

DECISION NOTICE

Application Ref: A/168/21/PL

1 To Addressee

Henry Adams LLP
Rowan House
Baffins Lane
Chichester
PO19 1UA

2 Site Address

Land South Of Littlehampton Road and
East of Worthing Road
Angmering
BN12 6PN

3 Description of Development

Erection of 76 No. dwellings, means of access, public open space, play areas, associated infrastructure & landscaping. This application is a Departure from the Development plan, is in CIL Zone 5 and is CIL Liable as new dwellings & affects a Public Right of Way.

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

- 1 The development is located outside of the built up area boundary of Angmering as defined by the Arun Local Plan Policy C SP1 and Angmering Neighbourhood Plan Policy HD1. The development is not in accordance with policy C SP1 as it is not an approved category of development in the countryside and the benefits of the development do not outweigh the harm.
- 2 In accordance with paragraph 11d of the NPPF, the Council concludes that there are significant and demonstrable negative impacts associated with the development that, when assessed against the NPPF as a whole, would outweigh any presumption in favour of sustainable development. The site is within the open countryside and is visually separate from the adjoining residential development with far ranging views across open countryside to the site. The development would significantly and adversely change the character of the open countryside irrevocably and the new development would be urban in character. As such, the proposals fail to accord with policies HD4 and HD5 of the Angmering Neighbourhood Plan and policies D SP1 and D DM1 of the Arun Local Plan.
- 3 The application proposals are located within a defined Settlement Gap. The proposal would involve significant built development within the East Preston to Ferring Settlement Gap, in conflict with policy SD SP3 of the Arun Local Plan which requires that development demonstrates that it

cannot be located elsewhere and does not result in undermining the physical/visual separation of settlements. The proposal and associated loss of trees to create the access would result in a prominent and visually obtrusive form of development which would adversely affect the visual amenities of the locality and rural character of the area and the setting of the National Park contrary to policies LAN DM2, SD SP3 and D DM1 of the Arun Local Plan and the NPPF.

- 4 Insufficient surface water drainage details have been submitted to fully determine the viability of the proposed surface water drainage scheme on the site layout. Consequently, the proposed development is contrary to Policies W DM2 and W DM3 of the Local Plan, Policy EH3 of the Angmering NP and the National Planning Policy Framework.
- 5 The site comprises Grade 2 Agricultural Land and it has not been satisfactorily demonstrated that there is an overriding need for the development in this particular location and the proposal does not include the submission of site, sustainability and options appraisals. The proposal conflicts with policy SO DM1 of the Arun Local Plan and para 174 of the NPPF.
- 6 The proposal does not contain sufficient information to demonstrate that the access would not have an adverse effect on highway safety. The proposal therefore conflicts with policy T SP1 of Arun Local Plan and the National Planning Policy Framework.
- 7 With particular regard to the location of the site close to the railway line the proposed development, by way of its layout (including the position and amount of public open space), height, design, density and mix of the dwellings will result in a built form of development which is out of character and incongruous with its rural setting and therefore in conflict with policies D DM1, D SP1, H DM1, OSR DM1 of the Arun Local Plan, policies HD3, HD4, HD5, HD6 and HD7 of Angmering Neighbourhood Plan, Arun Design Guide and the NPPF.

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 determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.



Neil Crowther
Group Head of Planning

Case Officer: Mrs A Gardner
Decision Issued: 16th November 2021

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

highway land).