

Recommendation Report for Planning Permission

REF NO: AL/85/21/PL

LOCATION: Norton Farm House
Norton Lane
Norton
PO20 3NH

PROPOSAL: Subdivision of existing building to create 2 bedroom dwelling, construction of detached garage/workshop, external & boundary works. This application affects the setting of a listed building, affects the Norton Lane/Norton Conservation Area & is in CIL Zone 3 & CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to sub-divide the farmhouse and extensions and convert the L-shaped single storey extension to a self-contained 2 bed separate residential unit. This application proposes no connecting door being retained between the Farmhouse and new residential unit in the converted extension. The conversion of the extension to a dwelling entails various internal alterations. Also proposed are various external alterations, including;

- Construction of a new entrance porch to the west elevation, replacement of single door with window, and replacement of window with 4 panel French doors.
- Removal of two windows and replacement with three altered windows and infilling of existing garage doors on the north elevation.
- Replacement of one window with new altered window, infilling of one existing window, and replacement of one window with two panel French doors.
- Addition of 3 velux rooflights on south elevation.

Also proposed is a detached garage/workshop building, with brick elevations, tiled roof and 2 large fibreglass garage doors.

The proposed boundary treatments to the south consisting brick piers and splayed brick walls and a pair of tongue and groove Oak timber gates with vehicular access off Old Dairy Lane, and to the north of the new residential unit and garage building a boundary to separate these from the garden grounds of the main farmhouse and which consisted of brick piers, brick walling, and timber fence panels with lattice curved tops.

Also proposed is an area of hardstanding/paving to the north

of the garage/workshop building.

Some of these works have commenced on site, however a retrospective application has not been made to retain these works and as such, at this stage, the Council must consider the plans submitted and before them in the decision of this application.

SITE AREA	0.72 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	3 dph.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	Boundaries consist of a brick and flint wall with hedge above, brick walls and timber fence panels.
SITE CHARACTERISTICS	Detached, three storey, brick and flint, Grade II listed farm house to the west of Norton Lane. The property is in spacious grounds, with a gravel driveway to front and garage, enclosed by a brick and flint wall and hedge to the front with Norton Lane.
CHARACTER OF LOCALITY	Semi-rural character, with mix of dwellings and farmland, on the outskirts of Norton. To the east and west there is open farmland. To the north there is a scattering of dwellings and to the south a collection of dwellings off Old Dairy Lane and a number of small work units in the former Norton Dairy. Within Norton Conservation Area.

RELEVANT SITE HISTORY

AL/86/21/L	Listed building consent for the subdivision of existing building to create 2 bedroom dwelling, construction of detached garage/workshop, external & boundary works.	
AL/35/21/DOC	Approval of details reserved by condition imposed on AL/34/20/PL relating to condition 5-site plan showing details of hard landscaping.	DOC Refused 13-05-21
AL/34/20/PL	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.	ApproveConditionally 30-07-20
AL/35/20/L	Listed building consent for the sub-division of existing building to create 1 No. separate 1-bed dwelling &	ApproveConditionally 30-07-20

construction of 4 bay oak framed outbuilding as a garage room & garage/workshop.

Noted in report. Planning permission/Listed Building Consent were granted in 2020 for the sub-division of the building and conversion of the extension to a 1 bed residential unit with connecting door to main house and some minor external alterations, and the construction of an oak framed, larch feather edged weather-boarded detached car port/workshop. This application differs in a number of key respects, as detailed in the description of development in this report above.

REPRESENTATIONS

Aldingbourne Parish Council - Objection (lodged against AL/86/21/L).

Out of character in the setting of a listed building, and is overdevelopment of the site (conflict with ANDP policies H3, EH8, & EE7). Design includes windows/doors which impact on dark skies area (conflict with ANDP policy EH10). This development has been subject to enforcement action which Arun DC have failed to impose and the PC wishes Arun DC to explain why this is a new application whereas it should be a retrospective application as the majority of the works on site have been completed.

