

Recommendation Report for Planning Permission

REF NO: A/32/20/PL

LOCATION: White Lodge
Hangleton Lane
Ferring
BN12 6PP

PROPOSAL: Erection of 1 No. detached low-profile bungalow with attached garage. This application is a Departure from the Development Plan & may affect a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to a new 3 bedroom bungalow within the existing garden to 'White Lodge'. The proposed dwelling would be 24m wide and 13m deep and would have a low-profile design with a ridge height of 5.4 metres and a height to eaves of 2.25 metres. There would be an integral garage and car port and parking/turning provision to the front of the new dwelling, a garden area to the front and rear and an access road leading out onto Hangleton Lane.
SITE AREA	1872 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	53 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. Some pine trees within the site and fir trees on rear boundary.
BOUNDARY TREATMENT	The western boundary has cypress/leylandii trees. Hedging to Hangleton Lane
SITE CHARACTERISTICS	The site forms part of the curtilage of 'White Lodge', a detached chalet bungalow, located off Hangleton Lane. The site consists of a gravel driveway to the front of the main property 'White Lodge', a double garage (that has been converted to habitable accommodation for use ancillary to the main house) located to the rear of 'White Lodge', some outbuildings being used for the maintenance, repair, storage and sales of vehicles, an area where vehicles are stored, and a lawned garden area.
CHARACTER OF LOCALITY	The site is located off Hangleton Lane which has a small number of residential properties, and a mix of uses with farm and horticultural buildings. Highdown Hill Cottage, which is opposite the site is a Building of Special Character. The area is mixed in character and

within a mainly rural area. To the south of Hangleton Lane is the A259 and to the north of the site there are agricultural fields which border the southern end of the South Downs National Park.

RELEVANT SITE HISTORY

A/147/15/PL	Construction of 6 No. wooden clad, short stay holiday lodges, construction of combined nursery farmshop/cafe & reception area, change of use & conversion of existing agricultural packing shed to owners accommodation, change of use of a mobile home for holiday let, demolition & removal of a portable cabin with landscaping & ancillary infrastructure. This application is a Departure from the Development Plan.	ApproveConditionally 21-12-15
A/71/01/CLE	Application for a Certificate of Lawfulness for an existing use for storage, repair,maintenance,display and sale of vehicles.	Refused 24-08-01

A/71/01/CLE

Application for a Certificate of Lawfulness for an existing use for storage, repair, maintenance, display and sale of vehicles.Refused 16/08/2001

After this refusal in 2001, an Enforcement Notice was issued by the Council. This went to appeal and the Notice was quashed (26 February 2004) and the use was found to have been in operation for in excess of 10 years without permission and therefore found deemed lawful.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Ferring Parish Council

Angmering Parish Council - No Objection - Site is outside the development plan and affects a public right of way. Comments made by the SDNP Authority regarding materials and lighting and environmental assessment of the site should be considered. There should be no detrimental effect to the public right of way.

Ferring Parish Council - Objection.

- This site is outside the built-up area, in conflict with the Ferring NP and Arun Local Plan. It does not meet the requirements for sustainable development per the NPPF as residents would be heavily reliant on vehicular usage contrary to policies T SP1 and T DM1. It conflicts with the NPPF policies designed to promote walking and cycling in terms of its location and also the added congestion on the narrow lane with the associated highway safety risks particularly to equine, pedestrian and cycle users.

- There is no housing demand that would over-ride the protection of the semi-rural status of the site as it is not an essential element of any agricultural, horticultural or other countryside purpose.
- Surface water flooding is a significant problem for sites either side of this lane and causing highway flooding along its length, again making further unnecessary and unsustainable development ill advised.
- Being adjacent to the boundary of the National Park, the site would be subject to the dark skies policy which would not be met by allowing additional residential property in such an elevated position
- Unneighbourly causing overlooking and loss of privacy

2 Objections

- The Local Plan has designated this area as free from residential properties.
- This site is on the boundary of Ferring parish but is within the Angmering - Worthing Gap, where the principle is for no residential development. This is explicitly provided for in the Arun Local Plan and there are no adequate grounds for departing from it.
- The applicant wants to build a bungalow for family occupation. This is irrelevant, and even if it were not no condition could be attached to prevent it being sold on the open market.
- The steady deterioration of the semi-rural character of Hangleton Lane is insufficient reason to allow more houses. Development in the Lane has gone too far already - it should be halted not extended.
- There is also the continuing problem of drainage and increasing traffic in the Lane.
- The proposed development is unwelcome and unwarranted.

