

Recommendation Report for Planning Permission

REF NO: AL/70/20/PL

LOCATION: West Barn
Old Dairy Lane
Norton
PO20 3AF

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for the construction of a mews of six residential properties (6 x 2 bedroom units); a single 1.5-2 storey terrace facing West Barn with a similar maximum height as West Barn. The rear is set as a private gardens whilst to the front there will be a landscaped public arena type space. Parking spaces (2 per unit) are provided in a row beyond this. The new building will have a pitched roof form that slopes down at the rear finishing with an eaves height just about the ground floor. Therefore, roof level velux windows are proposed to provide light to the first floor. No flank windows are proposed. The application is identical in location, site layout and external appearance to two previous applications other than the proposal is for the construction of a mews of six residential properties instead of six live/work units.
SITE AREA	0.56 hectares. The approximate area of the site which is to be built on (i.e. the rectangular tennis court part of the site up to the edge of the road including the proposed parking spaces) is 0.19 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	The density of the 'built' area (0.19 hectares) of the site is considered to be 33 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There is a line of mature trees along the southern boundary. To the east of the tennis court there is a hedge located on the neighbours side of the boundary. This hedge varies in height between 1.5m and 2.7m.
BOUNDARY TREATMENT	Post and rail fencing with hedge to the southern and eastern boundaries. The northern boundary is formed of 1.8m high close boarded fencing. There is a low knee rail type fence between the tennis court and the parking/turning area in front of West Barn.

SITE CHARACTERISTICS

This is the site of an area of land associated with converted former agricultural barn now in use for B1 office purposes (West Barn); is laid out with a single tennis court fringed by a mix of hard landscaping and grass. West Barn has an existing hard surfaced parking/turning area to the front. The site area includes a grassed field located to the north of West Barn as well as other areas of parking and the access from Norton Lane. It is not wholly in the Norton Conservation Area but a strip of land between the eastern side of a tennis court and the western boundary is in this designation.

CHARACTER OF LOCALITY

The site is on the west side of the small settlement of Norton and is sandwiched between residential properties, former agricultural buildings, recently converted to residential, and West Barn. There is open pasture to the west of the barn. With the exception of the 5 former agricultural buildings which only have small amenity spaces the surrounding residential area is considered to have a relatively low density with large detached houses set in spacious gardens.

Norton Lane is a linear residential hamlet consisting of circa 30 residential properties and a farm.

Although generally street fronted, there is an informality of layout with space between buildings; some of the larger buildings like Norton House and East Norton Farmhouse being set well back in their own extensive grounds, the smaller houses further forward. A substantial area of Norton is designated as a Conservation Area with a number of listed buildings.

RELEVANT SITE HISTORY		
AL/59/16/PL	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	NON DET APPEAL 17-02-17
AL/79/14/PL	Mews of 6 No. two storey low rise live work studios. This application is a Departure from the Development Plan.	Refused 26-06-15 Appeal: Dismissed 10-02-17
AL/30/14/NMA	Application for a non-material amendment following a grant of planning permission AL/28/12 - relating to internal layouts to provide 3No. Units in place of 4 & form mezzanine floors in each unit, also amendments to elevations (additional large windows to South & West elevations)	Approve 01-05-14

AL/56/13/	Repositioning of north and east site boundaries, additional parking and landscaping, re-location of bin storage area and provision of cycle store detail (resubmission following a grant of planning permission AL/28/12/)	ApproveConditionally 14-11-13
AL/28/12/	Revision to previous approval AL/92/08/ for change of use of existing farm building to office units (B1 Business)	ApproveConditionally 14-06-12
AL/92/08/	Re-use of redundant farm buildings for mixed use development - B1 offices, residential dwellings & tourist accommodation units	ApproveConditionally 21-01-09

AL/79/14 and AI/59/16/PL, for six live /work studios were refused and dismissed on appeal.

The reasons for refusal (AL/79/14):

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).

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 reasons for refusal (AI/59/16/PL):

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.

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.