3 other letters of objection were received, summarised as follows:

- Original permission was for a larch feather board workshop but actual building is brick and mortar and higher than what was approved.
- Height of building should be subservient to the existing adjacent building.
- Not in keeping with Grade II listed building or Conservation Area.
- New building is not a work shed but represents a new dwelling. Site already has garages, no need for further garages, implies owner is sub-dividing property for sale.
- Infringement on privacy of neighbouring garden and pool area.
- Boundary treatments more suitable for housing development than Listed Building/Conservation Area.
- Gateway to south east was not in existence, creation of new access gates and driveway resulted in loss of hedging and natural habitats.
- Impacts of increased traffic along Old Dairy Lane on wildlife e.g. hedgehogs.
- Large concrete base has been erected on agricultural land which has not been consented and does not form part of this application, questions why.
- New brick wall from pier going south is not on applicants land. Location and block plans do not accurately show the applicants land ownership.
- Building has been erected not according to approved plans, with none of planning conditions approved prior to construction work starting, and construction work continued despite Temporary Stop Notice.
- Should be a retrospective planning application.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in Conclusions.

Additional officer comments -

- Some of the works have commenced, with the garage building being substantially built, and that these works do not accord with the 2020 approved plans. However, a retrospective application has not been made to retain these works as built and as such, at this stage, the Council must consider the plans submitted and before them in the decision of this current application. This will not prevent further enforcement action being taken in the future if 1) this application were approved but a timeframe to alter the as built works to accord with any approved plans was not met or 2) this application is refused and enforcement action then proceeding on this basis.

- The description of development and submitted plans describe/show the building as a garage/workshop rather than a new dwelling. The planning application must be determined on the basis of the submitted plans. Any breach i.e. use as a separate dwelling instead of a garage would be subject to potential enforcement action.
- Not considered over-development of the site given the overall size of the grounds nor overly dense housing plot so not in conflict with ANP policy H3. However, scale of garage itself is considered excessive.
- ANP policy EH8 not relevant as relates to non-designated heritage assets, these are designated. Policy EE7 not relevant as relates to rural buildings for conversion to other uses, not residential.
- Re ANP policy EH10, no external lighting is proposed and this could be controlled by condition. Already existing openings in outbuildings. No harmful impact to dark skies/unlit environment.
- In terms of privacy the garage building has no windows at first floor level and is a considerable distance from the boundary of property to the north. It would not have a material harmful impact on the privacy of the neighbouring garden or pool area to the north.
- The boundary treatment (northern) proposed was entirely inappropriate in the setting of the Listed Building. This has been withdrawn from the application, and boundary treatments could be secured by condition.
- Already was existing vehicle access/double gates to site from Old Dairy Lane, no material increase in traffic as a result of proposal, but agree further hard landscaping/piers/gates now have been constructed and forms consideration of this application as per submitted plans.
- Land ownership issues are a civil/legal matter and are not a material planning consideration and only impact in so far as 1) the correct notices being served of those with an interest in the land 2) the correct Certificate on the application form being submitted and 3) that the site location plan red line site boundary is accurate. The information submitted by the applicant is taken on good faith. The counter-evidence provided suggests it may be the case that part of the proposals (the western splayed side wall) is on land that is not owned by the applicant and that the red line site boundary does not include all of the land to be developed, the correct notices may not have been served nor correct Certificate completed in the application form. Notwithstanding this, the facts remain inconclusive, the application is being refused in any case, and if appealed this matter and supporting evidence would need to be determined by PINs.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER:

The scheme results in harm to heritage assets, arising from the new garage building's height and materials, the extension's rooflights, the proposed boundary treatments and window design. This harm can be classed as 'less than substantial' harm, as defined in para 202 of the NPPF 2021. As per the NPPF, there is a need in the assessment of the application to balance public benefits against the less than substantial harm, along with the contents of the Planning (Listed Building and Conservation Act) Act 1990 as amended.

WSCC HIGHWAYS:

No objection. Recommend conditions to secure car/cycle parking and EV Charging Point provision.

