



Harvests
Norton Lane
Norton
Chichester
West Sussex
PO20 3NH

18th October 2020

Dear Sir or Madam

Objection to Planning Application – AL/70/20/PL

Site Address – West Barn, Old Dairy Lane, Norton

Description of Works – ‘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’

I note the Planning Application (AL/70/20/PL) advertised on the Arun District Council website (List date: 2nd October 2020 and Advertised date: 8th October 2020).

My property ‘Harvests’ adjoins the proposed development site and I therefore have a keen interest in the proposal and its’ nature and scope.

I objected to the first Application AL/79/14/PL on 29th November 2014, the amended Application AL/79/14/PL on 26th April 2015 and the subsequent repeat Application AL/59/16/PL on 20th June 2016.

I continue to **most strongly object** to this inappropriate proposal which has now been resubmitted as AL/70/20/PL.

All Applications proposed 6 No Mews properties.

I consider the proposal to be a radical and unacceptable departure from the Development Plan. The proposal is a significant overdevelopment of the former agricultural site and will detract significantly from the character of the Norton Lane, Norton, Conservation Area. Areas suitable for residential development are appropriately identified in both the Local Plan and Neighbourhood Plan planning processes and the Norton Lane, Norton Conservation Area and its environs have not and should not be considered for such out of character residential development. Furthermore the proposal does not constitute a sustainable development and is in contravention of a number of planning policies.

I have described below the grounds for my objection and trust that the Case Officer (Ms. M. Tomalova) will consider these points when determining the outcome.

For ease of reference I have outlined my case with the following structure:-

- 1) Principle
- 2) Background
- 3) The Current Application
- 4) Grounds for objection:-
 - 4.1) The negative impact on the character and appearance of the Norton Lane, Norton, Conservation Area
 - 4.2) A departure from the Development Plan
 - 4.3) A departure from the Neighbourhood Plan
 - 4.4) Does not constitute a sustainable development
 - 4.5) Overdevelopment of the site
 - 4.6) Harmful impact on a 'quiet lane'
 - 4.7) Outside the built up area boundary
- 5) Conclusions
- 6) Recommendations

1) Principle

Within the Application AL/70/20/PL is a document 'PLANNING POLICY / PRECEDENT STATEMENT'.

This document states:-

The impetus for this Planning Application has been provided by the recent Planning Decision to Grant Permission on an adjacent piece of land to the application site for a new residential dwelling in the hamlet of Norton (Arun Planning Reference: AL/34/20/PL).

However, Application AL/34/20/PL related to an entirely different set of circumstances. The proposal outlined in AL/34/20/PL was;

'Sub-division of existing building to create 1 NO. 1- bed dwelling & construction of 4 bay oak framed outbuilding as a garage. This application affects the character & appearance of the Norton Lane, Norton Conservation Area & affects the setting of a Listed Building.

Norton Farm House Norton Lane Aldingbourne PO20 3NH'

That is, Application AL/34/20/PL at Norton Farm House proposed the sub dividing of an existing dwelling compared to this application AL/70/20/PL at West Barn which proposes the construction of six new terraced houses outside of the Development Plan and settlement boundary.

The Planning Statement for AL/34/20/PL at Norton House Farm clearly indicates in the following extract that the present occupant and Applicant was seeking to subdivide the property to house two generations of his family;

- The northern part of the single storey 1990's extension forms utility and storage spaces for the main house which will remain unaltered. A door will be retained between the two dwellings, upgraded to the correct Building Regulations standards.
- The converted dwelling would be occupied by the applicants, Mr and Mrs Homer, and the main house occupied and owned by one of their children. (Mr Homer and his family own and operate a large high tech manufacturing business in Bognor Regis).

Note the retention of a door between the two subdivided units.

The granting of this Application clearly does not provide precedent for AL/70/20/PL at West Barn.

2) Background

When examining this Application it is critically important to review the planning history of this site and the repeated Applications to construct 6 No Mews properties.

It is interesting to note the following text contained in Planning Practice Guidance (PPG):-

'.. the intention of, over time, wearing down opposition to proposed developments.'

The history of this proposal is summarised below;

AL/79/14/PL
REFUSED (APPEALED)

Case Officer: Mr S Davis
Received 10-10-14
Validated 27-10-14

Mews of 6 No. two storey low rise live work studios. This application is a Departure from the Development Plan.

West Barn Old Dairy Lane Norton PO20 3AF

Arun District Council - Decision Notice 26/06/15



In pursuance of their powers under this Act and related Orders and Regulations the Council **REFUSE** to approve the development as described in the application and plans for the reasons stated.

- 1 The proposal by virtue of its density, terraced form and backland nature, is considered to represent an overdevelopment of this quiet countryside location, would damage the character and visual amenities of the low density settlement and the landscape to the west by virtue of the relocated parking spaces for West Barn. It is therefore be contrary to policies GEN3 & GEN7 of the Arun District Local Plan and C SP1 & D DM1 of the Arun Local Plan 2011-2031 (Publication Version).
- 2 The proposed development is located outside of the defined built up area boundary and in an unsustainable location having regard to the distance of the site from bus stops, local shops & the lack of footpath access to such and therefore, the occupiers of the site would be reliant on the private car. The proposal is therefore considered to be contrary to policies GEN2, GEN3 & GEN7 of the Arun District Local Plan, policies C SP1, T DM1 & SD SP2 of the Arun Local Plan 2011-2031 (Publication Version) and paragraphs 17 & 34 of the National Planning Policy Framework.

The Planning Inspectorate - Appeal Decision 15/12/15

Appeal Ref: APP/C3810/W/15/3134557

by Andrew Steen BA(Hons) DipTP MRTPI

APPEAL DISMISSED

Main Issues

4. The main issues in this appeal are:
- the effect of the proposed development on the character and appearance of the area;
 - whether the proposal would constitute sustainable development.

Reasons

Character and appearance

5. The proposed development comprises a single building to contain six live/work units in a terrace replacing a tennis court. Part of the site that would form the shared rear garden area of the proposed live/work units is located within the Norton Conservation Area.
6. The conservation area comprises the historic development of the settlement of Norton, detached dwellings along Norton Lane in an informal layout, with space between buildings. Some of the larger houses are located further back in extensive grounds, the smaller houses further forward. There are outbuildings or former agricultural buildings to the rear of the houses, including West Barn that is currently being converted to commercial use and the buildings converted to tourist accommodation adjacent to the site.
7. The proposed live/work units would reflect the layout and design of West Barn, to provide a similar large building in modern style, divided from the barn by a landscaped courtyard that would provide parking for the proposed units. This differs from the traditional design of development along Norton Lane within the conservation area, but given the relationship with West Barn it would be in keeping with the character and appearance of the area and preserve the character and appearance of the conservation area and its setting.
8. 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.
9. For the above reasons, the proposed development would have a harmful impact on the character and appearance of the area, contrary to the Framework and Policy GEN7 of the Arun District Local Plan (LP). This policy seeks to ensure development is of a high standard of design that responds positively to the character of the site and surrounding area.

Sustainable development

10. The Framework sets out a presumption in favour of sustainable development, defined as development in accordance with the Framework as a whole. Sustainable development has three dimensions that must be considered together, being economic, social and environmental.
11. The Council have confirmed that there is not a five year supply of deliverable housing sites within the district and, as such relevant policies for the supply of housing should not be considered up to date in accordance with paragraph 49 of the Framework. Policies GEN2 and GEN3 of the LP are such policies. The Council also accept they are out of date as they relate to a time period that has elapsed. As such, I have considered the appeal in the light of the presumption in favour of sustainable development set out in paragraph 14 of the Framework.
12. Whilst the site is not within a defined settlement boundary in either an adopted development plan or a made Neighbourhood Plan, it is not in an isolated location, being well related to other dwellings and built development. However, it is some distance from basic services and facilities and poorly related to public transport links, such that it would increase reliance on the private car.
13. I accept that as the proposals are intended to be live/work units the need for residents to travel is limited and the development will incorporate modern technology to enable working from home and facilitating internet shopping. In addition, cycle parking is proposed to provide an alternative to the private car. However, given the lack of local services and facilities in this settlement, the proposed development would do little to enhance or maintain the vitality of rural communities. As noted above, I also consider that it would harm the character and appearance of the area.
14. In this case, there would be limited economic benefits during the construction of the development and the work element of the dwellings will ensure employment is brought to the village. The provision of dwellings would have a positive social impact to meet the needs of current and future residents, who are likely to be involved in the local community as this is both where they live and work.
15. In overall terms, I consider that the environmental harm resulting from the poor location in terms of access to local services and facilities including public transport provision, along with the harm to the character and appearance of the surrounding rural area, would significantly and demonstrably outweigh the limited social and economic benefits of the proposed development. As such, the proposal does not constitute sustainable development when considered against policies in the Framework taken as a whole. It would also conflict with Policy GEN7 of the LP that seeks to promote sustainable development.

