



Appeal Decision

Site Visit made on 24 March 2020

by Matthew Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2020

Appeal Ref: APP/C3810/W/19/3241407

Sundown, Littleheath Road, Aldingbourne BN18 0SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Richard Brooks against Arun District Council.
- The application Ref AL/62/19/PL, is dated 17 July 2019.
- The development proposed is a new 4 bedroom detached dwelling (Class C3) with detached 2 bay open car port. Associated foul drainage system with field drain, storm soakaway, boundary treatment and associated works. Renewable energy elements: Roof mounted PV and Ground Source Heat Pump.

Decision

1. The appeal is allowed and planning permission is granted for a new 4 bedroom detached dwelling (Class C3) with detached 2 bay open car port. Associated foul drainage system with field drain, storm soakaway, boundary treatment and associated works. Renewable energy elements: Roof mounted PV and Ground Source Heat Pump at Land to the South of Sundown, Littleheath Road, Aldingbourne BN18 0SR in accordance with the terms of the application, Ref AL/62/19/PL, dated 17 July 2019, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is whether the proposal is in an appropriate location with regard to the accessibility to services and facilities and policies designed to control the location of development.

Reasons

3. Littleheath Road is rural in character, with strong tree cover giving it a wooded appearance. There are a number of dwellings informally positioned along the road, set back so that the landscape setting dominates, but not hidden from view. Although the proposal would be larger than some other nearby houses, the appeal site is also large and so the low density character of spacious, informally arranged dwellings, and the area's woodland appearance, would not be harmed, even if the roadside boundary were reduced.
4. The site is outside the Built-Up Area Boundaries identified in the Arun Local Plan 2011-2031 (LP) and in the countryside for the purposes of planning policy. In such locations, LP Policy C SP1 and Policy EH1 of the Aldingbourne Neighbourhood Development Plan 2014-2034 (NP) seek to restrict new development, other than specified types that do not include this proposal.

5. I understand that there has historically been very little development in the area, generally limited to replacement dwellings, that some other proposals have been dismissed at appeal, and that a nearby agricultural worker's dwelling was refused by the South Downs National Park Authority. Nevertheless, I must determine this appeal on its own merits and with regard to the development plan and material considerations at this site, applicable now.
6. There are no services within the collection of dwellings around the appeal site, but there are some local facilities at a service station at Fontwell. While these have the appearance of being aimed at passing traffic on the A27, they could support some day to day needs of nearby residents. The services would be a fairly lengthy walk from the appeal site on an unlit road with no footway, but it would be possible to access them by bicycle, crossing the A27 safely via an underpass.
7. Nevertheless, the location and range of services is such that the proposal would increase travel demand. The site is not accessible to public and community transport and so conflicts with NP Policy GA1 that is concerned with promoting sustainable movement. I, therefore, find that the proposal conflicts with the development plan, considered as a whole.
8. The Council has confirmed that it is currently unable to identify a 5 year supply of deliverable housing land. As such, paragraph 11(d) of the National Planning Policy Framework (the Framework) should be applied. Although the Council considers the shortfall in housing supply to be relatively small, there are benefits from the supply of additional housing.
9. Framework Paragraph 170 indicates that planning decisions should contribute to and enhance the natural and local environment. The intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services are recognised.
10. The site is located amongst other dwellings. I have found that the character and appearance of the area would not be harmed and, although there is anecdotal evidence of dormouse populations around the site, conditions can ensure that these protected species are not harmed. There are capacity problems in nearby sewerage infrastructure that could lead to pollution, but connection to it is not proposed. There is no substantive evidence of unsuitable ground conditions or flood risk at the site.
11. The Framework accepts that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that this should be taken into account. Rural housing should be located where it will enhance and maintain the vitality of rural communities. The proposal could provide some limited support to the services at Fontwell and there are options to travel to them by non-car means.
12. As such, while there are some limitations to the location in terms of accessibility, and only limited benefits from the construction of one dwelling, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as whole. The proposal, therefore, benefits from the presumption in favour of the sustainable development outlined at Framework

Paragraph 11 and echoed in LP Policy SD SP1. This is a material consideration of substantial weight.

13. I have, identified a conflict with the development plan. However, in light of the housing land supply situation, the benefits, together with the presumption in favour of sustainable development outlined in the Framework, and echoed in LP Policy SD SP1, indicate otherwise that permission should be granted.