COMMENTS ON REPRESENTATIONS RECEIVED:

The access to the application site impacts a public right of way. Materials and lighting could be controlled by condition.

The site does lie outside the built up area in a settlement gap and the policy considerations are expanded on in the conclusions section of this report.

CONSULTATIONS

Ecology Advisor

Environmental Health

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

South Downs National Park

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection. Conditions requested relating to contamination and construction.

Tree Officer - Objection. The principle of development as described is likely to be achievable without undue detriment to retained on and off-site trees, although no arboricultural report or plans to satisfactorily demonstrate this have been submitted.

Drainage Engineer - No Comment

County Highways - No Objection. The proposal would not have 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 National Planning Policy Framework (paragraph 109), and that there are no transport

grounds to resist the proposal. Suggest parking is conditioned.

South Downs National Park Authority - Comment. This site is outside of a settlement policy boundary where the principle of new residential dwellings would usually be resisted where essential accommodation for a rural worker is not provided. It is not clear that such justification exists.

Should there be compelling circumstances, we would encourage the use of a more appropriate roofing material given that the roof would be the most visible element in distant views from within the SNDP (from Highdown Hill). Notwithstanding the proximity to glasshouses, we would also recommend controls on the use of external lighting, both in recognition of the nearby South Downs Dark Skies Reserve, and in light of ecological comments.

Ecology Officer - No Objection. Conditions requested relating to provision of bat and bird boxes.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Given that the application relates to a single dwelling the imposition of a construction management condition would be unduly onerous and unnecessary.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Angmering to Worthing Settlement Gap

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
HSP1	HSP1 Housing allocation the housing requirement
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
QESP1	QE SP1 Quality of the Environment
WMDM1	WM DM1 Waste Management
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
ECCSP2	ECC SP2 Energy and climate change mitigation
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
SDSP3	SD SP3 Gaps Between Settlements
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QEDM4	QE DM4 Contaminated Land
LANDM1	LAN DM1 Protection of landscape character

[Angmering Neighbourhood Plan 2014 POLICY EH2](#) Protect the Landscape setting of the South Downs

National Park

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary
 Angmering Neighbourhood Plan 2014 POLICY HD4 Materials
 Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form
 Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design
 Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments
 Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways
 Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice 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.

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 considered to conflict with relevant Development Plan policies in that it would materially alter the character and appearance of the rural area and compromise the integrity of the settlement gap and views into and out of the National Park.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS**PRINCIPLE**

The site lies outside the Built-Up Area Boundary in the Countryside, where the principle of development is considered unacceptable if it does not meet specific tests. Development Plan policies seek to exert a strict control over new development in the countryside to protect its intrinsic character and beauty.

Policy C SP1 of the Arun Local Plan states that outside the Built-Up Area boundaries land will be defined as Countryside and development will only be permitted in the countryside where the criteria set out in policy C SP1 is met, or there is a strong justification for a countryside location.

Policy HD1 of Angmering Neighbourhood Plan seek to restrict development outside of the built up area boundary and control development in the countryside.

The Council is currently unable to demonstrate a 5 year housing land supply; the current data confirms that the Council has a 2.7 years housing land supply. Where the development plan is absent, silent or the relevant policies are out of date, Paragraph 11(d) of the NPPF applies and the 'presumption in favour of sustainable development' must be applied and permission granted, unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. In this case the adverse effects of this proposal are such that it outweighs any benefits.

PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT - TESTS FOR SUSTAINABILITY:

As above, in this case, Paragraph 11(d) of the NPPF applies and the 'presumption in favour of sustainable development' must be applied and permission granted, unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

Paragraph 8 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental objectives. The application is assessed against each of these objectives below:

Economic role -

The proposal would lead to a small increase in Council Tax receipts. This would provide a small benefit to the local economy. This factor weighs in the scheme's favour.