Conclusion

17. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AL/59/16/PL
NON DET APPEAL (APPEALED)

Case Officer: Mr S Davis

Received 20-05-16

Validated 20-05-16

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
West Barn Old Dairy Lane Norton PO20 3AF

Arun District Council – Officer's Report 25/10/16

SUMMARY:

Paragraph 14 of the NPPF states that in cases where relevant policies in the development plan are out of date, then permission should be granted in accordance with the presumption in favour of sustainable development unless - "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; or specific policies in this Framework indicate development should be restricted".

It is considered that the adopted Local Plan is out of date and that given the 5 year housing land supply issue, the emerging Local Plan has only very limited weight. The Neighbourhood Plan has not yet been formally 'made' but is at a very advanced stage and as such should be afforded a significant amount of weight. Policy EH1 is relevant to this application and states that development will only be permitted outside the built up area boundary where it benefit the economy. The applicant has not submitted any detail as to the likely benefits of the scheme and as such it is not possible to determine whether the proposal is in accordance with EH1.

In any case, it is not considered that this is a sustainable site and that as such, residents will be car reliant. Along with the harm to the character of this rural area arising from the extension of the car park into the open land west of the barn (and the formalisation of the adjacent open grassed area), it is considered that the proposal fails the environmental aspect of sustainable development and that these adverse impacts outweigh and benefits that the scheme will bring.

Regard should also be had to the dismissal of the previous appeal application - and the fact that this scheme is not significantly different to that. It is therefore recommended that permission be refused in accordance with the following two reasons.

RECOMMENDATION

REFUSE

- 1 The proposed extension of the existing parking area beyond the western elevation of West Barn, into the adjacent land and the formalisation of the adjacent grassed area will cause harm to the character and appearance of this rural area contrary to paragraphs 7, 14 & 17 of the National Planning Policy Framework, Policy GEN7 of the Arun District Local Plan and Policy EH1 of the Aldingbourne Neighbourhood Plan.
- 2 By reason of the site's unsustainable location outside of the defined built up area boundary, its distance from bus stops & local shops and the lack of footpath access to such; the proposal will be car reliant and this will result in environmental harm contrary to policy GEN7 of the Arun District Local Plan, policies GA1 and EH1 of the Aldingbourne Neighbourhood Plan and paragraphs 7, 14, 17 & 34 of the National Planning Policy Framework.

The Planning Inspectorate - Appeal Decision 09/02/17

Appeal Ref: APP/C3810/W/16/3154760

by Grahame Gould BA MPhil MRTPI

APPEAL DISMISSED

Main Issues

9. The main issues are:
- whether the development's location would provide acceptable access to everyday local facilities by a range of modes of transport and, if not, would any dependency on private motor vehicle usage, in particular, be harmful to the environment; and
 - the effect of the development on the character and appearance of the area, with particular regard to the car park extension.

Reasons

Whether a suitable location for the development

17. The site lies behind Norton Lane, a street that is characterised by ribbon residential development. As the development would be in quite close proximity to some other dwellings and the commercial units at West Barn, it would not be physically isolated. However there would be limited access to every day local facilities, with the shops and other commercial premises, schools and other community facilities in Westergate being between 1.9 and 3.2 Km away¹. I recognise that there would be some access to public transport with bus stops being between 0.8 and 2.0 Km from the site and Barnham railway station being around 3.9 Km away, albeit that the bus services are not particularly frequent². However accessing those public transport facilities would involve walking or cycling along Norton Lane, a road with no pavements or street lighting, albeit that it is subject to a 20 mph speed limit and is classified as a 'quiet lane'. I consider that the development would not be particularly accessible to public transport.
18. Having regard to the limited accessibility there would be to every day local facilities within Norton, Westergate or the 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 the accommodation would be in an isolated location. A consequence of this being an isolated location for residential accommodation would be the making of unduly long and frequent motor vehicle trips by the occupiers or visitors to the units. The making of those trips would be inconsistent with protecting the environment by minimising the need to travel by motor vehicle.
19. I am mindful of the fact that each of the units would have space within them from which their occupiers could either run their own businesses or work from home as employees of another business or organisation. However, the 'office/studio' (workspace) shown for each unit would occupy a comparatively small area, perhaps comparable with studies found in houses not classed as live work units. I therefore consider it likely that the primary occupation of these units would be as houses with the potential for their occupiers to establish home workspace for regular or occasional use. I find some support for my finding in this regard in the letter from Hobdens Estate Agents, which refers to purchasers of properties in villages working from home on a part time basis. Even though each property would have access to the internet, which would assist with the undertaking of work related activities, I still consider that these properties would be likely to generate motor vehicle trip rates that would be comparable with non-live work units.

20. As part of the Government's promotion of sustainable development Paragraph 55 of the Framework advises that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities, with development in one village in some instances having the potential to support services in others nearby. Paragraph 55 further advises that isolated homes in the countryside should be avoided unless special circumstances apply, such as providing accommodation for rural workers, making use of heritage assets, re-using redundant or disused buildings or a scheme would be of an exceptional or innovative design. The provisions of paragraph 55 are underpinned by the social role of sustainability referred to in paragraph 7 of the Framework. Paragraph 7 states, amongst other things, that new housing should be provided so as to be accessible to local services that reflect the community's needs and supports its health, social and cultural well-being.
21. With respect to the applicability of paragraph 55 of the Framework to this case, I am mindful of the comments received from the appellant and the Council. However, given the amount of living space that would be available in each property and their rural location I am of the view that paragraph 55 is of relevance. Given the provisions of paragraph 55 I consider the aim of Policy EN1 of the ANDP to direct new development towards Westergate to be consistent with the Framework. That is because Westergate is the largest of the settlements covered by the ANDP and is the one that is most accessible to everyday local facilities.
22. As I have indicated above this scheme would not be physically isolated from other development in Norton. However, I consider that the comparatively modest amount of housing that would be provided would mean that this would do little to enhance or maintain the vitality of Norton or any of the other settlements in the area, in terms of supporting local services and businesses. In coming to this view I recognise that there would be potential for some business activity to be associated with the occupation of the development and that might give rise to some employment opportunities and other economic activity in the area. However, as I have indicated above, I consider that the workspace would be no more likely to be occupied by residents running their own businesses from home than by occupiers who might be employees of another business or organisation, with main places of work elsewhere.
23. No evidence has been provided quantifying the scale of the direct local economic benefits that might arise from the workspace's use. On the available evidence I am therefore unable to conclude that the workspace's occupation would make a significant contribution to the vitality of Norton or the other settlements in the area.
24. In terms of the special circumstances referred to in paragraph 55 of the Framework, there is no identified need to accommodate rural workers, nor would this scheme result in the reuse of a heritage asset. While the architectural design of the development would be unobjectionable, I consider that it would be neither of an exceptional quality nor particularly innovative.