Appropriate assessment

14. The site is around 450m from Slindon Park Woods, part of a network of Special Areas of Conservation (SAC), identified for supporting maternity colonies of Barbastelle bats. It is within a 12km 'consultation zone' for the Singleton and Cockington Tunnels SAC.
15. The conservation objectives of the SAC include avoiding the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species.
16. Through a Shadow Habitats Regulations Assessment¹ (SHRA) the appellant has identified that construction works would take place during daylight hours and without artificial light such that associated light and noise would not affect foraging and commuting activities. The temporary nature of any dust producing activities and distance from the maternity colonies are unlikely to result in any significant adverse impacts on the SAC.
17. There would be some loss of improved grassland, but the SHRA indicates that Barbastelles typically forage in areas of broadleaved woodland, field margins and unimproved grasslands, so the small loss of this habitat would be unlikely to significantly impact upon the SAC.
18. The SHRA indicates that the National Trust manage Slindon Park woods and although there would be an increase in residents in the area, there is infrastructure in place to manage recreational pressure on important habitats. There could, however, be minor adverse effects from additional lighting at the site that could impact upon the commuting routes of Barbastelles.
19. It is proposed to mitigate the adverse impacts through the approval of an external lighting strategy and prohibition of any other external lighting at the site. This can be controlled by planning condition which would ensure that adverse effects did not occur.
20. Having sought the views of Natural England as Statutory Nature Conservation Body and following appropriate assessment under the Conservation of Habitats and Species Regulations 2017, I conclude that the significant adverse effects on the integrity of the SAC would not arise.

Conditions

21. A plans condition is required in the interests of certainty. To ensure appropriate facilities are in place and to avoid any increase in off-site flood risk a condition is necessary to secure details of a surface water drainage scheme.

¹ McBean, L. (Ecosupport) (27.10.2020) 'Shadow Habitats Regulations Assessment, Land to the South of Sundown, Aldingbourne'.

22. In the interests of the character and appearance of the area, a condition is necessary to secure details of external materials. To ensure that adequate parking facilities are available a condition is required to secure its provision, along with cycle parking to promote travel by non-car means.
23. LP Policy ECC SP2 requires new development to demonstrate how it will promote energy efficiency and incorporate renewable energy. The Council has suggested that details are provided by condition, but details have been submitted about energy efficiency while solar panels and a ground source heat pump are a clear part of the proposal. My condition, therefore, requires provision of the renewable energy infrastructure.
24. To avoid adverse effects on the SAC, a condition is necessary to secure details of any external lighting. To protect dormouse habitat, a condition is necessary to safeguard all boundary vegetation.
25. With regard to the distances to neighbouring dwellings, size of the site and lightly trafficked nature of Littleheath Road, it has not been demonstrated that the Council's suggested conditions in respect of a construction management plan and the removal of permitted development rights are necessary. I have made some revisions to the Council's suggested conditions in the interests of clarity and to ensure compliance with the Framework and Planning Practice Guidance.

Conclusion

26. For the reasons given, I conclude that the appeal should be allowed.

Matthew Bale

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 17-1197-PL001 A; 17-1197-PL002 A; 17-1197-PL03.
- 3) Prior to the commencement of the development hereby permitted, other than works of site survey and investigation, full details of the proposed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The dwelling shall not be occupied until the complete surface water drainage system serving it has been implemented in accordance with the agreed details and the details so agreed shall thereafter be maintained in good working order.

- 4) Prior to the commencement of the development hereby permitted a scheme for the protection of all retained trees and boundary vegetation shall be submitted to and approved in writing by the Local Planning Authority. The approved tree protection scheme shall be fully implemented prior to the commencement of any other works on site and shall thereafter be maintained for the duration of the construction of the development.
- 5) Prior to its installation, full details of any external lighting together with their mechanisms and timings of operation shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in strict accordance with the approved details and shall thereafter be maintained and operated in accordance with those details. No other external lighting shall be installed on the site.
- 6) No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for the external walls and roofs of the proposed building have been submitted to and approved in writing by the Local Planning Authority. The materials so approved shall be used in the construction of the building and shall thereafter be maintained as such.
- 7) The solar PV panels and ground source heat pump described in the application and indicated on the drawings hereby permitted shall be provided and operational prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such.
- 8) No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
- 9) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority beforehand. Thereafter, the approved facilities shall be retained in perpetuity.