ENVIRONMENTAL HEALTH:

No adverse comments. Recommend planning condition for standard construction hours.

ADC DRAINAGE ENGINEER:

Site is in Lidsey Waste Water Treatment Catchment Area, so surface water drainage design should be carefully considered. Recommend surface water drainage scheme condition based on winter

groundwater monitoring and infiltration testing.

SOUTHERN WATER:

A formal application to SW is required for a new connection to the public sewer. Advise that due to surface water inundation issues in the Lidsey Catchment applicant should adopt measures set out in the table "Practical measures to reduce the potential impacts of development".

WSSC MINERALS & WASTE:

No comment. Falls outside threshold being less than 0.5 hectares in size and less than 10 dwellings. Proposal should have adequate waste (refuse and recycling) provision.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in Conclusion section of report.

POLICY CONTEXT

Designation applicable to site:

Outside Built-Up Area

Countryside

Grade II Listed Building

Norton Lane Conservation Area

Lidsey Waste Water Treatment Catchment Area

Minerals Consultation Area

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
WMDM1	WM DM1 Waste Management
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment

Aldingbourne Neighbourhood Plan 2019-31 Policy EH1	Built up area boundary
Aldingbourne Neighbourhood Plan 2019-31 Policy EH5	Surface water management
Aldingbourne Neighbourhood Plan 2019-31 Policy EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2019-31 Policy GA1	Promoting sustainable movement
Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Parking and new developments
Aldingbourne Neighbourhood Plan 2019-31 Policy H8	Outdoor space

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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 relevant policies of the Aldingbourne Neighbourhood Plan 2 (made 2021) have been considered in the assessment of this application.

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 conflicts with relevant Development Plan policies in that it would result in development in the countryside outside of the defined settlement boundary in conflict with Arun Local Plan policies SD SP2 and C SP1 and Aldingbourne Neighbourhood Plan policy EH1. The proposal results in harm to heritage assets, in conflict with Arun Local Plan policies HER SP1, HER DM1 and HER DM3.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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 considered to conflict with these criteria in that it is considered to materially affect and fail to preserve the setting of the Grade II Listed Building and the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered there are other material considerations to be weighed in the balance with the Development Plan and legislative background detailed in the Conclusion. This is in the form of the Council's current lack of a 5 year housing land supply and the consideration of the NPPF's para 11 'presumption in favour of sustainable development' and para 202 of the NPPF which states that less than substantial harm to heritage assets must be weighed against any public benefits of a scheme.

CONCLUSIONS

KEY ISSUES:

- Principle of development
- Impact on heritage assets
- Impact on residential amenity
- Quality of new residential accommodation
- Parking and access to serve new development
- Flooding and drainage
- Biodiversity Net Gain

PRINCIPLE OF DEVELOPMENT:

Policy C SP1 (Countryside) of the Arun Local Plan 2018 (ALP) states that residential development in the countryside outside the Built-up Area Boundary (BUAB) will not be permitted, unless it meets certain tests including in accordance with policies in the Plan which refer to a specific use or type of development e.g. agricultural workers accommodation etc. The proposal does not relate to any of the uses/types of development which justify a countryside location. ALP policy SD SP2 seeks to focus development within the BUABs.

Policy EH1 of the Aldingbourne Neighbourhood Plan 2 (ANP) states proposals for development outside the built-up area boundary of Westergate (amended 2019) and on land to the west of Westergate Street, will not be supported. It goes on to state where there is a demonstrable shortfall in housing land supply,

development outside the BUAB will be resisted unless certain tests are met, including scale of development is proportionate to housing supply shortfall and local Parish Housing needs and is deliverable in the short-term, the proposal is sensitively located and designed and respects the character and built heritage of neighbouring settlements, is sustainably located and has acceptable amenity, traffic, biodiversity and drainage impacts.

