

Recommendation Report for Planning Permission

REF NO: AL/62/19/PL

LOCATION: Land Rear of Sundown
Littleheath Road
Aldingbourne
BN18 0SR

PROPOSAL: 1 No. new dwelling. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	2 storey dwelling and double garage to the front. The dwelling would have an L shape and would be characterised by a 7.6m high half hipped roof. The ridge of 6.2m deep southern projection would be lowered by 1.7m. A shallow two storey gabled projection is proposed to the front of the dwelling together with an oak framed porch with hipped roof. One flat roofed dormer is proposed to the front of the southern projection and two dormers (one small and the other identical to that to the front) to the rear. A dormer is proposed on the northern elevation. Solar panels would be inserted to the southern roof plane of the main building. The double garage would be characterised by a pyramid roof and would represent a large structure situated in the vicinity of the road.
	The property would be constructed from brick with timber boarding at the first floor level of the main building to the front and to the rear.
SITE AREA	1778sq.metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	5.6 dwellings/hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of significance affected by the development. The site has been cleared and some semi-mature trees, have been cut down.
BOUNDARY TREATMENT	Close boarded fencing leaning inward to the site along of Littleheath Road supplemented with dense tree planting/vegetation, a new timber panel fence dividing the proposed site from Sundown.
SITE CHARACTERISTICS	The site is garden land to the property to the north.
CHARACTER OF LOCALITY	Semi-rural location to the north of the A27. There are residential plots scattered along the eastern side of Littleheath Road and then some on part of the western side. Open agricultural land to the west, north and east. The overriding character of the area is of large detached dwellings in

spacious plots.

The dwelling to the south is a semi-detached house set in a much smaller square shaped plot but around 20m from the boundary with Littleheath. To the east lies 21 Dukes Road, a detached dwelling sited closer to the shared boundary followed by a row of two storey semi-detached properties of almost identical appearance on the south-western side of the road with an agricultural land on the other side.

RELEVANT SITE HISTORY

PAA/65/17/

Proposed bungalow

Refuse Pre App
26-05-17

Pre-application advice has been sought for the erection of a bungalow in the southern part of Sundown's garden. The case officer in concluded:

'Although the Council cannot currently demonstrate an NPPF compliant 5 year housing land supply, a recent Supreme Court decision has confirmed that countryside policies (such as Arun Local Plan policy GEN3) should not be considered out of date. GEN3 seeks to prevent new residential development in the countryside. Policy EH1 of the Aldingbourne Neighbourhood Development Plan (ADNP) also seeks to prevent new residential development in the countryside. Although the ANDP may be deemed to be out of date as a result of the Written Ministerial Statement, it is considered, when combined with the Local Plan and with the policies of the emerging Local Plan, that a case can be made for a refusal in principle. Furthermore, notwithstanding this, the proposal is not considered to be environmentally sustainable and would not therefore take advantage of the presumption in favour of sustainable development.'

The proposal is for a two storey dwelling with a detached double garage to the front situated precisely as the previously proposed bungalow.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

No objection; recommend the proposed laurel hedging be replaced by a native alternative.

2 letters of support:

A good use of a former residential garden. The property is in keeping with the eclectic mix of large properties.

5 letters of objection:

- Set a precedent for others in the road with extensive gardens, altering density and increase the traffic.
- Not in keeping with the area.
- A departure from the development plan.

- Only new build residential developments in Littleheath Road have been two dwellings constructed on the west side of the road in 1989; replacement of two dwellings known as Dragonara and The Apiary.
- A number of applications for new dwellings within area refused and dismissed on appeal.
- The countryside location, abutting the South Downs National Park, lacks local facilities/amenities; the area heavily reliant on the use of private cars and with additional use, the road would become more unsafe for cyclists, walkers, children, and for animals.
- The rural/countryside location should be protected and not adversely affected by speculative development.
- The woodland garden site in Littleheath Road situated north of the A27, outside of BUAB
- Section 7-Protection of the natural environment; to preserve the setting of existing settlements from unnecessary development.
- The HELAA report and annual 'call for sites' identifies a significant number of 'deliverable' sites.

COMMENTS ON REPRESENTATIONS RECEIVED:

The majority of the above objections are planning issue. Objections will mainly be covered in the Conclusions.