An award of cost was awarded against the appellant for the second appeal on the grounds that was very little difference between the schemes subject to the first and second appeals, with the geographic

location being identical.

The current application is identical in location, site layout and external appearance to the two previous applications.

REPRESENTATIONS

Aldingbourne Parish Council (APC) - object:

- Does not appear to be materially different to those previously considered by this Council relating to this site.
- In contravention to the Arun Plan and Aldingbourne Neighbourhood Plan (ANP). It notes in particular:
 - Design which out of character with surrounding buildings and hence contravenes ANP's Quality of Design Policy H1.
 - At odds with rural environment and neighbouring conservation area and contravenes ANP Policy EH9.
 - Over development of the area and contravenes ANP Housing Density Policy H3.
 - Outside Built Up Area Boundary (contravening ANP Policy EH1) and not in accordance with the development plan, and
 - The site is not in a sustainable location and is believed to place over reliance on private car travel since public transport not readily accessible.

25 letters of objection received:

- To increase dwellings on Norton Lane by 6 properties would, due to the low count of existing dwellings be in percentage terms significant followed by the increase in traffic to the lane.
- Precedent referred to by the applicant, approved application AL/34/20/PL; this conversion scheme is simply not comparable to the current proposal physically or in terms of policy.
- There is a strong drive to reduce greenhouse gases and to reduce traffic to combat climate change.
- There are no strategic housing allocations which would make the application site more accessible.
- The site plan overlay and statement refers to an existing barn (demolished) and use this as support for the terrace. This barn was demolished years ago prior to the conversion of the redundant farm and the tennis court had already been erected.
- The development of six terraced houses would be damaging the character of openness.
- The seeming inaccuracies in the Environmental Design Statement; the application claims that the proposed heating system of LPG (Liquid Petroleum Gas) would lead to lower carbon emissions than an electric heat pump system.
- The LPG will also need to be regularly tanker delivered from a distant depot through Norton and down Old Dairy Lane and stored and it is not clear from the block plan where gas would be stored.
- Based on flawed information concerning distances to local facilities.
- The narrow width of Norton Lane which does not benefit from either street lighting or pavements.
- Complete failure to implement the landscaping requirements of AL/92/08/ leaving neighbouring properties, to the Eastern boundary of the West Barn site, unscreened from the existing development, the SuDs balancing attenuation pond / lake is also absent.
- Norton Lane is and should remain rural and free from over development.
- Application does not appear to be materially different to those previously considered by this Council relating to this site.
- The accessibility of the site has not changed since the previous two appeals.
- The dwellings relate to this farm building but fail to relate in terms of form, siting, design or materials to any of the buildings in the conservation area.
- It would dilute the rural boundary to the conservation area, and would result in an uncharacteristic urbanisation.
- The large expanses of glazing and roof lights would result in considerable and uncharacteristic light pollution in a small hamlet.
- The proposal would have no impact on Conservation Area.

- The terrace is located due south and will have an overbearing presence and overshadowing effect.
- The requirement for fire brigade access to the site is not achievable.
- The site is on agricultural land.
- Further houses will not enhance the environment, only add to the delicate infrastructure.
- The lane is not equipped with a footpath.
- There is no street lighting in Norton Lane no refuge spaces for pedestrians.
- Not sustainable development in contravention of a number of planning policies; departure from the ALD and the Neighbourhood Plan.
- The rear gardens development lie in the boundary of the Conservation Area, app. 5.0m, no account of this is addressed within the Application.
- Outside defined Built Up Area Boundary which is located app. 1.25km to the south-east at Westergate.
- Proposal 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 development except the live/work elements.
- Insufficient information submitted to assess potential harm to character and appearance of the Norton Conservation Area or setting of nearby Listed Buildings.

COMMENTS ON REPRESENTATIONS RECEIVED:

The objections of the Parish Council are noted. Neighbourhood Plan policies are discussed in the conclusions section.