As the site is outside the BUAB, in the designated Countryside, and the sub-division of the property results in the creation of 1 new dwelling, the proposal conflicts with the Development Plan; ALP policies SD SP2 and C SP1. Although there is a demonstrable shortfall in housing land supply, and the proposal would meet a number of tests of ANP 2 policy EH1, the proposal (for alterations to the existing extension to create a separate dwelling) has not been sensitively designed and harms the character and built heritage in the area and conflicts with the Development Plan; ANP 2 policy EH1.

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".

Since the Local Plan was adopted in 2018 and the Neighbourhood Plan made in 2021, any conflict would be resolved in favour of the latter. This means, policy EH1 of the ANP 2 which allows for development outside the BUAB where it meets certain tests when there is a lack of a demonstrable housing land supply would over-ride policies C SP1 and SD SP2 of the ALP. Notwithstanding this, the proposal fails to meet the tests of acceptable development outside BUABs as set out in ANP 2 policy EH1 so the application conflicts with the Development Plan in any event.

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."

In this case, there are other material consideration which needs to be weighed in the balance of the Development Plan in respect of the acceptability of the principle of residential development in this location; namely the Council's current lack of a 5 year housing land supply (current AMR shows it at 3.3 years) which engages consideration of the NPPF's 'presumption in favour of sustainable development'.

Para 11 of the NPPF states that:

"Plans and decisions should apply a presumption in favour of sustainable development....For decision-making this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including in case where Council cannot demonstrate a 5 year housing land supply), granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. 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.

In order for the NPPF's 'presumption in favour' to apply it must first be considered if the proposal would represent 'sustainable development' in accordance with the NPPF's definition and three objectives; social, economic and environmental. The proposal meets the social objective, making a contribution of 1 new home to the District's housing supply. CIL receipts from development could be used to contribute towards infrastructure, providing further benefit to the local community. These social benefits weigh in the schemes' favour. The proposal meets the economic objective, in terms of providing a small level of employment for the construction industry, contributing to Council Tax receipts and local spending. This provides benefit to the local economy and weighs in the schemes' favour. The site is in a relatively environmentally sustainable location (from a transport perspective) being just over 1km walking or cycling distance to shops, services and facilities in Westergate village, which offers bus routes towards Barnham railway station. Whilst the private car would be required for longer distances, residents would not need to rely on a car to be able to live comfortably at this location. However, the proposal fails to protect the built and historic environment, nor improve biodiversity or adapt to climate change. In this respect, the proposal fails to meet the environmental objective of sustainable development. The scheme would therefore be unable to benefit from the NPPF's presumption in favour of sustainable development.

Notwithstanding the above, if the presumption in favour were to apply, the application proposals would fail both tests of (i) and (ii) of part (d), since the policies in the NPPF that protect heritage assets in this case provide a clear reason for refusing the development proposed and also the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. In consideration of para 14 of the NPPF "In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

Since the application would be in conflict with the Neighbourhood Plan and all the above (a-d) would apply, in any event the adverse impact of allowing development would significantly and demonstrably outweigh the benefits and so the proposal would not benefit from the presumption in favour as per para 14 of the NPPF.

Despite the shortfall in housing land supply, a new dwelling in the countryside conflicts with policies SD SP2 and C SP1 of the Arun Local Plan, and due to failure to be sensitively designed, policy EH1 of the Aldingbourne Neighbourhood Plan 2. There are other material considerations to be weighed in the balance with this conflict with the Development Plan, firstly the lack of a 5 year housing land supply and the need to consider the NPPF's 'presumption in favour of sustainable development'. Since the proposal would not represent 'sustainable development' as defined in the NPPF, the 'presumption in favour' would not apply.

Notwithstanding this, as per S38 of the Act, there is one other material consideration which weighs in the balance of the determination of this planning application. That is the 2020 planning approval for the creation of a new dwelling on the site. This permission remains extant and can still be implemented. As

such, this existing approval provides a 'fall-back' position to the current application, and means that the principle of the creation of a new dwelling on this site, whilst contrary to the Development Plan and the NPPF's presumption in favour, is considered acceptable in this particular case.

