Planning Inspectorate

Appeal Decision

Site visit made on 20 August 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Appeal Ref: APP/C3810/W/25/3363266
Longdown House, Littleheath Road, Aldingbourne, West Sussex BN18 0SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Mr B Briggs against the decision of Arun District Council.
- The application Ref is AL/117/24/OUT.
- The development proposed is outline planning permission for four detached family homes, to very high ecologically friendly and sustainable standards.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr B Briggs against Arun District Council. This application is the subject of a separate decision.

Preliminary Matter

3. The application is submitted in outline with all matters reserved for subsequent consideration. I have dealt with the appeal on this basis, treating any details shown on the plans as illustrative.

Main Issues

4. The main issues are a) whether the appeal site is an appropriate location for the proposed development having regard to local and national policies for the distribution of housing; the protection of agricultural land; and the effect of the proposed development on the character and appearance of the area; and b) flood risk with particular regard to surface water drainage.

Reasons

Location

5. The Council's first reason for refusal encompassed several elements. Collectively they were said to indicate that the site was an inappropriate location for the proposal. I address each of them in turn, undertaking my final planning balance later in the decision.

Policy

6. Policy SD SP1 of the Arun Local Plan 2018 (ALP) is an overarching policy confirming a sustainable approach to development. As part of this approach, Policy C SP1 seeks to resist development outside of built-up area boundaries

unless it conforms to certain specified exemptions. These exemptions are for agriculture/horticulture/forestry/mineral or waste needs; informal recreation; green infrastructure; diversification of the rural economy; road and/or cycle schemes or in accordance with other policies in the Plan.

7. Policy EH1 of the Aldingbourne Neighbourhood Development Plan 2021 (ANP) similarly seeks to resist development outside of the built-up boundaries. However, it notes that where there is a shortfall in housing supply, development might be permissible, subject to 7 criteria. Of particular relevance to this appeal is the criterion that development must be sustainably located and accessible to local facilities and services.

8. The development plan is broadly consistent with the National Planning Policy Framework (the Framework) in terms of its overall approach of generally seeking to control the location of new development and promoting locations that offer sustainable transport options.

9. There are other houses around the appeal site, in Little Heath Road and on Dukes' Road but in planning policy terms it is located within the open countryside, where housing would generally be resisted. The appellant does not directly point to the proposal conforming to the above development plan policy exemptions. Instead, my attention is drawn to other appeal decisions where housing development outside of a built-up area has been allowed. I return to these decisions below.

10. The nearest facilities are the Fontwell Services, which offer a limited range of services to meet the day-to-day needs of residents. Access to them would be via unlit roads with no dedicated footpaths. It may be possible to reach the services by bike but in reality, neither walking or cycling is likely to be a particularly attractive option given the roads, distances involved and range of services available.

11. There is no indication that the services are accessible by public transport from the appeal site. Therefore, the practical reality is that future occupants would be highly likely to rely on a private vehicle as the most convenient means of carrying out their day-to-day activities.

12. The development is for four 'family' houses. Although this term is not defined, the houses would each be likely to offer multiple bedrooms and thus could have a similar number of occupants, all of whom could have access to a motor vehicle. Thus, I do not find that the proposal would promote sustainable transport and there could be a sizable increase in the use of non-sustainable transport options from this location. While such transport options will vary between urban and rural locations, overall, I do not find the appeal site to be sustainably located and it is contrary to the Council's strategy for the location of housing.

Agricultural Land

13. I note that the majority of the appeal site has not been actively farmed, with much of it functioning as a curtilage for the host property. The 'loss' of the curtilage land is therefore largely theoretical as it would be unlikely to ever be used for agriculture. I am also mindful that within the context of the wider area, the appeal site would represent only a small loss of agricultural land.

14. Nonetheless, both the ALP and ANP contain specific policies, SO DM1 of the ALP and EH3 of the ANP respectively, which seek to resist the inappropriate loss of such land. Therefore, the proposal would be contrary to these policies.

Character and Appearance

15. The appeal site comprises curtilage and land to the rear and a little to the side of Longdown House, an existing detached dwelling. Longdown House sits in sizable grounds and is reflective of other properties in the area, which are generally detached and sit within well sized plots. Houses are set back from the road and front boundaries contain mature planting. The area therefore has a spacious and verdant character that reflects its countryside location.

16. The appeal proposal would utilise an existing entrance to the south of Longdown House. There would no doubt be some upgrading works and a new access drive to serve the new dwellings, which would be evident from Little Heath Road.