The following comments are made in respect of the local resident objections:

- The distance between is more than 5km along Nyton and Barnham Road to Barnham Railway Station.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC CONSERVATION OFFICER

- As part of paragraph 189 of the NPPF, local planning authorities should require an applicant to describe the significance of any heritage assets affected as part of their proposals, including any contribution made by their setting.
- The application documents do not include an adequate heritage asset assessment therefore a thorough assessment cannot be made. In light of this absence, some comments are provided based on assessment/observations of ACD Conservation Officer.
- The site is predominantly located immediately adjoining the Norton Conservation Area but a strip of land between the eastern side of a tennis court and the western boundary is within this designation.
- The proposed units would reflect the layout and design of West Barn, a similar large building in modern style, creating an enclave of modern development on the edge of the village/conservation area.
- It is therefore considered that the proposal would be out of character with the more rural, traditional hamlet.
- Based on the lack of assessment from the applicant, it is considered that the proposal would be out of character and cannot be described as not causing harm on the conservation area.
- The impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2019).

WSCC HIGHWAYS: No objection.

DRAINAGE ENGINEERS:

No drainage design has been supplied at this stage. According to our mapping there are no

watercourses or sewers in the vicinity of the site, which may make the drainage design challenging if infiltration is found not to be viable.

SOUTHERN WATER:

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

WEST SUSSEX FIRE AND RESCUE SERVICE:

No objection subject to condition for the requirement of an additional fire hydrant. Full comments are online.

ENVIRONMENTAL HEALTH: No objection.

SOUTH DOWNS National Park :

- It is likely that the development would be visible from the National Park due to the lower land level of the site.
- The cumulative impact of development, including its design and character, on smaller settlements such as Norton which contribute to the setting of the National Park and its cultural heritage should be considered.
- A more detailed assessment should be made by Arun's Landscape Architect to ensure that the setting of the South Downs National Park is properly considered.
- Amendments to the design of the scheme which are more in keeping with the local character and heritage of Norton and which respects the culture heritage and character of smaller villages within the National Park and its setting would be welcomed.
- Particular regard should be given to the designation of the South Downs National Park as an International Dark Sky Reserve.

NATURAL ENGLAND: No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. There was a strong disagreement of the local residents with comments of WSCC Highways with respect to the distances from Norton Lane to the Bus stop, offered services and distances to closest shops and Barnham Railway station. This will be discussed in the Conclusions.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary;
Conservation Area;
Class C Road;
No Public Sewer; and
Drainage Area.

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

ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HSP3	H SP3 Rural housing and exception sites
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and 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 EH10

Unlit village status

Aldingbourne Neighbourhood Plan 2016 POLICY EH2

Support adjacent to biodiversity corridors only if demonstrate no harm.

Aldingbourne Neighbourhood Plan 2016 POLICY EH5

Green infrastructure and Ecosystem services
Development in Flood risk areas will not be supported unless...

Aldingbourne Neighbourhood Plan 2016 POLICY EH9

Surface Water Management
Conservation Area

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

Aldingbourne Neighbourhood Plan 2016 POLICY H2

Quality of Design
Range of house types
Housing Mix

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY 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 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 Neighborhood Plan which are currently out to Regulation 16 consultation running from the 4th February 2021 until the 1st April 2021.

The relevant policies are: policy H1 2019 Providing Housing to Meet District Council Allocation and saved policies H2 Housing Mix, EH1 Built-Up Area Boundary, EH2 Green Infrastructure and Ecosystem Services, EH2 2019 Protection of Bat Habitats, EH5 Surface Water Management, EH9 Conservation Areas, EH10 'Unlit Village' Status, GA1 Promoting Sustainable Movement and GA3 Parking and New Development.

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 it is located in the countryside and is also located in an unsustainable location.

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is not considered to comply with these criteria in that the applicant failed to provide a proper Assessment of the Heritage Assets as required by par 189 of the NPPF and until such an assessment has been carried out it is difficult to assess the likely effect that the proposal would have on the Conservation Area and the setting of the Listed Buildings within it.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan and these are discussed below..

