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By Post and e-mail

Dear Ms Tomalova

Planning Application AL/70/20/PL – Proposed development of a Mews of 6 Residential Dwellings within the grounds of West Barn, Old Dairy Lane, Norton, Aldingbourne

We act on behalf of Mrs. Oldham of Shepherds Cottage, Norton Lane whose property abuts the above application site. Following careful consideration of the application submission information we raise **strong objections** to the above proposal.

The application is a variation of two previous applications (AL/79/14/PL and AL/59/16/PL) which sought planning permission for six live/work studios both of which were dismissed on appeal on 5th February 2016 (PINS Ref: APP/C3810/W/15/3134557) and 9th February 2017 (PINS Ref: APP/C3810/W/16/3154760), respectively. An award of costs was awarded against the appellant for the second appeal on the grounds that *"There is very little difference between the schemes subject to the first and second appeals, with the geographic location being identical. Fundamentally there has been no change of circumstance in terms of the site's limited accessibility to everyday local facilities and this is the issue on which the appeal before me has turned."*

The current application is identical in location; site layout and external appearance to the two previous applications/appeal schemes other than the proposal is for the construction of a mews of six residential properties instead of six live/work units. Whilst it is acknowledged that the National Planning Policy Framework (NPPF) and the Arun Local Plan (ALP) have been updated since the second appeal decision in February 2017 the general thrust of planning policy has not changed significantly. As a result, the two appeal decisions referred to above remain important material considerations in the determination of this application.

Our objection relates to the following key matters:

1) Principle of the Proposed Development

According to the Proposals Map of the adopted Arun District Local Plan of 2018, the application site is not within the defined Built Up Area Boundary (BUAB) which is located approximately 1.25 kilometres to the south-east at Westergate. This means the site is in the countryside where the principle of additional market



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housing is strictly controlled. The creation of new dwellings does not comply with any of the criterion of Policy C SP1 of the adopted Arun Local Plan. A similar situation also exists in the context of the 'made' Aldingbourne Neighbourhood Development Plan (ANDP) of 2016. The Site Context Plan of the ANDP shows the application site being in the countryside and excluded from the defined Settlement Boundary which is drawn around Westgate/Woodgate. Policy EH1 of the ANDP generally permits development within the built-up area of Westergate but resists new housing in the countryside in areas outside of the built-up area. Whilst Policy H6 of the ADNP provides for new residential development on infill and redevelopment it only does so if the site is within the built-up area boundary which is not the case with the current application. As a result, the proposed creation of six new dwellings does not accord with existing Development Plan policies and the principle of the development is not acceptable.

2. Non-Sustainable Location

The appropriateness of new residential development on the application site, particularly in the context of sustainability, was considered by two different Planning Inspectors in deciding the two appeals referred to above. In the context of the first appeal (PINS Ref: APP/C3810/W/15/3134557) (Arun Ref: AL/79/14) the Inspector (Andrew Steen) noted in paragraph 12 of his decision letter dated 5th February 2016 that the appeal site was not within a defined settlement boundary in either the adopted development plan or a 'made' neighbourhood plan. Although the Inspector accepted that the proposed development was not in an isolated location, being well related to other dwellings and built development, it was however some distance from basic services and facilities and poorly related to public transport links which would increase the reliance on the private car. He went on to note in paragraph 13 that *"given the lack of local services and facilities in this settlement, the proposed development would do little to enhance and maintain the vitality of rural communities"*.

The Inspector for the second appeal (Grahame Gould) made similar observations as to whether the site is a suitable location for the development. In paragraph 17 he comments that there would be limited access to everyday facilities, with shops and other commercial premises, schools and other community facilities in Westergate being some 1.9 and 3.2km away. He recognized that there would be some access to public transport with bus stops being between 0.8 and 2.0km from the site and Barnham railway station being around 3.9 km away, albeit that bus services are not particularly frequent. The Inspector then goes on to confirm that the development would not be particularly accessible to public transport; and in paragraph 18 he confirms that *"Having regard to the limited accessibility there would be to every day local facilities within Norton, Westergate or other settlements in the area, I find it likely that there would be a high level of private vehicle dependency amongst occupiers of the development. Accordingly in accessibility terms I find that accommodation would be in an isolated location."*

These observations also apply to the current development proposals. In short, the application site is not in a sustainable location and is in conflict with Local Plan Policy T SP1 a) as it would not reduce travel by car or improve access to public transport. It also does not accord with Neighbourhood Plan Policy GA 1 which promotes sustainable movement.