Social role -

The proposal would support the community by providing 1 dwelling which would nominally contribute to meeting future local housing needs. This factor weighs in the scheme's favour.

Environmental role -

Paragraph 79 of the National Planning Policy Framework (NPPF) advises that the development of isolated homes in the countryside should be avoided unless under special circumstances. Given the site's location in a hamlet within a cluster of residential/agricultural/horticultural development off the A259, it is concluded that the proposed dwelling would probably not be considered to be an 'isolated' home within the countryside and as such the restrictions of paragraph 79 of the NPPF would probably not apply.

The site is located within defined countryside in a semi-rural location outside of the nearby settlements of Angmering, Ferring and Goring-by-Sea. The nearest schools, shops, community facilities and pubs are located in Ferring, Angmering and Goring-by-Sea. The nearest are in Ferring, the centre of which is around a 1k/0.6m walk from the site. These facilities and services may be able to be accessed relatively safely during the day and in clement weather, since there is a footpath and crossing point on this part of the A259 which provides access from Hangleton Lane to Ferring. However, there is no dedicated footway on Hangleton Lane itself and, as such, access would be difficult for disabled users or people with buggies etc. Furthermore, during the hours of darkness or in poor weather these facilities could not be safely and easily accessed on foot given that Hangleton Lane itself is an unmade, unlit road without a designated footway. There is a west-bound bus stop (served by routes 8, 9 and 700) within around 400m walking distance from the site so this provides a sustainable transport option. However, there is no designated footway along this section of the A259 which leads from the site to the east-bound bus stop.

Given the above, use of the private car by the occupant/s this new residential property would be highly likely. The site is not environmentally sustainable due to the poor walking, cycling and public transport in the immediate area, and the resultant reliance of the private car for future occupants to access facilities and services. In the absence of evidence to demonstrate any of the special circumstances set out in the

NPPF, it would be contrary to its requirements for sustainable development. The proposals would also conflict with Arun Local Plan policies T SP1 (a) and T DM1 (a), which supports development which is designed to reduce the need to travel by car, and requires new development to be located within easy access of established public transport services. Further, policy TM2 of Angmering Neighbourhood Plan seeks to improve cycle and walking provision within the parish.

SUMMARY OF SUSTAINABILITY & PRINCIPLE:

The proposal would provide limited economic and social benefits. These limited economic and social benefits weigh in the scheme's favour. There would also be no harm in terms of character to the countryside, as this particular location is well-developed with house, sheds, car storage and gravel hardstanding. However, the site is located in an unsustainable location and it is not considered the location of the site would contribute to the achievement of sustainable development.

As such, the environmental harm significantly and demonstrably outweighs the limited economic and social benefits. The proposal is unacceptable in principle due to its unsustainable countryside location.

CHARACTER

Paragraph 122 of the NPPF supports development that makes effective use of land and achieves appropriate densities, whilst taking into account the need for different types of housing, local market conditions and viability, the availability and capacity of infrastructure and services, the desirability of maintaining the areas prevailing character and setting, and the importance of securing well-designed, attractive and healthy places. Paragraph 127 of the NPPF details the design requirements for new developments, including that developments should function well, are visually attractive and sympathetic to local character and history, have an appropriate mix of development including green and public space and create places that are safe, inclusive and accessible.

Policy D SP1 of the ALP states that development should seek to make efficient use of land but reflect the characteristics of the site and local area, in matters such as layout, density, scale, mix, character, landscaping, materials, finish and architectural details. It also states that proposals should adhere to objectives informing sustainable design e.g. attractiveness, inclusivity, security and climate change.

ALP policy D DM1 looks at aspects of form and design quality, including character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees, crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment without conflicting policy SD SP3 of the Arun Local Plan.

Hangleton Lane consists of a mix of residential, agricultural and horticultural related buildings set within relatively spacious plots. There is no regular uniform plot size or layout. The site is relatively spacious and its proposed sub-division to create the additional dwelling with its own garden and parking would still retain two well-sized plots. The proposals would not disrupt the existing pattern of development, density or layout of the immediate surrounding area.