25. A marketing exercise has been undertaken on the appellant's behalf, with the purpose of establishing what interest there might be for live work units in Norton. The submitted marketing report advises that the internet based marketing campaign yielded 26,393 views of the advertisement that was placed, with seven people going as far as making direct enquiries of the marketing agent.
26. I accept that the marketing exercise shows that there is some interest for live work units in Norton. However, the agent's advertisement only refers to live work units being provided in Norton and had the question raised in the advertisement not been location specific, then expressions of interest might have been received from people seeking live work units in locations other than Norton. I am therefore not persuaded that the marketing exercise offers compelling evidence that Norton would be the only or most suitable location for meeting an unquantified demand for live work units in the Council's area.
27. Having regard to the abovementioned factors I consider that no special circumstances weighing in favour of this development under paragraph 55 of the Framework have been demonstrated.
28. I note that the Inspector, who determined the very recent appeal³ for a virtually identical development at this site, also concluded that while there would be an absence of physical isolation, there would be poor accessibility to everyday local facilities. He also found that the development would do little to enhance or maintain the vitality of rural communities in the area.
29. For the reasons given above I conclude that the location of the development would provide unacceptable access to everyday local facilities by a range of modes of transport and that the resulting dependency on private motor vehicle usage would be harmful to the environment. As such there would be conflict with Policy GEN7 of the Local Plan and Policy GA1 of the ANDP in that the need to travel would not be reduced and there would be poor accessibility to public and community transport. As the development would in part involve the provision of isolated homes within the countryside, with poor accessibility to every day local facilities and an undue reliance on private motor vehicle usage, there would also be conflict with paragraphs 7, 17 (the eleventh core planning principle '... actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling ...') and 55 of the Framework.
30. The development's location outside the settlement boundary defined by the Local Plan and Westergate's BUAB means there is also some conflict respectively with Policies GEN2 and GEN3 of the Local Plan and Policy EH1 of the ANDP. However, as I have outlined above, the absence of an HLS means that limited weight can be attached to Policies GEN2, GEN3 and EH1 and accordingly the conflict with those policies is not determinative.

Conclusion

45. For the reasons given above I conclude that the appeal should be dismissed.

There is significant precedent here including two Planning Inspector's refusals to confirm that a development of six mews properties in this location is unacceptable.

I also note that in a letter from the Arun District Council Chief Executive (Mr. N. Lynn) to the Rt Hon Nick Herbert MP of 26th January 2015 regarding the previous Application Mr. Lynn states:-

'The application site lies outside of the built up area settlement boundary and as such lies in countryside. Further, the proposal is not for a type of development that would be considered acceptable within the countryside'.

I wholeheartedly concur with this view.

3) The current Application

AL/70/20/PL

Case Officer - Ms M Tomalova

Received 16-09-20

Validated 16-09-20

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.

West Barn Old Dairy Lane Norton PO20 3AF

There are several issues to consider within the Application (AL/70/20/PL)

3.1) Repeat Application

Application AL/70/20/PL essentially repeats the applications made in 2014 and 2016 which on appeal by the developer were refused by the Planning Inspectorate. This repeat nature is evidenced by the fact that application AL/70/20/PL uses the same floor plans and photomontages that were used in the previous applications.

Plate 1 – Photomontage as used in AL/70/20/PL and previous applications.



34710 architecture + development | 2011 | 01 | PROPOSED RESIDENTIAL DEVELOPMENT - VIEW 1 - AERIAL VIEW FROM NORTH WEST
WEST BARN, NORTHON LANE, PO20 3AP

1220_01

3.2) Restricted entrance to Old Dairy Lane

The Application states that Old Dairy Lane has ‘an average width of 5.5 metres’ (Ref: TRANSPORT STATEMENT) but this ignores the fact that the entrance between two brick gate pillars is only 3.44m in width. This is certainly insufficient to permit two vehicles to pass simultaneously and creates a current access issue even without the additional traffic movements associated with this proposed development. It is also important to note that the Applicant does not own the brick pillars of the gateway.

Furthermore the entrance to the proposed West Barn development site is immediately opposite a listed building (Letterbox Cottage) and increased traffic flow including the difficulty of maneuvering long vehicles will have a potentially detrimental effect on this listed building.

Plate 2 – Photographs highlighting the restricted access to the proposed West Barn development owing to narrow gateway and private parking spaces.



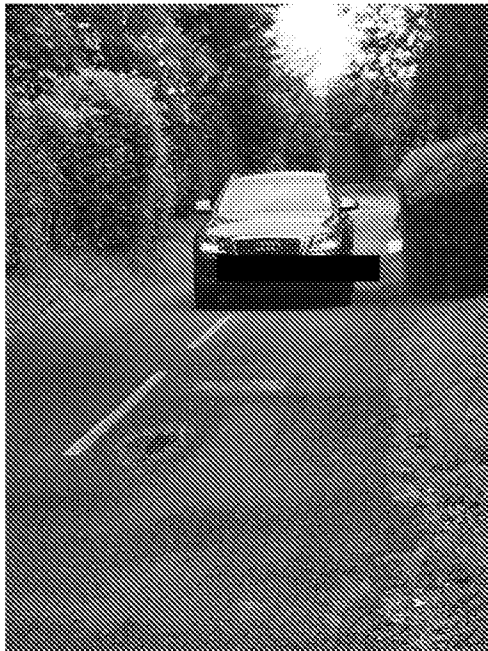
This restricted access will cause issues of traffic 'backing up' into Norton Lane and potentially hamper the access of emergency vehicles.

3.3) Narrow width of Norton Lane

It is also important to consider the narrow width of Norton Lane which does not benefit from either street lighting or pavements. This of course adds to the rural character of the Conservation Area but does not lend itself to significant development.

Norton Lane is a narrow country Lane, a 'quiet lane' with a 20 mph speed limit. The photograph below highlights the constraints on vehicle passage in the lane.

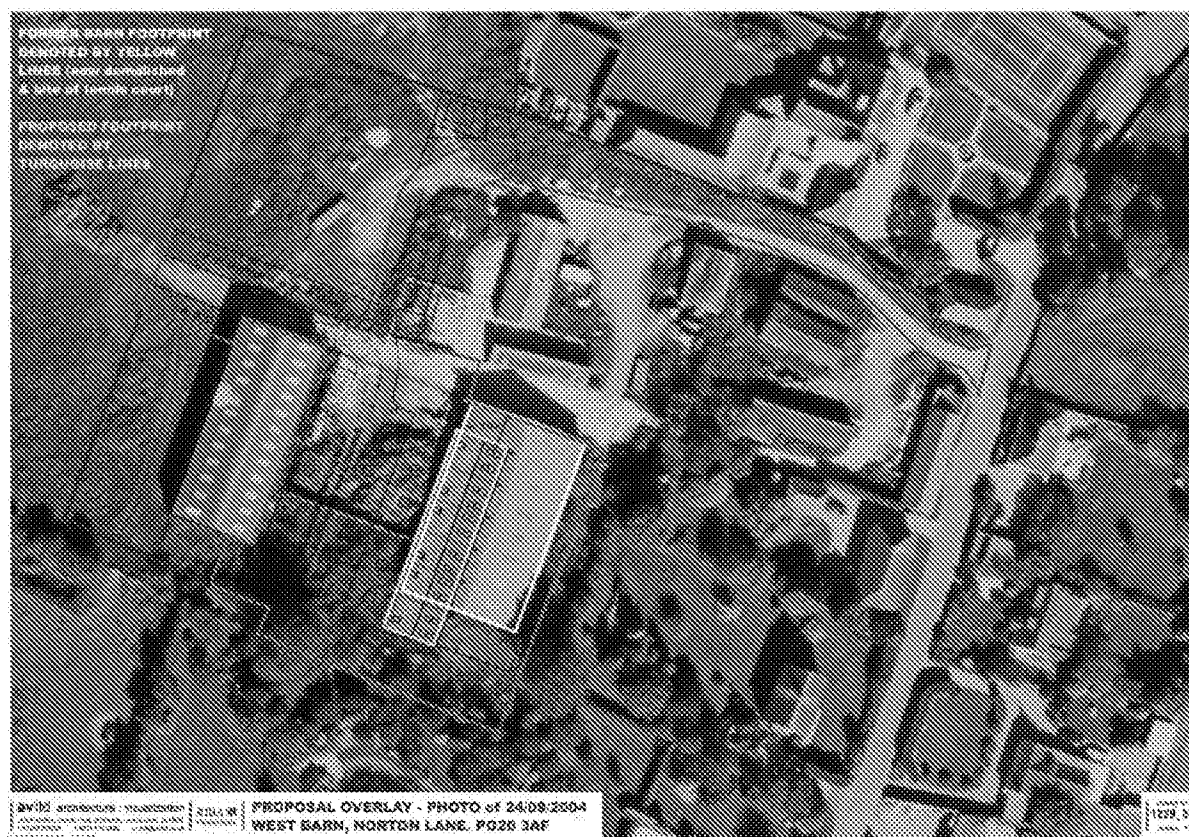
Plate 3 – photograph highlighting the narrow width of Norton Lane.