3. Heritage Considerations

The rear garden areas of the proposed dwellings fall within the Norton Conservation Area. In addition, there are two grade II listed buildings within the vicinity of the application site. These include Norton Farm House

which is located about 55m to the north; and Oak Cottage approximately 75m to the north-east of the proposed new dwellings.

Despite these important heritage considerations, the application is only supported by a two page Heritage/ Archaeology Statement which only considers archaeology. It is mute on the potential affects that the proposed development would have on the character and appearance of the Conservation Area and the settings of nearby listed buildings. This is a very important omission. These aspects should be assessed by a detailed Heritage Statement provided by the applicant. Until this assessment has been carried out there will be uncertainty as to the extent of any harm that might result to these heritage assets. This is a requirement of paragraph 193 of the National Planning Policy Framework (NPPF) which confirms that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Paragraph 194 goes on to state:

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting, should require clear and convincing justification. Substantial harm to or loss of

- a) Grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) Assets of the highest significance, notably scheduled ancient monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and grade II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional"*

Until such an assessment has been carried out it is difficult to assess the likely effect that the proposed development would have on the Conservation Area and the settings of the listed buildings; and whether the proposal complies with Local Plan Policy HER SP1 and Policy EH9 of the Aldingbourne Neighbourhood Development Plan which requires development proposals to conserve or enhance the historic environment of the District including their character, setting and appearance.

4. Harm to the Character and Appearance of the Area

It is noted that as with the previous applications, the current proposal seeks to extend the parking area to the north west of the existing West Barn which currently comprises open countryside used as grazing land. This aspect was considered in paragraph 8 of the first appeal decision (PINS Ref: APP/C3810/W/15/3134557) and the Inspector commented *"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"*. These observations continue to apply to the current proposal and it is therefore contrary to Local Plan Policy D DM1(1) which requires new development to improve upon the character of the site and surrounding area, and Policy H1 of the Aldingbourne Neighbourhood Development Plan which requires proposals for new housing to be of a high quality design that reflects the local character and reinforces local distinctiveness.

5. Applicants Planning Policy/Precedent Statement

A Planning Policy/Precedent Statement forms part of the current application submission. This, in part, appears to justify the proposed development on the basis of the recently approved planning and listed building applications (AL/34/20/PL and AL/35/20/L) for the subdivision of an existing building forming part of Norton Farm House (located about 55m to the north) to create a separate one bedroom dwelling. Although both applications were approved on 30th July 2020 these applications related to conversion of part of a large building already in residential/ancillary residential use. This is an important distinction because it only proposed the creation of one new dwelling within an existing building and did not require the construction of a completely new building.

Unlike the proposed development on the tennis court, the conversion of part of Norton Farm House complied with paragraph 79 of the NPPF which states that

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside*
- b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) The development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) The development would involve the subdivision of an existing residential dwelling; or*
- e) The design is of exceptional quality, in that it:*
 - Is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area."*

The proposed development clearly does not meet any of the above criteria.

6. Housing Land Supply/Planning Balance

Whilst it is noted that Arun District Council cannot currently demonstrate a five year supply of housing land and that the proposed development of six new homes would make a modest contribution to reducing the supply shortfall the benefits of this do not outweigh the harm that would be caused the character and appearance of the countryside location; and the fact that the site is not in a sustainable location which is recognised by the two previous planning appeal decisions. In this regard the proposed development does not accord with paragraph 11d) ii) of the NPPF.

Summary

As set out above, my client raises strong objection to the proposed construction of a mews of six residential dwellings in this countryside location. The proposed development is contrary to established countryside policies of the adopted Arun Local Plan and the 'made' Aldingbourne Neighbourhood Development Plan. It is also not in a sustainable location which is confirmed by two Planning Inspectors who dealt with the two appeals on the same site for virtually identical developments (except for the live/work elements); there is insufficient information submitted to assess the potential harm to the character and appearance of the Norton Conservation Area or the setting of nearby Listed Buildings; harm would be caused to the existing countryside character and appearance of the area; and lastly, it does not comply with paragraphs 11d) ii) and 79 of the NPPF. On this basis there are strong grounds for refusing the application and the District Council is respectfully requested to do so.

We would be grateful if you could notify us if the applicant submits any detailed additional information prior to the applications being determined and your decision in due course.

Yours sincerely

for Genesis Town Planning Ltd

Jeremy Farrelly BA (Hons) UPS DUPI MRTPI
Director of Planning