HERITAGE:

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires there to be special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and Section 71(1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

ALP policy HER DM1 states listed building proposal should preserve or enhance the historic character, qualities and special interest of the buildings; which includes d. Protect the special interest of buildings of architectural or historic interest; and e. Protect, and where possible enhance the setting of the building.

ALP policy HER DM3 states that in order to preserve or enhance the character or appearance of the Conservation Area permission/consent will normally be granted where; (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.

Para 194 of the NPPF (2021) states in determining applications, Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Para 195 requires that LPAs identify and assess the particular significance of any heritage asset which may be affected. Para 199 states "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation..This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." In respect of less than substantial harm, para 202 states "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

A Heritage Statement was submitted. Whilst this seeks to describe the significance of the listed building and conservation area, as required by para 194 of the NPPF, it does not successfully assess the impact of the proposal on these heritage assets. For example, it states "there is an opportunity to raise the quality of the finishes in the alterations envisaged to the principal elevations of these single storey sections of the building" (i.e. the 20th century extension), when in fact the application as proposed would reduce the quality and harm the appearance of these elevations of the existing extension. In addition, it states "The detached garage/workshop building proposed...is of a traditional design and form and constructed of materials sympathetic to the original building". These are considered by the LPA to be inaccurate statements and conclusions in respect of the harm caused to heritage assets as a result of the scheme.

The Conservation Officer has assessed the significance of the heritage assets in their comments, as

required by NPPF para 195. Norton Farm House is identified as being a late C18, two storeys (and attic), detached Grade II listed house. It is faced with flints with red brick dressings and quoins with a tiled roof. There is an earlier wing at the back of the house along with a modern late C20 extension as well. The building is of aesthetic significance. The house is located in the Norton Conservation Area which has an informal rural character with materials such as brick and flint being prevalent in the street-scene. Although generally street fronted, there is an informality of layout; some of the larger buildings, e.g. Norton House and East Norton Farmhouse being set well back in their own extensive grounds.

The Conservation Officer identifies harm to the heritage assets as a result of the proposals on the number of levels, as follows;

The three velux roof lights proposed on the southern elevation of the existing extension would not be of a conservation style design (i.e. flush with roofslope and with vertical glazing bar). They would be highly visible from Old Dairy Lane and would have a harmful impact on the character and appearance of the Conservation Area.

The plans indicate the replacement of all of the windows in the existing extension as part of the proposal to convert it to a separate dwelling. The existing windows in both the potential new unit and the existing main farm house are multi-paned and contribute towards its character/appearance. The replacement windows and doors would be larger and single paned which would be out of character with the listed building and harm its significance/setting.

The new garage building is of brick construction and tiled roof (as opposed to the oak framed larch featheredge boarded carport, approved in 2020, which would have had a more traditional and sympathetic appearance). The north elevation of this new building essentially looks like a standard brick built garage, with two large fibreglass doors, with horizontal sections folding upwards. The current design is of a suburban appearance, is out of character and harmful to the visual amenity and heritage assets in the surrounds. The garage doors are of an inappropriate design and materials which do not reflect or suit the context of the application site i.e. listed building and conservation area.

The new garage building is also higher than the adjacent building i.e. the single storey later addition to the listed building which would become a separate unit (as opposed to the car port, approved in 2020, which would have been lower in height than this adjacent building). The new building would therefore appear more visually prominent and harmful in views looking towards the listed building.

The boundary treatment on the north side between the new dwelling and farmhouse was shown as brick walling and timber panel fencing with curved lattice top. This style is elaborate in appearance, very modern and something normally seen in suburban locations as opposed to more rural ones. No details are provided regarding its treatment. This form of boundary treatment is not at all appropriate for either the grounds of a listed building, nor a location within a rural Conservation Area. As such it would be out of character and harmful. It is not clear from reviewing the plans how the western and southern boundaries will be treated. This is especially important when considering the views of the building from the neighbouring lane. The boundary treatment drawing has been withdrawn from the application submission, and boundary treatments could be secured by planning condition.