3.4) Overall nature of the site

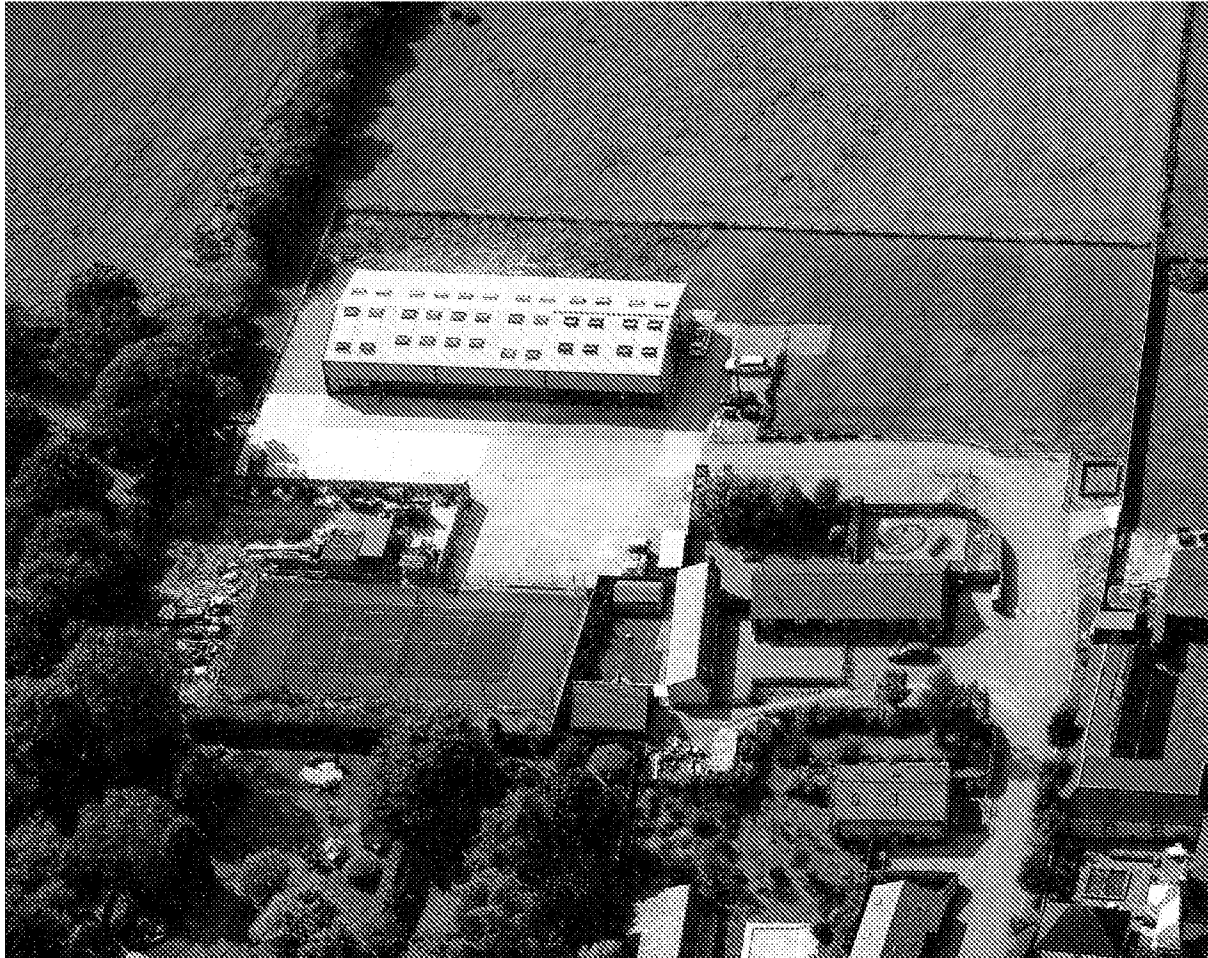
The current Application AL/70/20/PL contains an aerial photograph of the site (Ref: PROPOSAL OVERLAY PHOTOGRAPHS AND PHOTOMONTAGES) dated 2004:

Plate 4 – Aerial photograph contained within AL/70/20/PL dated 2004



However, it is more appropriate to consider a more recent aerial photograph which clearly shows the existing tennis court and neighbouring gardens and residences;

Plate 5 – More recent aerial photograph showing tennis court and neighbouring gardens and residences.



The Applicant contends that an historic barn which preceded the tennis court is reason to permit a new building on this site but the granting of a previous Application AL/92/08/ essentially removed this former barn structure and replaced it with the tennis court.



For example:-

Distance to shops – 1 km. Distance to Bus Stop – 500 m

These figures are markedly under estimates. As shown in the quotes above from the Planning Inspector's report where he uses more realistic distances:

Shops - 1.9 to 3.2 km. Bus Stop – 0.8 and 2 km

My own measurements are;

Shops

2.07 km (Petrol Station shop, MFG Westergate, Nyton Road, PO20 3UN)
2.36 km (Eastergate Post Office, Nyton Road, Eastergate, PO20 3UP)
3.52 km (Hirange Supermarket, Westergate Street, Westergate, PO20 3QZ)).

Bus Stop – over 0.8 km (NB the service is very infrequent)

These distances to local facilities and the distance to infrequent public transport indicate that the site will be heavily reliant on private vehicle use and hence is not a sustainable site.

The shops need to be accessed by private car as there are no pavements on Nyton Road and walking along this road is most dangerous.

4) Grounds for objection

4.1) The negative impact on the character and appearance of the Norton Lane, Norton, Conservation Area

Norton Lane, Norton is a rural community consisting of circa 30 residential properties and a farm. A substantial area of Norton is designated as a Conservation Area and there are a number of listed properties.

Plate 7 – Photographs highlighting the rural nature, character and appearance of the Norton Lane, Norton Conservation Area and Norton Lane in general.





Plate 8 (overleaf) reveals the proximity of the development to the Norton Lane, Norton Conservation Area and note in particular that the vehicular access to the site crosses the Conservation Area and emerges onto Norton Lane opposite a Listed Building (Letterbox Cottage). This proposal will undoubtedly have a significant and unacceptable adverse effect on the character and appearance of the Conservation Area.

It is also important to note that the rear gardens of the proposed development lie within the boundary of the Conservation Area but no account of this is addressed within the Application. The Conservation Area extends into the eastern boundary of the site by circa 5.0 m which is clearly visible in Plate 8.

Plate 8 – Arun DC Map of Norton Lane, Norton Conservation Area. The current tennis court is actually listed in the key to the map and the marked boundary clearly shows that part of the proposed development which lies within the Conservation Area.