The South Downs National Park lies to the North of the site. Local Plan policy LAN DM1 states that development within the setting of the South Downs National Park must have special regard to the conservation of that setting, including views into and out of the park.

The application site is located around 460m from the southern end of the South Downs National Park. There are a number of public footpaths in the vicinity of the site which lead into the National Park, and the site would be visible in views from within the National Park.

The new dwelling would be visible in a limited number of close up views, from Hangleton Lane and a small number of neighbouring properties and It would be visible in longer distance views from within the

South Downs National Park. From some site boundaries it would be viewed in the context of the cluster of development in that area, but over longer distance views it would add to built form and the perception of development in the locality contrary to policies EH2 and HD5 of Angmering Neighbourhood Plan which seeks to protect views into and out of the National Park and policy LAN DM1 of Arun Local Plan.

GAPS BETWEEN SETTLEMENTS

The proposal lies in the Worthing to Ferring Local Gap and is therefore subject to consideration under policy SD SP3 of the Local Plan. This states that the generally open and undeveloped nature of the gaps between settlements, will be protected to prevent coalescence and retain their separate identity.

The proposed development is not considered to be sufficiently justified and the dwelling would be prominently sited within the Gap when viewed from the higher land of Highdown to the north. The building would be close to the existing dwelling but would appear as a bulky backdrop to existing development detrimentally visually expanding built form into an open area.

The proposed development is considered to be out of keeping with its rural setting and would have an unacceptable impact upon the visual amenities of the area as well as resulting in intensification of development within the gap. Policy SD SP3 sets out 5 criteria that need to be addressed in order for development to be acceptable within the Gap. The proposal does not meet these criteria in that it would undermine the visual separation of the settlements, would individually and cumulatively compromise the integrity of the gap, by extending development across the site, it does not maintain the character of the undeveloped coast and it is not allocated for development in a Neighbourhood Plan and it can be located elsewhere. The dwelling is not required for agricultural purposes and does not serve the use of the land it is located on. The dwelling would be used to accommodate family members who currently live elsewhere.

DESIGN

The proposed low roof profile and single storey nature of the proposal would be sympathetic to the roof form of the main house and annexe and some of the nearby properties. The existing dwelling on the site 'White Lodge' is a chalet bungalow with a higher roof height to that being proposed and the form of development would be in keeping with the adjacent buildings, albeit it detracts from the rural surroundings in terms of its form and materials.

The proposal fails to consider appropriate materials for the roof tiles or to incorporate any flint work in the elevations and does not reflect the materials characteristic of the rural location and the design of the new building does not incorporate architectural features such as quoins or architraves without these it is not harmonious with its rural surroundings and does not successfully integrate with the existing surrounding environment. It is therefore contrary to policy D DM1 of Arun Local Plan and policies HD4, HD5 and HD6 of Angmering Neighbourhood Plan.

RESIDENTIAL AMENITY

Policy D DM1 of Arun Local Plan requires that new 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. Policy QE SP1 states that the Council requires 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.

The proposed dwelling would be sited at sufficient distance from the main property 'White Lodge' (around 25m), the annexe (around 25m) and the property to the south of the site 'Carol Anne House' (around 45m) that it would not result in any significant loss of outlook, light or privacy to these neighbouring occupants.

The proposed dwelling would be sited 7m from the boundary with the adjacent single storey property, New House at Cobbins Nursery to the west, and a total of around 20m from the rear/side elevations of this neighbouring property. The proposed new dwelling is storey and its impact on this adjacent property in terms of potential sense of enclosure and loss of outlook and light to its windows and garden area is acceptable given the separation distances involved (20m), and the fact the proposed roof would be pitched and slope away from the boundary.

It is noted that the addition of any roof level accommodation e.g. dormer windows etc. could result in significant overlooking and loss of privacy into this neighbouring property and its gardens. The scheme is considered acceptable in terms of its impact on the residential amenity of neighbouring occupants.

INTERNAL SPACE STANDARDS

Policy D DM2 of the ALP states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards apply. This national guidance advises that for a 1 storey 3 Bedroom 6 Person house the minimum Gross Internal Area is 95sqm.