CONCLUSIONS

PROPOSAL & PLANNING HISTORY:

The application proposes the erection of a 1.5-2 storey terrace comprising of 6 residential properties, facing West Barn with a public space & parking to the front and communal gardens to the rear. West Barn was converted under AL/92/08 & AL/28/12 to allow for it to be used for B1 uses. The tennis court was originally intended for use by the adjacent tourist accommodation but was subsequently taken back by West Barn and retained for a private use.

This is a third application which follows the appeal dismissal of two previous schemes which were identical in location, site layout and external appearance. Notwithstanding the additional and updated documentation submitted, the only change to the nature of the scheme is the omission of live/work nature of the proposed terrace.

KEY ISSUES

The key issues are principle, protection of a historic environment, design and visual amenity, residential amenity, highways/traffic and space standards.

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the Arun District currently comprises the Arun Local Plan 2011-2031 ("ALP"), the Aldingbourne Neighbourhood Development Plan adopted in November 2016 ("ANDP") and the West Sussex Waste and Minerals Plans.

However, section 38 (5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the current ANDP and the ALP, should therefore be resolved in favour of the latter.

Development policies that relate to the supply of housing in the Local Plan (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land (currently only 3.3 years). Policies in the ANDP that relate to the supply of housing (EH1) have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan the draft policies in the 2014 publication version of the then emerging ALP

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, criteria (a) to (d) are not all applicable because the Neighbourhood Plan was made over two years ago. The presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

The Arun Local Plan:

The key policy considerations in the determination of this application are H SP1, SD SP1 and C SP1 of the Arun Local Plan.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. Policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development

contained in the NPPF. It will work to secure development that contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

The site is in the countryside outside of the built-up area boundary. Development Plan policies seek to exert strict control over new development in the countryside to protect it for its own sake. Development will only be permitted if the criteria set out are met or where there is a strong justification for a countryside location. The Government's planning advice indicates planning authorities should continue to ensure the quality and character of the wider countryside is protected, and where possible enhanced. The objectives of the Policy are broadly consistent with the policies relating to the countryside in the National Planning Policy Framework.

Policy C SP1 "Countryside" states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. The scheme would conflict with ALP policy C SP1.

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.

The Aldingbourne Neighbourhood Development Plan (ANDP):

The site is countryside in the ANDP and policy EH1 states development will not be allowed on sites outside the built-up area boundary except where it is in accordance with development plan policies in respect of the countryside. Policy H6 (residential windfall sites) only applies to sites in the built up area boundary. Policy GA1 states proposals that increase travel demand are to be located in places accessible to public and community transport. It is not considered (see above) that this is an unsustainable location for development.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining planning applications. As discussed below under "Other Material Considerations", the Council cannot demonstrate a 5-year Housing Land Supply (HLS) and para 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means that planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Part (i) does not apply to this determination as the site does not lie in a protected landscape.

Para 170(b) of NPPF states 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.

Other Material Considerations:

The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

In December 2020, the Council republished its Authority Monitoring Report (AMR) for 2019/20. This states the HLS has now increased to 3.3 years. The HDT results for 2020 were published on 19 January 2021 and show that Arun achieved 61% thus triggering the application of the presumption in favour of sustainable development (although this is already being applied due to the HLS shortfall).

The Council's Action Plan (June 2019) makes a series of recommendations to boost housing delivery. This includes relying on the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply is re-established and the HLS is progressed through plan making. It recommends the Council consider inviting applications from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply.

The release of further land for housing will help to maintain delivery rates and this may have to include sites outside the built up area boundary. .

Site location:

The site is outside of a defined settlement boundary in the Arun Local Plan made Neighbourhood Plan, as the planning inspector observed in APP/C3810/W/15/3134557, it is not in 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. In appeal decision APP/C3810/W/16/3154760 another planning inspector carries on:

'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 of 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. 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'.