The proposal results in harm to the significance and setting of this Grade II listed building and the character and appearance of the Norton Conservation Area, arising from the extension's new rooflights and window/door replacement and the new garage building's height, design and materials. This harm can be classed as 'less than substantial' harm, as defined in the NPPF 2021. As per para 202 of the NPPF, there is a need in the assessment of the application to balance any public benefits against the less than substantial harm. The proposal, when taken as a whole, includes the creation of a new dwelling and so results in public benefits in the form of an increase to the District's housing supply, Council tax receipts,

local spending, CIL contributions to infrastructure and construction jobs etc. The new garage building which is the most harmful element of the application does not itself result in any public benefits, and the applicants have the 'fall-back' position of the 2020 approval to provide a new dwelling. There are no public benefits which outweigh the less than substantial harm that would result. Great weight has been given to the conservation of the significance of the heritage assets, irrespective of the level of harm being less than substantial, as required by NPPF para 199. The proposal fails to preserve the significance and setting of the listed building and the character and appearance of the Conservation Area, in conflict with the Planning (Listed Building & Conservation Areas) Act 1990 as amended, the NPPF 2021 and Arun Local Plan policies HER SP1, HER DM1 and HER DM3.

RESIDENTIAL AMENITY:

Policy D DM1 of the Local Plan states development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. QE SP1 states the Council requires development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. Policies QE DM1, DM2 and DM3 are concerned with noise, light and air pollution. The Arun District Council Design SPD provides detailed guidance on amenity impacts including minimum separation distances to avoid overlooking. Para 130 (f) of the NPPF states development should have a high standard of amenity for existing and future users.

The external extensions and alterations to the existing extension to facilitate its conversion into a dwelling, given their siting and scale, and the proposed location for boundary treatments, would not result in an impact on the outlook, light or privacy levels of neighbouring properties including the applicants property (main farm house). It is anticipated there would not be a significant increase in activity or general noise and disturbance as a result of the creation of this additional dwelling; the building would continue in residential use, its openings and access would face inwards into the site away from neighbours and it is screened by existing boundary treatments.

The garage building would be at the side/rear of the main farm house just inside the boundary, adjacent to Old Dairy Lane. It would be approx. 16m from the nearest neighbouring property. Due to its siting, single storey scale and lack or type of openings on the southern/northern boundaries, it would not result in any harm to the outlook, light or privacy of neighbouring occupants including at the applicants property.

In conclusion, the proposals maintains residential amenity of neighbouring occupants, in accordance with the NPPF, policies D DM1 and QE SP1 of the Arun Local Plan and the Arun Design SPD.

QUALITY OF NEW RESIDENTIAL ACCOMMODATION:

Policy D DM2 of the Arun Local Plan states that internal spaces of new development should be of an appropriate size and that the national internal space standards set out in 'Technical Housing Standards - Nationally Described Space Standards' (2015) provide guidance. Supporting para 13.3.4 to D DM2 states "There might be occasions where development schemes cannot comply with all the space standards required (such as the conversion of an existing building, or where compliance with the standards may harm the historic character of a building). Arun District Council will consider these on a case-by-case basis." Section J.08 of the ADC Design SPD re-iterates the need to comply with the national internal space standards.

National guidance advises that for a 1 storey 2 Bed 4 Person house the minimum standards are a Gross Internal Area of 70sqm. The plans indicate a single storey 2 bed (4 person) property with a GIA (not including garage building) in excess of 200sqm. This well exceeds the minimum internal space

standards, so the new dwelling would comply with policy D DM2. The accommodation is well laid out and provides built-in storage and a good quality of outlook and light levels to future occupants.

There are no specific policies in the Arun Local Plan with regard to external amenity space. Section H.04 of the Arun Design SPD (Jan 2021) advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable for occupants. Policy H8 of the ANP 2 states new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area.

The new home would enjoy private use of an enclosed grassed outdoor space to the rear/south of the main farm house (with dividing boundary treatment between the main house grounds and this garden), and this garden would be of an appropriate size and shape to serve a 2 bed dwelling. The application complies with policy H8 of the Aldingbourne Neighbourhood Plan and the ADC Design SPD.