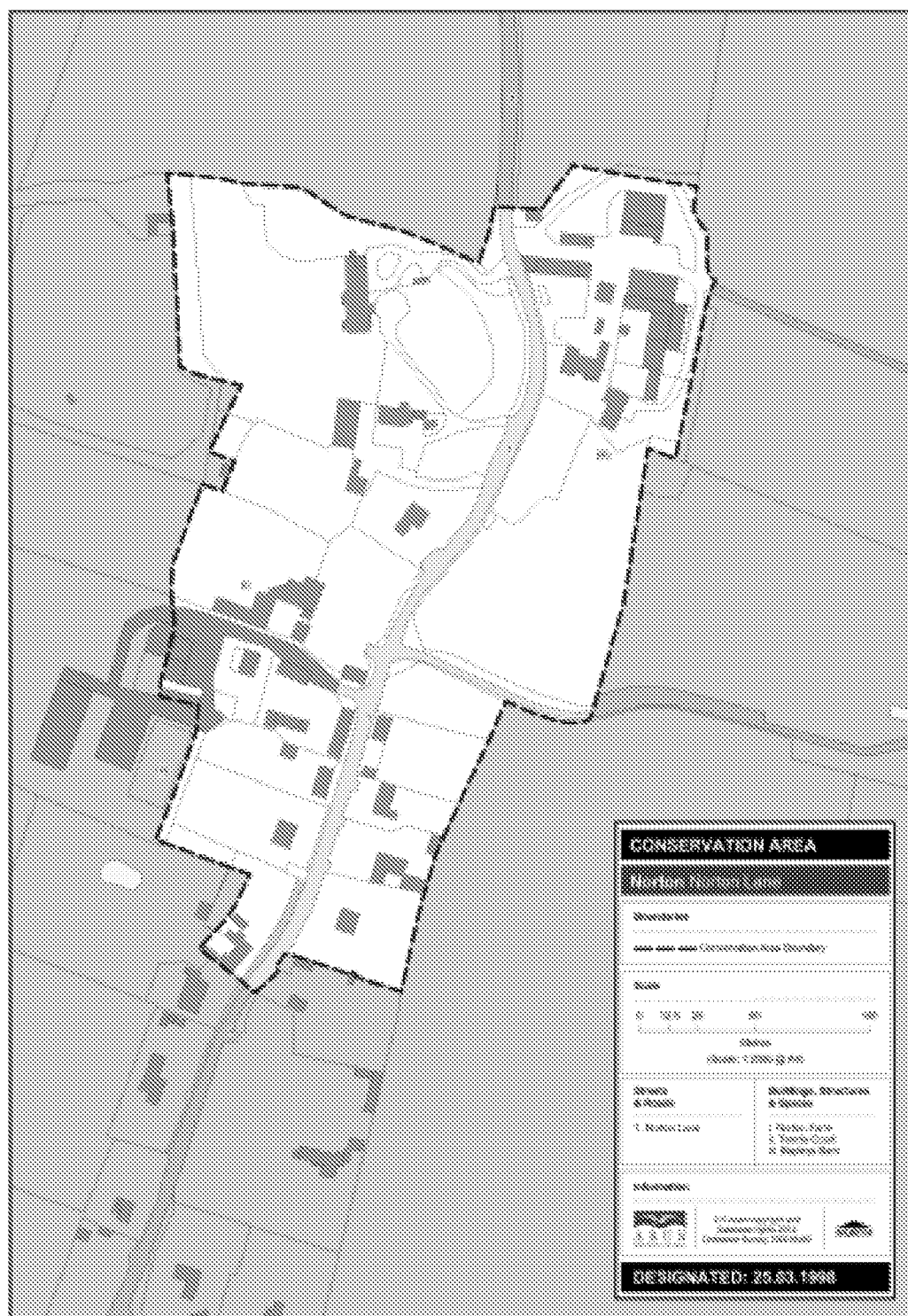


Plate 9 – Description of the Norton Conservation Area

NORTON CONSERVATION AREA

Description of the Character & Appearance of the Conservation Area

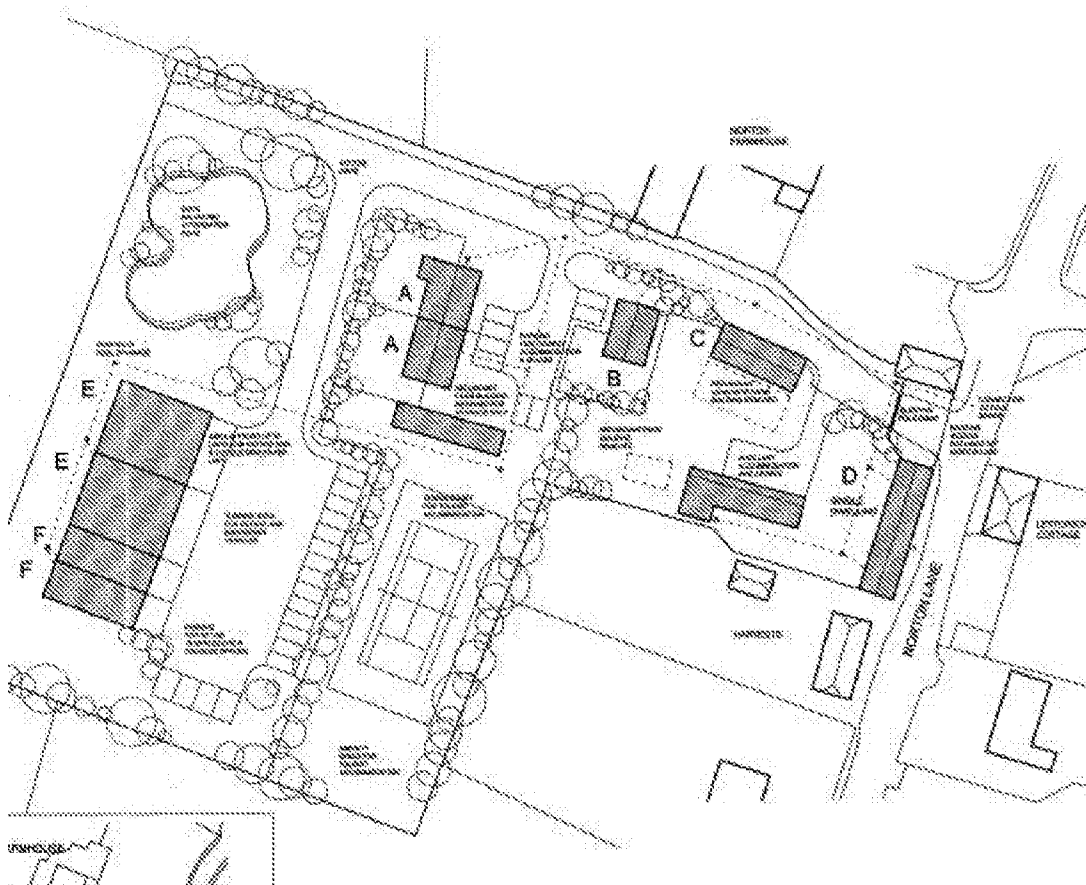
Norton is a small rural settlement lying to the south of A27 between Tangmere and Fontwell.

There is a variety in building form, style, age and materials. Although generally street fronted there is an informality of layout, some of the larger buildings e.g. Norton House and East Norton Farm House being set well back in their own extensive grounds. Space between buildings is important to the rural character of the settlement. So too is brick and flint boundary walling of various heights, mature hedges and trees and verges. A series of gentle curves in Norton Lane provide a pleasant and attractive sense of enclosure.

Within the Conservation Area the open spaces between Letterbox Cottage and Norton Grange Farm contribute to the rural character and setting of the settlement.

I remain most disappointed there has been a complete failure to implement or indeed enforce the landscaping requirements of a former approved Application (AL/92/08/) thus leaving neighbouring properties, to the Eastern boundary of the West Barn site, unscreened from the existing development of converted former agricultural buildings. The SuDs balancing attenuation pond / lake is also absent.

Plate 10 – Extract from Planning Application AL/92/08/ showing proposed planted screening to the rear of 'Harvests' and SuDs balancing attenuation pond. All unenforced to date



4.2) A departure from the Development Plan

This proposal is a radical and unacceptable departure from the Development Plan.

Areas suitable for development are appropriately identified in the Local Plan planning process (E.g. the Barnham / Eastergate / Westergate strategic site allocation). The Norton Conservation Area and its environs should not be considered for such development.

The Arun Local Plan (2011 – 2031) was adopted on the 18th of July 2018.

Application AL/70/20/PL does not accord with the principles and policies of the Local Plan.

