Town & Country Planning Act 1990 (as amended)
Town & Country Planning (Development Management Procedure) (England) Order 2015 - Article 5

Application for Outline Consent

DECISION NOTICE

Application Ref: A/2/23/OUT

1 **To Addressee**

Pegasus Group
Querns Business Centre
Whitworth Road
Cirencester
GL7 1RT

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2 **Site Address**

Land at Ham Manor
Station Road
Angmering
BN16 4JA

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3 **Description of Development**

Outline application with all matters reserved for development comprising up to 133 dwellings along with associated access, internal roads and footpaths, car parking, public open space, landscaping, drainage, undergrounding of overhead HV cables and other supporting infrastructure and utilities. This application is a Departure from the Development Plan.

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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 The site is within the open countryside and is visually separate from the adjoining residential development and 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 policy 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 Angmering to Rustington/East Preston Settlement Gap, in conflict with policy SD SP3 of the Arun Local Plan which requires that development demonstrates it cannot be located elsewhere and does not result in undermining the physical/visual separation of settlements. The proposal 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 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 Neighbourhood Plan and the National Planning Policy Framework.

5 Insufficient details have been provided to ensure that the proposed highway network could safely accommodate the proposed development and to confirm that the proposal could safely access Station Road. As such, the proposed development fails to ensure that it would not impact on highway safety, contrary to Arun Local Plan Policy T SP1 and the National Planning Policy Framework.

6 The site comprises predominantly Grade 2 Agricultural Land and it has not been satisfactorily demonstrated that there is an overriding need for the development in this particular location. The proposal conflicts with policy SO DM1 of the Arun Local Plan and para 174 of the NPPF.

7 The proposal would fail to provide an appropriate agreement or undertaking to secure a policy compliant level of affordable housing. The proposed development is therefore contrary to Arun Local Plan Policies H DM1 and AH SP2.

8 The proposed development does not include an appropriate agreement or undertaking to secure the Education Transport Contribution. The proposed development is therefore contrary to Arun Local Plan Policies H SP2, INF SP1 and INF SP2.

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 reasons for the refusal, approval has not been possible.

Neil Crowther
Group Head of Planning

Case Officer: Jon Puplett

Decision Issued: 5th April 2023

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).