CONSULTATIONS

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Engineers Comments Regarding Surface Water Drainage:

The application is within the Lidsey Catchment. Some infiltration testing has been completed, but this was not completed to BRE365 and the date of this testing is unknown. Full BRE365 compliant winter infiltration testing and winter groundwater monitoring must be completed. If approved the following condition PCENG2 should be attached.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Outside Built-Up Area (Countryside C SP1)
Area of Special Control (Adverts)
HRA Buffers (SD10)
WSCC Mineral Consultation Area
Barnham Special Consultation Area
Source Protection Zone 2

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards

DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVSP1	ENV SP1 Natural Environment
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Aldingbourne Neighbourhood Plan 2016 POLICY EH1	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY H1	New housing or altering dwellings
	Quality of Design
Aldingbourne Neighbourhood Plan 2016 POLICY H3	Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY H9	Items to consider e.g. - bin stores
	Attention to detail

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Aldingbourne Parish Council has a "made" Neighbourhood Plan and relevant policies are EH1, H3, H9, H6, GA3 and GA1.

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 is not considered to comply with relevant development plan policies in that whilst it would not affect adversely the residential amenities of nearby properties, it would be inappropriate development within the countryside and would have a materially adverse effect on the visual amenities of the natural environment and it is therefore contrary to Policies C SP1, and ENV SP1.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

The site is outside of the built up area boundary in countryside where new development is generally unacceptable. Local Plan Policy C SP1 seeks to protect the character and amenity of countryside and sets out a limited range of developments which may be permitted in the countryside including essential facilities for the purpose of agriculture and forestry, quiet informal recreation or green infrastructure. The objectives of the Policy are broadly consistent with the policies relating to the countryside in the National Planning Policy Framework.

Paragraph 170(b) of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Aldingbourne has a 'made' Neighbourhood Plan with Policies EH1, H1, H3, H9, H6, GA3 and GA1 of the Aldingbourne Neighbouring Plan relevant to the determination of the application. Policy EH1 stresses that proposals for development outside of the built-up area boundary, that do not accord with development plan policies in respect of the countryside, will be resisted unless it is for essential utility infrastructure, where the benefits outweigh any harm, and it can be demonstrated that no reasonable alternative sites are available.

The proposal does not accord with any of above circumstances set in the NPPF or range of developments which may be permitted in the countryside in Local Plan Policy C SP1 neither with the requirement of policy EH1 of the Aldingbourne Neighbouring Plan and it would lead to the provision of a new dwelling in the countryside.

The NPPF (Feb 2019) is an important material consideration in determining planning applications. It sets out a presumption in favour of approving sustainable development (paragraph 11).

Paragraph 11 of the Framework confirms the presumption in favour of sustainable development and advocates in section d) that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of

deliverable housing sites) granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The Council can demonstrate a 4.7 year supply of housing land and therefore, relevant policies for the supply of housing should not be considered up to date.

At paragraph 12, it is clear that: "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

Policy SD SP1 of the Arun Local Plan stresses that when considering development proposal the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Irrespective of the housing land supply position, it is necessary to consider whether the proposal would be sustainable development for which there is a presumption in favour. The Framework in paragraph 8 identifies three dimensions to sustainable development - economic, social and environmental and advocates that gains in each dimension should be sought jointly and simultaneously to achieve sustainable development.

The building of a single dwelling would generate some temporary economic/financial benefits during the construction phase and the occupants of the dwelling would provide support, albeit limited, for businesses in the local village/town. The NPPF advocates as part of the social dimension the provision of housing to meet the needs of present and future generation and the creation of a high quality of built environment with accessible local services.

The dwelling in this unsustainable location would make a very small contribution toward a general need for housing and the overall social gain would be very limited. The countryside location of Littleheath Road, abutting the South Downs National Park lacks local facilities/amenities e.g. buses, local shops, no footpaths or street lighting. It is highly likely that the future occupants of the dwelling would be largely dependent on the use of a private vehicles. Taking into account the above, the site, remote from services and facilities is not a sustainable location and would not satisfy the NPPF's definition of sustainable development.

NATURAL ENVIRONMENT

Paragraph 170 of NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible. This paragraph also calls for the establishment of coherent ecological networks that are more resilient to current and future pressures.

Although the proposal would be an energy efficient dwelling, section 13.5.9 of policy ECC SP1 (Adapting to climate change) states that the location of development needs to be carefully considered to protect against adverse harm, from visual impact and impact upon the natural environment (a Habitat Regulations Assessment may be required as part of this).