17. I am mindful that whilst this is an outline proposal, a linear arrangement of the houses behind Longdown House appears the only realistic layout for achieving four dwellings on the site. Consequently, the access road would sensibly have to be to the south of the new houses. Given the tightly drawn boundary of the appeal site it is not clear the extent to which there would be space available to provide landscaping to the southern boundary of the site as a whole and the access arrangements in particular.

18. Regardless of that, it would be evident from the south that the access serves four plots, all clearly smaller than those generally prevailing in the vicinity. The result would appear as a small cul-de-sac, rather than a single infill or backland plot, forms of development which are evident in the vicinity. Thus, the proposal would resemble a development more commonly seen in suburban locations or on the edge of a settlement rather than in a more spacious landscape setting such as this one.

19. The intensification and resulting suburban appearance would be out of keeping with the current semi-rural character. Consequently, there would be harm to the character and appearance of the area.

Findings

20. I have found the appeal site to be in a location which does not support sustainable transport options, uses Grade 2 agricultural land and would cause harm to the character and appearance of the area. Consequently, I find on this main issue that the appeal site is not an appropriate location for the proposed development.

21. It is therefore contrary to Policies C SP1, SD SP1 and SO DM1 of the ALP and Policies EH1 and EH3 of the ANP. These policies, amongst other things, seek to ensure that development is sustainably located and that were it is appropriate for development to be outside of the built-up areas it protects the character and beauty of the countryside as well as higher quality agricultural land.

Drainage

22. The Council has not objected to the use of an infiltration system per se but is concerned that the strategy has not been sufficiently shown to be viable at the appeal site and no alternative has been indicated.

23. From the evidence before me it appears that the area is subject to flooding, possibly as a result of increased surface water run-off, and that the site is in an area susceptible to dissolution features (sink holes). As such, a precautionary approach to drainage is reasonable.

24. The appellant's Outline Sustainable Drainage Strategy (February 2024) reviews the geological conditions of the area and outlines the approach that is intended would be adopted in relation to the proposed development at the site. It does not demonstrate that the approach would be achievable at the site nor identify alternative options.

25. I understand the appellant's reluctance to commit to the additional costs of testing and calculations at the outline stage. However, without the necessary information it is not possible to demonstrate that the proposal would have an acceptable effect on the surrounding area. Policy EH5 of the ANP states that without clear evidence to demonstrate that a proposal would not give rise to an additional risk of flooding, development should not be permitted.

26. Therefore, even though this is an outline application, drainage will be a fundamental aspect in the assessment of the principle of the development and whether the site can be developed in the manner proposed. I am therefore satisfied that the acceptance of the proposal can reasonably be guided, at least in part, by such matters and that they need to be given a level of consideration in order for the scheme to be supported.

27. Consequently, I am unable to conclude, based on the information before me, that the proposal would have an acceptable effect upon surface water flood risk to the surrounding area. The use of a condition requiring the submission of such detail would not be appropriate in this instance.

28. Both main parties have provided previous appeal decisions to support their position on this issue. To my mind what this demonstrates is that drainage will vary from location to location given the geology, available information and any site-specific considerations rather than demonstrating one particular approach will always be correct. Accordingly, I have based my decision on the information before me in relation to the area and this site.

29. The proposal does not sufficiently address the issue of flood risk with particular regard to surface water drainage. It is therefore contrary to Policies W DM1 and W DM3 of the ALP and Policy EH5 of the ANP which, amongst other things, require the issue of flooding to be addressed with clear evidence of no additional risk of flooding to either the site or other land, as a result of the development.

Other Matters

30. The Council acknowledges that it is unable to demonstrate a five-year supply of deliverable housing land. As of January 2025, the figure was said to be 3.41 years, which is a reduction from the stated 4.17 years when the application was initially refused. Consequently, this weighs considerably in favour of the proposal.

31. I note that the appellant is on the self-build register and that the development is said to be for self-build housing. However, there is no substantive information as to whether or not the Council is meeting its requirements under the Self-build and

Custom Housebuilding Act 2015 (as amended) to grant permissions to meet the identified demand for self-build and custom housing.

32. Furthermore, and more pertinently, there is no completed planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended) to legally secure the new dwellings as self-build houses. A condition to secure the dwellings as self-build or require the completion of a legal agreement, is unlikely to pass the test of enforceability. I am therefore not convinced that a condition could be used to secure the dwellings as self-build. Consequently, there would be no mechanism in place to ensure they would be self-build dwellings. I therefore attach limited weight to the self-build benefits.

33. A self-build exemption is claimed with regards to the biodiversity net gain requirements. However, for the reasons given above, the development would not qualify for the self-build exemption. Consequently, it has not been demonstrated biodiversity net gains are not applicable to the development or that if they are applicable that they could be achieved.