There are inconsistencies in the application with respect to distances to nearest shops and bus stops e.g. distance to shops - 1 km, distance to Bus Stop - 500 m whilst 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. The nearest shop is 2.07 km Petrol Station shop, Nyton Road, 2.36 km (Eastergate Post Office, Nyton Road, Bus Stop - over 0.8 km (NB the service is very infrequent). Buses operate from Chichester (85/85a) offering 5 services a day every 2 hours until 5pm. There is another service from Bognor Regis 66a/66c offering a similar timetable with no evening services, but this stops at Barnett Close near to the Esso Garage, which does not use Nyton Road. As such there is only 1 service which travels along Nyton Road. There are no shelters or real time information at these stops. Barnham railway station is in a distance of more than 5 km. 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. There are no designated Cycle lanes along Nyton Road.

Although it is possible to walk, cycle or walk to catch a bus from the site to nearby shops & facilities, in reality it is not considered that these options would be attractive compared to the private car. Whilst there are other houses in the vicinity of the site, it is considered that the proposal would result in a new dwelling in a relatively isolated location.

The proposal provides six new homes which would contribute, albeit in a minor way, to housing needs and would result in limited economic benefits. These economic factors weigh in the scheme's favour. As Inspector in APP/C3810/W/16/3154760 maintained: '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. ...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.'

The benefits arising from the proposal would be limited and be significantly outweighed by the adverse impacts of the proposed development in the countryside. The proposal would be contrary to the ADC policy SD SP1, the countryside protection objectives of policy C SP1, policy EH1 of the ANDP2 and provisions of the NPPF.

HERITAGE:

Policy HER SP1 of the Arun Local Plan expects that 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 DM3 affirms the preservation and an enhancement of the character or appearance of the Conservation Area, planning permission will be granted for proposal within or affecting the setting of a Conservation Area, provided 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.

Policy EH9 of the Aldingbourne Neighbourhood Plan stresses that development proposals affecting two Conservation Areas 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.

NPPF part 16 states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations. In para 190 the local planning authority is required to consider the significance of heritage assets (including the setting) that may be affected by the proposal.

NPPF para 189 highlights that local planning authorities should require an applicant to describe the significance of any heritage assets affected as part of their proposals, including any contribution made by their setting. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

NPPF para 192 (c) stresses that In determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

NPPF para 193 states that considering the impact of a development on the significance of a designated heritage asset, the great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance; and where a development proposal (paragraph 196) will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to

the desirability of preserving or enhancing the character or appearance of that area.

The terrace of six properties would in part occupy the site of the existing tennis court and part of rear gardens would appear to be in the Norton Conservation Area.

The Inspector in APP/C3810/W/16/3154760 admitted that: 'the terrace would form part of the setting to the Conservation Area. While the modern design and external appearance of the terrace would be different to that of the older properties that adjoin the site, the terrace's design is unobjectionable and the siting of the building would relate well to West Barn and would create a part courtyard form of development, not uncommon in a rural location such as this.' He carried on in his observation: 'I am therefore of the opinion that there would be no particular visual benefit to the area arising from the redevelopment of the site and that there would be no particular visual benefit to the area arising from the redevelopment of the site.'

The applicant/agent in their Design and Access Statement claims : 'The proposed development should enhance the setting of the adjacent Conservation Area through the removal of the redundant tennis court and the provision of a high quality development with high quality soft and hard landscaping. The West Barn B1 change of use has been completed to a very high standard and forms a very real influence on the application site. This application seeks to build on this precedent of quality construction and attention to detail and would potentially deliver a true sense of place and purpose to complement the B1 units.'

The South Downs National Park Authority pointed out in their comments that they would welcome a design scheme which is more in keeping with the local character and heritage of Norton and which respects the culture heritage and character of smaller villages within the National Park and its setting.

The Conservation Officer is of opinion that the proposal would be out of character with the more rural, traditional hamlet and interrogates: 'why the one modern building in the local area has been identified as the precedent for the site when there are plenty of other buildings more appropriate to use as a guide.' He concludes that proposal cannot be described as not causing harm on the conservation area.

The applicant/agent failed to provide a proper Assessment of the Heritage Assets as requirement by par 189 of the NPPF. Until such an assessment has been carried out it is difficult to assess the likely effect that the proposal would have on the Conservation Area and the setting of the Listed Buildings within it.