Application AL/70/20/PL is at variance with the following extracts taken from the Local Plan;

Policy SD SP1a

Strategic Approach

- c. provide for growth of the sustainable villages whilst maintaining their setting within the open countryside.
- f. provide for development in the countryside area which reflects its character and role as the coastal plain, with green wedges separating urban areas, high quality agricultural land and environmental assets.
- h. support development which protects, conserves and enhances built heritage.

7.1.5 Key to the protection of the countryside and landscape is the identification of the Built up Area Boundary – a policy definition which defines urban areas from that of the countryside. Development outside this will be permitted where it is in accordance with the criteria specified in Policy C SP1 so that the countryside is recognised for its intrinsic character and beauty. This is supplemented though the policy provision for Green Infrastructure and Gaps Between Settlements, where the intention is to maintain and enhance the existing network of Green Infrastructure assets and prevent coalescence of settlements.

7.2.1 The Council seeks to protect the natural environment by strictly controlling development in the countryside. Countryside is an important designation encompassing those areas of the District which are outside the limits of the existing built development. For the purposes of this Plan it is defined as all land outside the defined Built-Up-Area-Boundary.

7.2.5 In recognising the importance of the natural environment, Arun District Council has identified a 'Built-Up-Area-Boundary' which will strictly control development in the countryside. This boundary, which is outlined on the Proposals Map:

1. defines those areas within which planning permission will normally be granted for new development, subject to the Local Plan policies
2. enables the best use to be made of existing and future services
3. provides a useful tool to protect against inappropriate development, and
4. preserves the setting of existing settlements by protecting the surrounding countryside from unnecessary development.

7.2.6 The boundary is important in identifying the point of transition between the built form of a main settlement and the surrounding countryside. It is not simply a means of showing the limits of existing development, as some developed areas lie outside it and some undeveloped areas lie within it. In addition, the boundary also serves to preserve the setting of existing settlements from unnecessary development.

7.2.7 The principles used in defining what is included within the Built-Up Area Boundary, as defined on the policies map, are:

- the main existing residential, industrial and commercial areas;
- all strategic allocations as identified by the Local Plan;
- land on the edges of the urban areas for which planning permission has already been granted for residential or commercial development; and
- other land on which development would be acceptable in accordance with other policies in this plan during the lifetime of the Plan.

Policy SD SP2

Built-up Area Boundary

Built Up Area Boundaries are defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of this Local Plan.

Policy C SP1

Countryside

Outside the Built-Up Area Boundaries (as identified on the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty. Development will be permitted in the countryside where it is:

- a. for the operational needs of agriculture, horticulture, forestry, the extraction of minerals or the management of waste as part of a waste site allocation within the West Sussex Waste Local Plan; or
- b. for quiet, informal recreation; or
- c. for green infrastructure; or
- d. for the diversification of the rural economy; or
- e. for road and/or cycle schemes; or
- f. in accordance with other policies in the Plan which refer to a specific use or type of development.

The Council will take into account cumulative impact of development in the consideration of planning applications.

To ensure better management of the rural-urban fringe in those areas where significant new development is proposed, early consideration will need to be given to landscape and biodiversity enhancement, woodland management, recreation provision and access routes.

Policy LAN DM1

Protection of landscape character

Development within the setting of the South Downs National Park must have special regard to the conservation of that setting, including views into and out of the Park, and will not be permitted where there would be harmful effects on these considerations.

Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas

The historic character and development pattern of settlements within the District should be respected, taking into account their distinct identity and setting

Policy H SP2c

Inland Arun

Barnham/Eastergate/Westergate (SD5)

This allocation is located around the small settlements of Barnham Eastergate and Westergate. This Strategic Allocation will provide at least 2,300 dwellings over the plan period, and up to 3,000 in total (a further 700 beyond 2031). Development proposals must demonstrate compliance with the following key design and infrastructure requirements:

Character

13.2.7 Buildings and landscapes that demonstrate a distinct character and are aesthetically pleasing, contribute greatly to the success of a place and are proven to increase community pride. A development scheme based on sensitive understanding of site and context, can exhibit a distinct character and identity, while also belonging to the wider locality. Therefore successful development should respond to locally distinctive patterns of development, building methods and detailing, materials, landscape, history and culture, or where this is absent, use strong ideas absorbed from contemporary society and culture.

13.2.12 The density of proposals should be sympathetic to the site and its surroundings. Within large sites the density should vary to guard against uniformity.

Policy D DM1

Aspects of form and design quality

When considering any application for development the Council will have regard to the following aspects:

1. Character

Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.

2. Appearance/attractiveness

Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area.

3. Impact

Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

7. Trees and woodland

All new development will be expected to incorporate existing and new tree planting as an integral part of development proposals.

14. Scale

The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement.

15.1.1 The West Sussex Transport Plan 2011-2026 identifies key transport issues in the District including;

- Due to low use of some services, there is uncertainty over the future viability of some bus services.

Policy T DM1

Sustainable Travel and Public Rights of Way

New development must ensure ease of movement, prioritising safe pedestrian and cycle access to the green infrastructure network and access to public transport and community transport services where a need has been identified. Access to alternative modes of transport including public transport services, the public right of way and cycle networks, must be available and accessible to all members of the community.

Proposals for all new development must:

- a. Be located within easy access of established public transport service(s), existing pedestrian and cycle networks, the committed and aspirational cycle networks and the green infrastructure network which links the development with key destinations including places of work, education, leisure and town centres;

Policy HER SP1

The historic environment

The Local Planning Authority will grant planning permission or relevant consent for development proposals that conserve or enhance the historic environment of the District, based on the following approach:

Designated heritage assets including listed buildings, structures and their settings; and Conservation Areas will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance.

Policy HER DM2

Locally Listed Buildings or Structures of Character

The Local Planning Authority will continue to identify and compile a list of locally important buildings and structures which make a positive contribution to local distinctiveness using the following criteria:

- a. Buildings of outstanding design, detailing, appearance or special interest because of the use of materials;
- b. Buildings which are extremely good examples of traditional or established style, or of unusual type;
- c. In special cases, buildings or structures which contribute towards the local townscape or have important historical or social associations;
- d. All buildings must be largely intact and not adversely affected by later extensions or alterations;
- e. Preferably, although not exclusively, they should make a positive contribution to their surroundings or the street scene.

16.4.2 Conservation Areas are designated not on the basis of individual buildings but because of the special architectural or historic interest, quality of the area, its mix of uses, historic layout, characteristic materials, scale and detailing of open spaces. Designation also takes into account the need to protect trees, hedges, walls, railings

and other characteristic features. Once designated, special attention must be paid, in all planning decisions, to the desirability of preserving or enhancing the character and appearance of the area.

16.4.3 Special features of these areas include not only individual buildings but various factors such as: historic street patterns and building layouts, the mix of uses, scale and detailing of buildings, materials, street furniture, vistas, and the spaces between buildings.

The Council aims

16.4.4 The Council's aims are:

- Retention of buildings, structures, planting and open space which contribute to the special character and appearance of each Conservation Area;
- Protection from inappropriate and damaging development;
- Where new development is considered appropriate, to encourage design of the highest standard, which respects the character of the Conservation Area;
- Identification of opportunities for preservation and enhancement.

16.4.6 The special character and appearance of Conservation Areas will be a material factor in planning decisions. New development must be of a high standard, reflecting the form, materials and character of existing development in the locality. The spaces between and around buildings and views are very important in Conservation Areas, and the Local Planning Authority will resist any proposals which will detract or impinge on spaces or views which contribute to the character of the area. Incidental features, e.g. hedgerows, walls, surfaces, railings and chimneys, etc. can be very important to a particular area's identity and the Local Planning Authority will expect such features to be retained. Reinstatement of these features, where lost, will be encouraged.

16.4.9 Therefore, planning permission will only be granted for development which preserves or enhances the character or appearance of a Conservation Area or its setting.

Materials

16.4.10 The use of non-traditional materials in traditional buildings, in particular PVCu, stained hardwood and aluminium windows and doors, concrete interlocking tiles etc., can erode the appearance of Conservation Areas. The Local Planning Authority will resist the use of non-traditional materials in Conservation Areas.