The site is located within the Habitats Regulations Assessment Buffer, in a distance of up to 1.5km from Slindon where barbastelle bats use local woodland as a maternity roost and they can forage 10-15

kilometres from the roosting sites. The Habitats Regulations require additional consideration during the planning stage to ensure that the proposed development does not affect the reasons for designation. The planning documents should detail fully the potential impacts and how these will be avoided or reduced.

Phase I Ecological Survey has been submitted, however the section 7.4 Bats deals with description of a selection of models of bat boxes and their suitability for specific species (Pipistrelles, Daubenton's, Brown Long-eared bats and Noctule bats). Barbastelle bats are not even mentioned. However section 6.0 of this document stresses that any increase in artificial lighting would likely reduce the suitability of the site to support nocturnal wildlife and the removal of native tree species would have a negative impact at a local level.

In addition, the site is located in Barnham Special Consultation Area and the Lidsey Foul Water Treatment Catchment Area and within the Source Protection Zone 2. Due to specific flooding problems during the winter of 1993/94 in the Barnham area, a Barnham Rife Catchment Area was defined. Special development control consultation procedures with Southern Water services and the Environment Agency apply to this area. Recently there have been significant pollution problems associated with an inadequate foul sewer network which is unable to cope especially in times of high rainfall. In light of this, the Environment Agency is advising that proposals for new development should be resisted because they are likely to increase the pollution risk to local watercourses.

Paragraph 170(e) of NPPF expects preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

Considering all the above, the submitted documents fail to demonstrate how the surrounding natural environment and its restrictions would be addressed.

VISUAL IMPACT

The substantial dwelling and detached garage would have a significantly greater visual impact in this countryside location and would be detrimental to the relatively open character and appearance of the area. The existing hedgerow on the western boundary would provide some screening of the buildings when in leaf during the summer months, as viewed from the road. However, there would be little to prevent the hedge being reduced in height in the future which would further increase the visibility and prominence of the building and would emphasise the loss of part of the open space between the sporadic properties. Therefore, given the mass, scale and prominence it is considered that the construction of this single dwelling in the open countryside, remote from facilities and services would not satisfy the Framework's definition of sustainable development. The benefits arising from the proposal would be limited and would be significantly and demonstrably outweighed by the adverse impacts of this development in the open countryside and its harm to the intrinsic character and appearance of the area. The proposal would therefore, be contrary to the provisions of the Framework and the countryside protection objectives of policy C SP1 of Arun Local Plan and policy EH1 of Aldingbourne Neighbouring Plan.

NEIGHBOURHOOD AMENITY

Policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy D DM4 requires that extensions/alterations: sympathetically do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Regard should be had to para 127 of the NPPF which

states that developments should provide a high standard of residential amenity for existing and future users. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

The proposed new dwelling due to more than substantial separation distance between the existing and proposed dwelling and other neighbouring dwellings and given the fact that no habitable windows are proposed at the first floor level of the southern and northern elevation would have a minimal impact to users and occupiers of nearby properties considered to result in adverse harm upon the neighbouring amenity by way of overshadowing, overbearing or overlooking and as such accords with D DM1 and QE SP1 of the Arun Local Plan.

SUMMARY

The benefits arising from the proposal would be limited and would be significantly outweighed by the adverse impacts of the development in the countryside and its harm to the intrinsic character and appearance of the area. The proposal would be contrary to the provisions of the NPPF and the countryside protection objectives of Policy C SP1 and requirement of policies SD SP1 and W DM1 of the Arun Local Plan.

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.

RECOMMENDATION

REFUSE

- 1 The site lies in a rural area outside of the built up area and the proposal, which comprises an undesirable intensification of residential development, would be prejudicial to the rural character of the area in which it is intended that permission for development unrelated to an

essential rural activity will not normally be granted. The proposal is therefore contrary to policy C SP1 of the Arun Local Plan, policy EH1 of the Aldingbourne Neighbouring Plan.

- 2 The development would be unsustainable by reason of its location and would be contrary to policy SD SP1 of the Arun Local Plan, policy GA1 of the Aldingbourne Neighbouring Plan and Paragraph 11 of NPPF.
- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.
- 4 INFORMATIVE: If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.