For the above reasons it is considered that the proposal would be contrary to the ADC policy HER DM3, policy EH9 of the ANDP2 and relevant paragraphs of the NPPF.

CHARACTER AND DESIGN:

Policy D DM1 of the Arun Local Plan requires the Council have regard to certain aspects including:

(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.";

(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."

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the

site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development.

Policy H3 of the Aldingbourne Neighbourhood Development Plan affirms that the density of new development shall be appropriate to its location by virtue of size, sitting and relationship to existing properties. Policy EH10 'Unlit Village' status declares that development proposals which detract from the unlit environments of the Parish will not be supported.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was adopted 25th January 2021. Part G.O1 which deals with Neighbourhood, Centres and Local Facilities stresses the accessibility of facilities and services is fundamental to the proper functioning of a neighbourhood.

Paragraph 124 of the NPPF observes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 127 of the NPPF states "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

Paragraph 180(c) of the NPPF 2019 outlines that development should limit the impact of light pollution on intrinsically dark landscapes and nature conservation.

The National Design Guide was published in 1 October 2019. Part C1 maintains that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

In terms of density, it is considered that the built part of the site (i.e. the rectangular tennis court part of the site up to the edge of the road including the proposed parking spaces) has a density of 33 dwellings per hectare (dph). Although the density of the adjacent area of five former agricultural buildings (later converted to holiday cottages and currently in residential use) is 24 units per hectare the surrounding residential area is considered to have a relatively low density with large detached houses set in spacious gardens.

The previous appeal Inspector did agree that the extension of the parking into the open land to the west would result in harm to the character and appearance of this rural area. The Inspector stated that: "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.

However the recent appeal Inspector was of a different opinion maintaining that the car park extension would read as a natural addition to the existing parking area and its appearance would in part be softened by the additional landscaping to be provided.

The terrace of 6 units characterised by an uneven gabled roof with 6 smaller roof-lights inserted to the western roof plane and 12 larger to the eastern roof plane which along with an extensively glazed eastern and western elevations would be a source of glare within unlit village. It is noted that the existing West Barn is provided with a large number of roof-lights and glazed areas as well albeit the B1 use of West Barn differs from especially residential with respect to time of use.

The South Down National park Authority in their comments would encourage a sensitive approach to lighting which conforms the Institute of Lighting Professionals for lighting in environmental zones, and tries to achieve zero upwards light spill in all respects.

It was noticed that both inspectors in their reports concluded that the development would not be harmful to the character and appearance of the area. Since the Inspectors report in 2016, the Arun Local Plan has been adopted in July 2018 and the NPPF was revised in July 2018 and updated in June 2019. In the new NPPF there is an important increased emphasis on quality design and not just quantity - design is hailed as a fundamental 'key aspect'; a stronger emphasis on place making, design and digital technology, as well as renewed recognition of the role of planning in creating healthy and safe communities. A high quality of design is supported by the National Design Guide published in 1st October 2019.

The proposal by reason of its size and location is not considered to result in harm to landscape character (including the setting of the National Park).

The development is in a different and more contemporary form to the features of the surrounding area, in respect of density, massing, character and appearance of the surrounding area. The policy context has changed since the last appeal was determined however the character of the local area has not. Whilst there may be some conflict with aspects of policies that relate to design such as D SP1 and D DM1 of the Arun Local Plan, H3 and EH10 of the Aldingbourne Neighbourhood Development Plan 2, relevant paragraphs of NPPF, the Arun Design Guide (SPD) and the National Design Guide the design and its impact on the area is of sufficient quality to not justify a reason for refusal.

RECENT DECISIONS:

It is acknowledged that the applicant referred to recently approved planning and listed building applications (AI/34/20/PL and AI/35/20/L) for subdivision of an existing building forming part of Norton Farm House to create a separate one bedroom dwelling. These applications related to conversion of part of a large building already in residential/ancillary residential use. It proposed the creation of one new dwelling within an existing building. Unlike the proposed development for construction of 6 units, the conversion of part of Norton Farm House complied with paragraph 79 of the NPPF(2019)

The proposed development does not meet these criteria. The Inspector in APP/C3810/W/16/3154760, pointed out : '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.'