Setting

16.4.12 Development which adversely affects the setting, character, appearance of or views in to and out of a Conservation Area will be refused.

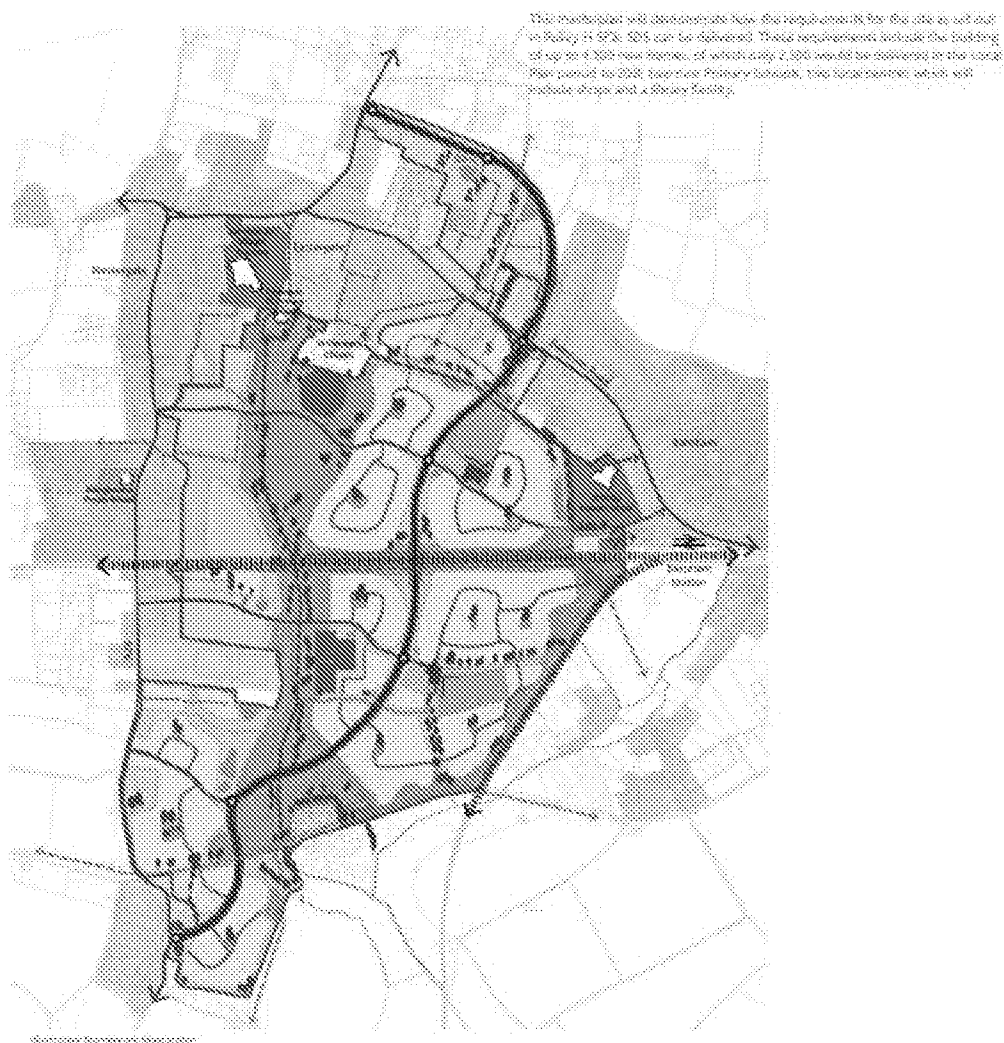
Policy HER DM3

Conservation Areas

In order to preserve or enhance the character or appearance of the Conservation Area, planning permission or relevant consent will normally be granted for proposals within or affecting the setting of a Conservation Area, provided that:

- a. New buildings and structures acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings;
- b. Alterations or additions to existing buildings are sensitively designed, constructed of appropriate materials and are sympathetic in scale, form and detailing and retain or emphasise the features and qualities of the existing buildings, townscape or streetscape in the area;
- c. Traditional features such as shop fronts, walls, railings, paved surfaces and street furniture are retained and restored;
- d. Unsympathetic features are removed and missing features are restored or reinstated;
- e. It retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges;
- f. It does not harm important views into, out of or within the Conservation Area.

Plate 11 - the Barnham / Eastergate / Westergate strategic site allocation



4.3) A departure from the Neighbourhood Plan

The Aldingbourne Neighbourhood Plan was adopted as planning policy by Arun District Council in 2016 following a Referendum of residents. Following the adoption of the Arun District Council Local Plan in 2018 amendments are required to the Neighbourhood Plan which are currently out to Regulation 14 consultation running from the 1st September 2020 and ending on the 30th October 2020.

Application AL/70/20/PL does not accord with the principles and policies of the Aldingbourne Neighbourhood Plan.

Application AL/70/20/PL is at variance with the following extracts from the Local Plan;

Policy H1 2019

Provide housing to meet District Council allocation

Permission will be granted, within the Plan period, for housing on land identified on the Proposals Map as follows:

1. Land at Wings Nursery, Lidsey Road - 55 dwellings
2. Land north of Lees Yard, Lidsey Road - 37 dwellings

Proposals will be expected to conform to the other policies in this Plan and also to provide (through S106 or CIL) funding to deliver improvements to the Aldingbourne Sports and Community Centre.

H1.1 2019 ADC Policy H SP1 has given the Parish an allocation of at least 70 houses which the Parish accepts will need to be delivered through the NP process. 25 units have been granted planning permission in 2019 at Nyton Nursery and can be counted towards the allocation. Therefore, with the two additional sites allocated by this policy the Parish will have exceeded its allocation by 47 units an increase of 67%.

H1.2 2019 A percentage of housing delivered by both sites will be expected to be delivered through the Aldingbourne, Bamham and Eastergate Community Land Trust.

'close to a shop' ...

Policy H2

Housing Mix - SAVED

Proposals for new housing must deliver a range of house types, sizes and tenures. Applicants should demonstrate how the proposal will meet local needs. Proposals where at least 25% of dwellings meet Lifetime Home Standards, or its equivalent, will be supported.

H2.1 Sites that are close to a shop will be particularly suited to meeting the needs of smaller households of older or younger people without access to private transport, including older people wishing to downsize.

Policy H3 Housing density - SAVED

The density of new development shall be appropriate to its location by virtue of size, siting and relationship to existing properties.

H3.1 To ensure that it does not harm the established character and appearance of the local area by the over development of sites giving rise to cramped and out of character developments.

Justification: Objective 1b; RNPPF 5

Policy EH1 Built Up Area Boundary (BUAB) - SAVED

Proposals for development within the built-up area boundary of Westergate, defined on Map E (as amended 2019) will generally be permitted, subject to meeting the requirements of other policies set out in the Plan.

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.

EH1.1 The boundary sets the distinction between the built form of Aldingbourne and the surrounding countryside and will protect the countryside from unnecessary development.

EH1.2 The community wish to retain the visual separation and important views between different settlements within and adjacent to the Parish and to and from the South Downs National Park.

Justification: Objective 2a, 2b; RNPPF 15

Policy EH9 Conservation Areas - SAVED

Development proposals affecting the two Conservation Areas (Evidence Base 16,17) within the Parish will only be supported where they preserve and enhance their character, setting and appearance, and in particular where proposals:

- **protect the distinctive open and rural character of the Conservation Areas and their setting**
- **contribute to sustaining or enhancing the visual connections between the three principal settlements and their rural hinterland, including longer views to the South Downs; and**
- **protect the key view lines into and out of the Conservation Areas.**

EH9.1 The settlements of Norton, Aidingbourne, Nyton, Westergate and Woodgate sit in open countryside with views towards and from the Downs. The views over the countryside, particularly uninterrupted views towards the Downs and to and from the two Conservation Areas and other historic sites and buildings are important to their setting and to local people. Views to and from historic lanes used for recreational purposes, such as Hook Lane, Northfields Lane, Denmans Lane, Level Mare Lane, and from footpaths towards the Rifles, woodlands and copses are also important to residents and the historical context of the parish.