34. Aside from the land being Grade 2 agricultural land, there are no specific landscape or countryside designations on the site. However, this does not mean that no harm will arise as a result of the site's development. The absence of such designations may reduce the potential obstacles to a site's development but does not, of itself, weigh in favour of the scheme.

35. The houses would be carbon negative through such measures as solar panels, heat pumps and rainwater harvesting etc. Such measures are becoming more common and could be more fully considered at the reserved matters stage. Nonetheless, they can be given a small amount of positive weight.

36. The appellant points to the absence of objection from various technical consultees. The absence of such objections represents a lack of harm and so would be neutral in any balance.

37. The pre-application advice noted that sites outside of settlement boundaries are not automatically refused. This was officer advice and did not mean that all sites outside of settlement boundaries will be supported. As such, it is not a matter which weighs in favour of the proposal.

38. As noted above, the appellant draws my attention to a number of other appeal decisions generally in relation to the location of development outside settlement boundaries. Many of the decisions are from various other local authority areas and these demonstrate that in certain circumstances the planning balance will dictate that development should be permitted. This necessarily involves various factors including the scale and nature of development and thus the benefits arising but also the severity of the harm. There is nothing before me to demonstrate that the decisions quoted are directly comparable to the nature and scale of the appeal proposal. Accordingly, they do not lead me to finding the location of the site to be sustainable.

39. There are two appeals the appellant references within the Council's area and which are said to be particularly relevant. These are the decisions at Sundown and at Bilsham Road, Yapton. The Bilton Road site was an edge of settlement location, and the Inspector noted that the site was accessibly located near services, facilities and sustainable transport options. I am also mindful that as a major

development it resulted in different planning balances to the current appeal. Consequently, the Bilton Road decision is not directly comparable to the location of the current site or proposal.

40. Of greatest relevance is said to be the decision at Sundown, which is also on Little Heath Road. In that appeal, the Inspector similarly found that the site would increase travel demand and be contrary to the development plan. It was only in the Inspector's planning balance where the effect on transport was not considered to be significant. This, when weighed with all the other issues, led to the scheme as a whole being considered acceptable. As the current proposal is for a greater number of houses, with, amongst other things, a greater negative effect on transport, that decision is not reason in itself to consider the appeal site to be in a sustainable location or in accordance with policy.

Planning Balance

41. The site is outside any built-up area boundary and in a location which is not sustainably located and accessible to local facilities and services. The scheme would also have an adverse effect upon the character and appearance of the area. While there would be a 'loss' of the agricultural land, given the nature of the land and that this is largely a theoretical loss, I give this aspect only limited weight. Nonetheless, I find that overall, the site's location conflicts with the requirements of the development plan and that this is a conflict which carries substantial weight.

42. Furthermore, it has not been sufficiently demonstrated that the site would not cause surface water flooding. Notwithstanding the outline nature of the proposal, this is in conflict with the development plan and given the nature of the site it is a matter which weighs significantly against allowing the appeal.

43. As the Council cannot demonstrate a five-year housing land supply and because there are no heritage or other policies in the Framework which offer a strong reason for refusal, Paragraph 11(d)(ii) of the Framework is engaged.

44. The Framework's policies seek to boost the supply of housing. In numerical terms the proposal would only deliver a small number of new houses but given the declining housing supply this is an important benefit.

45. The proposed development would bring associated economic benefits in both the short and longer terms. There would be some social benefits from the additional housing. There are other benefits which I have referred to elsewhere. When considered collectively, they weigh considerably in favour of the proposal.

46. Conversely, there would be a noticeable uplift in the use of private motor vehicles from the site given its location and absence of sustainable transport options. There would be harm to the character and appearance of the area, and I cannot be sure that the development would not lead to a flood risk. Collectively these represent substantial harms and the need to avoid them is perennial and in direct compliance with the Framework. Consequently, they are worthy of substantial weight.

47. Therefore, I find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply in this case.

48. Even if I had found the houses could have been secured as self-build dwellings, given my findings on the main issues, the benefit that would have arisen would not have been sufficient to alter my planning balance or the outcome of the appeal.

Conclusion

49. There would be substantial harms arising from the proposed development and I conclude that it would conflict with the development plan when taken as a whole. While there are some benefits associated with the appeal proposal, neither they nor any of the other matters before me, including the contribution which the appeal proposal would make to the supply of housing in the local area, outweigh that conflict. Therefore, the appeal is dismissed.

Stewart Glassar

INSPECTOR