RESIDENTIAL AMENITY:

The Arun Local Plan 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 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". Para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

It is not considered that the proposed building will result in any overlooking or loss of privacy to neighbouring properties since there are no flank windows proposed to affect the occupiers of nearby former agricultural buildings, however the overbearing effect can occur due to a presence of a substantial 2 storey structure within rather close vicinity. There would be a sizeable separation distance from the neighbouring properties facing Norton Lane.

Therefore it is considered that the development would be in a general conformity with policies D SP1, D DM1 and QE SP1 of the Arun Local Plan and Para 127 of the NPPF.

LIGHT POLLUTION:

The Arun Local Plan in paragraph 21.3.2 points out on impact of light pollution upon human health and natural habitats and policy EH10 of the ANDP stresses that development proposals which detract from the unlit environments of the Parish (the Norton Lane is part of it) would not be supported.

It is considered that the proposal given the considerable number of roof-lights would detract from the unlit environment of Norton Lane area notwithstanding the fact that lighting can be controlled through conditions.

Therefore the proposed development would not be in a compliance with policy EH10 of the Aldingbourne Neighbourhood Development Plan.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The requirement for a two storey, 2 bed, 3 person dwelling is 70m² and each of the units provides around 88m² worth of internal space.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. However, Design Guide was published and the Part H.04 deals with Residential Outdoor Amenity & External Space Standard states: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5 metres.

Regard should be had to para 127 of the NPPF which requires that new development has a high standard of amenity for existing and future users. Policy H8 of the ANDP states that "Proposals for new housing development should include good quality outdoor amenity space - either private gardens or a shared amenity area."

The proposal provides a rear gardens space with a depth of 10m which would satisfy the requirement of Arun Design Guide and complies with policies D DM1 & D DM2 of the Arun Local Plan, policy H8 of the Aldingbourne Neighbourhood Development Plan and with the guidance in the NPPF (para. 127).

HIGHWAYS, TRAFFIC AND PARKING

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes.

The ANDP policy GA3 requires provision of adequate parking in accordance with standards adopted at time and stresses that the way in which car parking is designed into new residential development will have an effect on the ability of development to blend into its location.

Arun District Council's Parking Standards Supplementary Planning Document (January 2020) outlines the approach to parking at new developments. The site provides car and cycle parking in line with ADC SPD Jan 2020. This indicates 2 car parking spaces, and 1 cycle space per dwelling. This equates to a total of 12 car parking spaces and 6 cycle spaces.

Although residents raised concerns with the safety of Dairy Lane and its junction with Norton Lane, WSCC Highways have not raised objections. Due to strong disagreement of local residents with comments of WSCC Highways officer with respect to the distances from Norton Lane to the Bus stop, offered services and distances to the closest shops and Barnham Railway station. WSCC Highways revised their comments.

WSCC as County Highway Authority, raise no objections to this application. Given the previous planning decisions on the site and local area Arun District Council as Local Planning Authority should consider the level of accessibility of the site when determining the application.

WSCC Highways does not consider this proposal has an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109).

The development complies with policy TP1 of the Arun Local Plan, policy GA3 of the Aldingbourne Neighbourhood Development Plan, Arun District Council's Parking Standards .

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

ANDP2 policy EH2 in paragraph EH2.3 reminds that part of the Plan area falls within the 12 km buffer applied to Singleton and Cocking Tunnels Special Area of Conservation (SAC) and policy EH2 2019, paragraph EH2.1 2019, carries on that this policy will ensure that additional protection is given to the Singleton and Cocking Tunnels SAC and concludes that there must be no adverse effect on the site integrity.

