the north and adversely affect the living conditions of other adjacent residential occupiers in conflict with Arun Local Plan policies QE DM1 and D DM1, and the NPPF.
- 3 The use of the two proposed LGV parking spaces will result in noise disturbance, air pollution and a loss of privacy to the occupants of "The Old Stables". This results in adverse harm to the living conditions of this property in conflict with Arun Local Plan policies D DM1 and QE SP1 and the NPPF.
- 4 **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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.