EH9.2 Arun DC has accepted a proposal to consider the designation of an area at the northern end of Hook Lane as a Conservation Area under the Planning (Listed Buildings & Conservation Areas) Act 1990 given the distinct architectural character, which remains largely intact, and the local historical interest. The area contains an ancient monument and a number of listed buildings. (See Evidence Base 18 for map and details).

EH9.3 An area in Sack Lane, an area at the northern end of Hook Lane and two areas in Westergate Street (see Evidence Base 27A) should be considered for inclusion as Areas of Special Character. The areas proposed meet the criteria laid down in saved policy Area 1 of the ADC Local Plan 2003 and, as such, merit consideration for inclusion. In the case of the Hook Lane area this will provide protection while consideration of the CA designation is considered.

Justification: Objective 1b; RNPPF 16; ADC Policy HER DM3

evidence as suitable for designation as 'Quiet Lanes' under the The Quiet Lanes and Home Zones (England) Regulations 2006. Any proposals which involve the reinforcement of the character and tranquility of these lanes or which improve user safety and widen non-motorised access choices will be supported.

The Parish Council proposes to work in partnership with WSCC and SDNPA to promote the network of Quiet Lanes within the Parish will formally propose that the Local Highway Authority designates the above lanes as Quiet Lanes under the appropriate legislation.

Justification : NPPF 8.9 ; Objective 3a ; The Quiet Lanes and Home Zones (England) Regulations 2006.

4.4) Does not constitute sustainable development

When considering whether this is a sustainable site it is worth reflecting on the Arun DC's Planning Officers' remarks and the Planning Inspectors' remarks in relation to the two previous applications in 2014 and 2016 (see Section 2 above)

'unsustainable location'

'reliance on private car'

'not constitute sustainable development'

'unsustainable location'

'I consider that the development would not be particularly accessible to public transport'

'high level of private vehicle dependency'

This proposal, in the form of its third repeat Application is far from sustainable;

On **economic** grounds.

As the Planning Inspector remarks in his Appeal Decision report (APP/C3810/W/16/3154760) (see Section 2 above) – *'However, I consider that the comparatively modest amount of housing that would be provided would mean that this would do little to enhance or maintain the vitality of Norton or any of the other settlements in the area, in terms of supporting local services and businesses'*.

On **social** grounds there is no demonstrable need for the proposal within the rural hamlet of Norton and there is much local opposition to the overdevelopment of the site that this proposal represents. There is also insufficient weight given in the Application to the need to conserve heritage assets i.e. the listed buildings within the Norton Lane, Norton Conservation Area.

The proposed development lies within the hamlet of Norton. Within the hamlet there are no public transport services and no shopping facilities both of which lead to the need for transport in the form of private vehicles. To truly create a sustainable

development both regular public transport and shopping facilities should be within walking distance. There are several such locations locally with identified future housing allocations (see Sections 4.2 and 4.3 above)

On **environmental** grounds the proposal does nothing in terms of 'contributing to protecting and enhancing our natural, built and historic environment'. In fact, the contrary is the case. Whether it be the impact of vehicle movements, the inappropriateness of this overdevelopment in aesthetic terms or the impact on local wildlife this proposal cannot be considered environmentally sustainable.

As mentioned in Section 3.4 above the site will be heavily reliant on private vehicle use owing to the lack of local shops and services and a very infrequent local bus service.

'Shops

*2.07 km (Petrol Station shop, MFG Westergate, Nyton Road, PO20 3UN)
2.36 km (Eastergate Post Office, Nyton Road, Eastergate, PO20 3UP)
3.52 km (Hirange Supermarket, Westergate Street, Westergate, PO20 3QZ)).*

Bus Stop – over 0.8 km (NB the service is very infrequent)

These distances to local facilities and the distance to infrequent public transport indicate that the site will be heavily reliant on private vehicle use and hence is not a sustainable site.

The shops need to be accessed by private car as there are no pavements on Nyton Road and walking along this road is most dangerous.'

There is no proposal for biodiversity gain within the proposal.

The 'Environmental Design Statement' submitted with the Application attempts to 'sell' the development's environmental credentials but two statements in particular are troublesome;

The heat requirements for the dwellings will be kept to a minimum, and the low heating requirement will be met with a small, highly energy efficient gas fired boiler. Utilising a small gas boiler will result in lower carbon emissions and lower fuel bills than an electrically supplied heat pump system.

There is no mains gas supply to Norton Lane and the Application shows no provision for LPG storage.

Dwellings will have an energy efficient underfloor heating system with zoned temperature control and weather compensation. Energy efficient lighting shall be installed throughout and photovoltaics will be installed to provide renewable electricity to each dwelling. The occupiers will benefit from the use of the renewable electricity to fuel the dwelling and potentially to receive an income from the Renewable Heat Incentive (RHI) scheme (scheme extended to 31 March 2022).

'photovoltaics will be installed' – but no PV panels are shown on the plans within the Application.

It would appear that whilst 'selling' environmental credentials, there is no plan for delivery.

4.5) Overdevelopment of the site

Norton is a settlement of detached dwellings in an informal layout with space between buildings many of which are within the Norton Lane, Norton, Conservation Area. This proposal of the construction of 6 properties of terraced form is uncharacteristic and a gross overdevelopment of the site.

The Applicant's own 'Photographic Study Sheets' 1 to 3 clearly demonstrate the scale of 6 terraced properties will be completely out of character with the existing property portfolio and would constitute a significant overdevelopment of the site.

4.6) Harmful impact on a 'quiet lane'

Norton Lane is a 'quiet lane' with no street lighting or pavements. It is the subject of a 20 mph speed limit (see Plates 3 and 7 above). Also see Section 4.3 above which outlines the Aldingbourne Neighbourhood Plan policy on 'quiet lanes' where Norton Lane is specifically mentioned.

4.7) Outside the built up area boundary

See Sections 4.2 above.

5) Conclusions

In conclusion, this Application (AL/70/20/PL) contains no material change to the former Applications (AL/79/14/PL and AL/59/16/PL) which were not approved by Arun District Council and on Appeal refused by the Planning Inspectorate. All previous reasons for refusal remain valid including:-

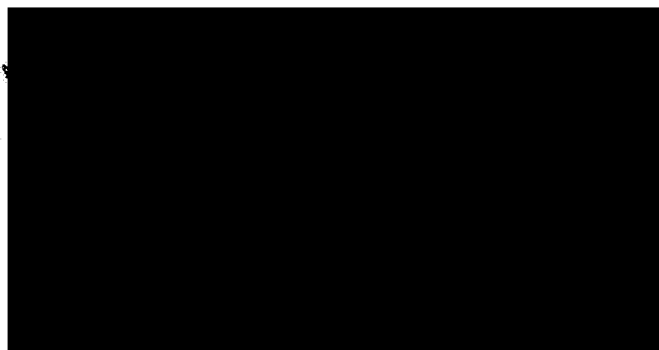
- a) A significant departure from the Development Plan
- b) Does not accord with the principles and policies of the Local Plan
- c) Outside of the built up area boundary

- d) Does not accord with the principles and policies of the Aldingbourne Neighbourhood Plan
- e) Compromises and adversely affects the Norton Lane, Norton Conservation Area
- f) Is inappropriate in terms of location, form and scale
- g) Overdevelopment of the site
- h) Harmful impact on a 'quiet lane'
- i) Does not constitute sustainable development
- j) The effect on the character and appearance of the area
- k) Is non-compliant with several planning policies

6) Recommendations

That the Application (AL/70/20/PL) is refused on similar grounds as the Arun District Council refusal of AL/79/14/PL and in alignment with the Planning Inspectorate's Appeal refusals of AL/79/14/PL and AL/59/16/PL.

If I can provide any further information, or if you wish me to clarify any aspect of the contents of this representation, please do not hesitate to contact me at the above address or on the above telephone number.



Mr John J. Spence
CBiol MRSB C.WEM MCIWEM