Para 175 of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The site is within 12km of the Singleton and Cocking Tunnels Special Area of Conservation. Policy SD10

of the South Downs National Park Local Plan states that development proposals on greenfield sites or in close proximity to woodlands and hedgerows should ensure that key features (foraging habitat and commuting routes) are retained.

The application is accompanied by a Preliminary Ecological Appraisal Report and Protected Species Assessment Report. These documents were assessed by the Council's Ecologist who does not object subject to conditions to secure various protection, mitigation and enhancement measures. Submitted Appraisal concluded that there were no discernible bat roost features identified in any area of the development site.

Natural England has raised no objections to the proposed development.

The Council's Ecologist highlights the importance of taking into consideration the presence of bats in the local area and subsequently minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill.

Taking into account the above, the proposal is considered to comply with the ALP policy ENV DM5, policies EH2 and EH2 2019 of the ANDP and the NPPF para 175.

THE NPPF PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT:

Policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental objectives should be sought jointly and simultaneously through the planning system. The following is an assessment of the benefits and costs associated with the proposal.

The site is not environmentally sustainable in that it is not possible to walk/cycle or walk and then take a bus to access nearby shops, services, schools, places of employment, railway stations & other facilities and that these are all within an appropriate distance such that it is not necessary to travel by car. The development results in the loss of a grassed field, a young tree and small sections of hedgerow but the application retains the vast majority of boundary landscaping and will propose additional trees. Ecological enhancement measures are proposed to offset the harm to existing biodiversity.

The proposal could help support the local community by providing 6 new homes and contributing to the Council's current Housing Land Supply shortfall. CIL receipts could be used in the Parish Council area to contribute towards local infrastructure needs and this would result in a further benefit to the local community.

Regard should also be had to the following benefits:

- (1) An increase in Council Tax receipts;
- (2) The creation/maintenance of construction jobs; and
- (3) Additional spending by new residents on goods & services.

However, there is no evidence that the proposal will create local employment (from construction) or that new residents will spend money in the local area.

Para 11 (d) of the NPPF sets out the application of the 'presumption' for sustainable development which is triggered where the Council's policies most important for determining the application are out-of-date. This states permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

This report finds significant adverse impacts associated with the proposal.

SUMMARY

This application has been assessed against the policies contained within the Development Plan having regard to the principle of development, design and visual amenity, internal space standards, residential amenity, highways, transport and parking, landscaping, water supply and quality and the Council's current 5 year Housing Land Supply position.

It has been found that the development fails to fulfil the objectives outlined in paragraph 8 of the NPPF and is therefore not considered to be sustainable development. It has been found that the countryside and settlement boundary policies would have limited weight owing to the Council's 5 Year Housing Land Supply position. Notwithstanding these matters, the harm that would derive from establishing new residential development in a countryside location would be reliant upon private motor vehicle and would erode the established countryside location. It is therefore considered to be unsustainable and overriding in nature. In addition, the applicant failed to provide a proper Assessment of the Heritage Assets as requirement by par 189 of the NPPF to assess the likely effect that the proposal would have on the Conservation Area and the setting of the Listed Buildings. Therefore, applying paragraph 11(d)(ii) of the 2019 Framework, planning permission should be refused.

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

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required if allowed on appeal.

RECOMMENDATION**REFUSE**

- 1 The development would result in the introduction of a residential use outside of the built up area boundary which would result in the future occupants being reliant upon private motor vehicle for day to day needs; contrary to paragraph 8 of the National Planning Policy Framework and Policies SD SP2 and C SP1 of the Arun Local Plan and Policies H1 and EH1 of the Aldingbourne Neighbourhood Development Plan .
- 2 The application site is in close proximity to the heritage assets where the applicant is required to submit an appropriate heritage assessment. Insufficient information has been provided by applicant to enable the Local Planning Authority to consider the impact on the significance of any heritage assets. Therefore the proposal fails to accord with Arun Local Plan policies HER SP1 and HER DM3 of the Arun Local Plan and Policy EH9 of the Aldingbourne Neighbourhood Development Plan and with paragraph 189 of the National Planning Policy Framework.
- 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.