Policy WM DM1 of the Arun Local Plan requires new residential development to ensure that kerbside collection is possible for municipal waste vehicles and bin storage provision is made as follows:- Each unit should be provided with the equivalent of 240 litres of residual waste storage/bins. The same amount of storage space/bins for recyclable materials is required to be provided. It is recommended that any waste storage provision is located near or adjacent to the highway, so that the maximum refuse pulling distances and refuse vehicles access requirements are complied with. Policy H9 of the Aldingbourne Neighbourhood Plan 2 requires that bin stores and recycling facilities are integrated into the overall scheme design. Section H.07 of the Design SPD, requires that attractive bin storage (providing screening for bins) should be integrated into the design of new housing.

The Site Plan does not indicate bin storage to serve the new dwelling, however this could be secured by condition to ensure the proposal would comply with WM DM1 of the Arun Local Plan, policy H9 of the Aldingbourne Neighbourhood Plan 2 and the ADC Design SPD, and that appropriate visual screening to storage given the context of the Listed Building and Conservation Area setting is provided.

PARKING AND ACCESS TO SERVE NEW DWELLING:

Para 110 of the NPPF states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Para 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. ALP policy T DM1 requires development to make provision for facilities for sustainable modes of transport such as cycling, to meet the parking standards, including cycle storage.

Policy GA3 of the Aldingbourne Neighbourhood Plan 2 requires that new development must include adequate parking consistent with the standards set out at the time. It also states that for on-site parking, garages should be designed to reflect the architectural style of the house they serve. Policy GA1 of the ANP 2 seeks to promote sustainable modes of transport.

The Site Plan shows the vehicular access would be off Old Dairy Lane through existing double gates (to be replaced with new double gates). Given it would be off an existing access road and through an existing access point, the access is considered suitable and safe and the proposals would not have a severe impact on the operation of the highway and highways safety. The Local Highway Authority have raised no objection on the grounds of access or highways safety.

The ADC Parking SPD (2020) requires a minimum of 2 on-site car parking spaces for a 2 bed property in this location (Parking Behaviour Zone 2), and 1 cycle parking space. The plans include a new detached double garage and area of hardstanding for the parking of vehicles. The plans do not indicate cycle parking, however, undercover and secure cycle parking could be included in the garage. Electric Vehicle charging points at a rate of 1 charging point per parking space should be provided. The Local Highway Authority raised no objection to the application, subject to planning conditions to secure the on-site car parking as shown, cycle parking and EVCP provision. There are walking/cycling routes in the vicinity and bus routes from Westergate to Barnham railway station.

Subject to conditions, the proposal would have an acceptable impact on parking, highways and transport, in accordance with the NPPF, policies T SP1 and T DM1 of the Arun Local Plan, and policies GA3 and GA1 of the Aldingbourne Neighbourhood Plan 2 and the Arun Parking SPD (2020). However, the proposal would fail to provide a garage which would be designed to reflect the architectural style of the house it would serve and as such fails to comply with ANP 2 policy GA 3 in this respect.

FLOODING & DRAINAGE:

Arun Local Plan policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans. ALP policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. These features may include green roofs, permeable driveways, soakaways, water harvesting such as water butts. Policy EH5 of the ANP requires that new development would not give rise to overall level of flood risk in the area, and makes provision for appropriate surface water and foul water drainage requirements arising from the development.

The site is in Flood Zone 1 (low risk of flooding) and is under 1 hectare in size. No FRA or flood mitigation measures are required in this regard.

The site is in the Lidsey Water Treatment Catchment Area where foul and surface water drainage needs to be carefully considered. The Drainage Engineer raised no objection, subject to a condition requiring a surface water drainage scheme to be submitted to and approved by the LPA, based on winter groundwater monitoring and infiltration testing. Under the 2020 application, it was concluded as the only new building was the car port it was not necessary to impose the drainage condition. Given this proposal includes a large area of hardstanding, and that a new building is proposed, it is considered that a surface water drainage scheme should be obtained to show how drainage would be managed in this sensitive location (Lidsey Catchment) and SUDs (e.g. permeable hardstanding, soakaways etc.) integrated into the scheme to enhance drainage.