The plans indicate the property would have a GIA (not including the garage/car port) of around 221sqm. This would exceed the national minimum internal space standards and would comply with policy in this respect.

EXTERNAL SPACE PROVISION

Whilst the Council does not have specific external space standards, the supporting text to ALP policy D DM2 refers to a detailed Design Guide (still to be adopted) which will include guidance on external space standards, and the need for planning applications to have regard to include adequate provision of private external space. Until such time as the Design Guide is published, there is no policy within the Arun Local Plan regarding private garden sizes. However, regard should also be had to paragraph 127 of the NPPF which states that "Planning policies and decisions should ensure that developments (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users".

The dwelling would have a small rear garden and a large lawn to the front of the property in front of the driveway. This would be of ample size and would be commensurate with the size and type of dwelling and character of the area.

PARKING, HIGHWAYS AND CYCLING

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision and policies TM1 and HD8 of Angmering Neighbourhood Plan seek to achieve sufficient car parking. Arun District Council has recently adopted its own Parking Standards SPD, it is expected that development reflects these standards which in this case equates to 2 parking spaces .

The plans indicate that the 3 bedroom house would have an integrated double car port - whilst each of the spaces inside would be 3m wide, which meets the requirements of the ADC Parking SPD, they would only be around 5.5m in length so would not meet the SPD requirements for 6m in length. As such, this would only count as 1 parking space. The double garage would provide 2 spaces which would internally be 3m wide and 7.5m which would meet the SPD requirements. However, as stated in the SPD, since garages are often used for storage, a garage is only counted as 0.5 of a space. As such, this would only count as 1 parking space. In total, there would therefore be 2 parking spaces provided within the car port and garage. There would also be parking available on the front driveway. As such, the proposal provides sufficient on-site parking provision.

Electric charging points at rate of 1 charging point per house with a garage or parking space should be

provided and provision can be conditioned .

In terms of cycle parking, the WSCC standards require 2 cycle spaces for a 3 bed property. The ADC Parking SPD requires the same. No specific cycle storage details have been provided on the plans. Any cycle storage can be conditioned and would be expected to be undercover and secure.

WSCC Highways have no objection to the proposal in terms of access, highways safety and parking provision.

Policy TM2 of Angmering Neighbourhood Plan : Cycling Walking & Equestrian states that support will be given to proposals which increase or improve the network of cycle ways, footways and footpaths and proposals which harm the characteristics of public rights of way will be resisted.

The proposal would not accord with this policy since it would increase traffic on a public right of way which is used as an access to Highdown by pedestrians, cyclists and horseriders. There are no footpaths along the length of Hangleton Lane and intermittent accessible narrow verges to provide a safe retreat for users of the right of way and the proposal would compromise the safety of users of the road by increasing vehicle activity along it. However the traffic associated with an additional dwelling would not be sufficient to warrant refusal of the application on these grounds.

CLIMATE CHANGE

Tackling climatic change is a key government priority for the planning system. The proposal includes a Sustainability Statement which includes detail of how well the development would contribute to the Governments ambition of a low carbon economy and how well adapted it is for expected effects of climatic change. There are no details of renewable energy in the form high level insulation, rainwater harvesting or a general minimal energy use, including Carbon Dioxide reduction.

ALP policy ECC SP2 reflects this guidance and expects development proposals to be energy efficient and demonstrate how energy efficiency measures will be achieved that reflect the current standards, utilise design and layout to promote energy efficiency and incorporate decentralised, renewable and low carbon energy supply systems. The details within the submitted Statement which could be conditioned accord with this policy.

FLOODING/DRAINAGE

Arun Local Plan policy W DM2 provides policy on areas at risk of flooding. Policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. The site is located within Environment Agency Flood Zone 1 (lowest risk of flooding)

Policy EH3: Flood Prevention of Angmering Neighbourhood Plan states Angmering is categorised as at a medium to high risk of flooding from rainfall runoff from the land and any new development must ensure that the prospect of flooding within the development boundaries is mitigated and must ensure that it does not increase the flooding impact it may have on surrounding properties and areas.

Given the elevated position of the site it is considered that flooding is unlikely to result and drainage issues for a single dwelling would be adequately covered by Building Regulations.