In respect of foul drainage, the applicant confirmed the dwelling would connect to existing foul drainage mains sewer on site. Southern Water raised no objection, and advised a formal application to SW is required for a new connection to the public sewer, and that due to surface water inundation issues in the Lidsey Catchment applicant should adopt measures set out in the table "Practical measures to reduce the potential impacts of development". These matters could be dealt with by informatics.

Subject to a condition, the application would have an acceptable impact on drainage and would not increase the risk of flooding, in accordance with the NPPF, ALP policies W DM2 and W DM3 and policy EH5 of the ANP.

BIODIVERSITY NET GAIN:

The Environment Bill, NPPF, Arun Local Plan policy ENV DM5 and Aldingbourne Neighbourhood Plan 2 policy EH6 require that all new development seek a net gain in biodiversity. No biodiversity measures have been proposed as part of this application. However, a planning condition could be used to secure biodiversity net gain and to ensure compliance with the Environment Bill, NPPF, ALP policy ENV DM5 and ANP 2 policy EH6.

SUMMARY:

Despite the Council's shortfall in housing land supply, the proposal for a dwelling in the countryside conflicts with policies SD SP2 and C SP1 of the Arun Local Plan, and due to failure to be sensitively designed, policy EH1 of the Aldingbourne Neighbourhood Plan 2. There are other material considerations to be weighed in the balance with this conflict with the Development Plan, firstly the lack of a 5 year housing land supply and the need to consider the NPPF's 'presumption in favour of sustainable development'. Since the proposal would not represent 'sustainable development' as defined in the NPPF, the 'presumption in favour' would not apply.

Notwithstanding this, as per S38 of the Act, there is one other material consideration which weighs in the balance of the determination of this planning application. That is the 2020 planning approval for the creation of a new dwelling on the site. This permission remains extant and can still be implemented. As such, this existing approval provides a 'fall-back' position to the current application, and means that the principle of the creation of a new dwelling on this site, whilst contrary to the Development Plan and the NPPF's presumption in favour, is considered acceptable in this particular case.

The proposal fails to preserve the significance and setting of the listed building and the character and appearance of the Conservation Area, and the 'less than substantial' harm would not be outweighed by any public benefits of the scheme. As such, the application would be in conflict with the Planning (Listed Building & Conservation Areas) Act 1990 as amended, the NPPF 2021 and Arun Local Plan policies HER SP1, HER DM1 and HER DM3.

The new garage by reason of its design fails to reflect the architectural style of the house it serves and as such fails to comply with policy GA3 of the Aldingbourne Neighbourhood Plan 2 (2021).

The application is therefore recommended for refusal, based on 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 (dependant on any exemptions or relief that may apply).

RECOMMENDATION

REFUSE

- 1 The proposal, by reason of its siting, scale, design and materials, fails to preserve the significance and setting of a Grade II listed building and the character and appearance of the Norton Conservation Area. This 'less than substantial' harm would not be outweighed by any public benefits of the scheme, as required to be considered in paragraph 202 of the NPPF. As such, the application would be in conflict with the Planning (Listed Building & Conservation Areas) Act 1990 as amended, the NPPF (2021) and policies HER SP1, HER DM1 and HER DM3 of the Arun Local Plan (2018).
- 2 The garage by reason of its design fails to reflect the architectural style of the house it serves and fails to comply with policy GA3 of the Aldingbourne Neighbourhood Plan 2 (2021) causing harm to the character of the area.
- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
- 4 **INFORMATIVE:** The matter of land ownership and how it relates to the proposed development, and if correct notices have been served and accuracy of Certificate in application form and Site Location Plan, remains inconclusive. The Planning Inspectorate may wish to consider this matter procedurally and address this in the event of any future appeal.