TREES

Planning policies seek to protect the environment and avoid damage to protected trees. BS 5837 : 2005 sets out standards for Trees in Relation to construction. Policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or contributing to local amenity.

There are some fir/cypress/leylandii trees within the site itself, and some pine trees in the vicinity of the

site, and a number of hedgerows around the site. A tree survey has been submitted with the application and the tree officer agrees with the retention category ratings for on and off-site trees. However, there are significant on and off-site trees, which could be adversely affected by these proposals and no Arboricultural Impact Assessment or Tree Protection Plan has been submitted as part of the proposal. Furthermore, if a root protection area of any tree which is proposed for retention overlaps the development then BS5837:2012 requires that this application is accompanied by an Arboricultural Method Statement (AMS). There is insufficient information to guarantee such trees would be adequately respected and protected.

The principle of development is achievable without undue detriment to retained on and off-site trees, although the necessary arboricultural report and plans to demonstrate this has been properly considered have not been submitted. The proposal would therefore conflict with policy ENV DM4 in that it is not clear how all existing trees would be affected and compensated for and what is the full extent of negative impacts on trees.

CONTAMINATION

As per policy QE DM4 of the Arun Local Plan, development on or close proximity to hazardous sites or contaminated land will be permitted provided the Council is satisfied that appropriate remedial measures can be or have been undertaken in respect of human health and groundwater.

The site is currently in both residential use but also partly being used for the storage (and possibly repair and sales) of a high number of vehicles which are related to the owner's motor repair/sales business. If the site has in the past or is currently in use for the repair and maintenance of vehicles then there is a likelihood of possible contaminants in the land such as fuel, oils, paints, metals etc. In addition, the site may have had a previous horticultural/agricultural related use, which could mean there is also contamination from fertilizers.

The Environmental Health officer has no objection to the development in principle and has suggested imposition of conditions to control contamination.

BIODIVERSITY

National Planning Policy indicates that developments should aim to maintain and enhance, restore or add to biodiversity and geological resources of the area. Biodiversity Net Gain is an important aspect of the Environment Bill and the NPPF. Natural England provide guidance with regard to a range of NBG measures. Arun Local Plan policy ENV DM5 states that development shall seek to achieve a net gain in biodiversity and protect existing habitats on site.

With regard to Biodiversity Net Gain this could be adequately controlled by condition in accordance with policy ENV DM5.

IMPACT ON SETTING OF LOCALLY LISTED BUILDING

Highdown Hill Cottage, which is opposite the site across Hangleton Lane, is a Building of Special Character (i.e. non-designated locally listed building). Given the separation distance between the proposed new dwelling and the boundary treatments etc. the proposal does not harmfully impact on the setting of this nearby locally listed building. The proposal is considered acceptable in this regard, and to comply with ALP policy HER DM2 and paragraph 197 of the NPPF with regard the preservation of non-designated heritage assets.

CONCLUSION

The application is recommended for refusal for 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

CIL charging zone 1 with 1 dwelling 266sqm gross internal floor area.

RECOMMENDATION

REFUSE

- 1 By reason of the unsustainable countryside location, the proposal for a new dwelling with unrestricted residential use would be unacceptable in principle in conflict with policies SD SP2, T SP1, and T DM1 and CSP1 of Arun Local Plan, policy HD1 of Angmering Neighbourhood Plan and paragraphs 102(c) and 150(b) of the NPPF.
- 2 The proposal would involve significant built development within the Ferring and Worthing 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.
- 3 Given the siting, design and scale of the proposed building it would adversely affect the visual amenities of the locality in that it would be obtrusive in the landscape and prominent from surrounding viewpoints and would constitute an alien intrusion in the countryside which would be out of keeping with and detrimental to the rural character of the locality and views into and out of the National Park in conflict with policies LAN DM1, D DM1, D SP1 and of the Arun Local Plan and policies of the EH2 and HD5 of Angmering Neighbourhood Plan.
- 4 The proposal does not include sufficient detail to adequately assess the impact on trees or mitigation in conflict with policy ENV DM4 of Arun Local Plan.
- 5 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 discuss with the Applicant the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.