

PLANNING SUPPORT STATEMENT

In relation to:

*'Planning application Proposed erection of a
detached 2-storey, 5-bed dwelling with
attached double garage'*

Land between Badgers & Ashurst, Ham
Manor Way, Angmering, West Sussex

May 2018

PLANNING STATEMENT

Land between Badgers & Ashurst, Ham Manor Way, Angmering, West Sussex

1. INTRODUCTION

- 1.1 This proposal seeks planning permission for the erection of 1 No. detached dwelling house on land between Badgers & Ashurst.
- 1.2 There is extensive planning history that relates to this site and this is set out in detail below.
- 1.3 This Planning Statement is submitted in support of the above planning application. The statement describes the site, its surroundings and the proposal itself. The Planning Policy background is considered along with an assessment of the proposal in light of the relevant policies and all other material planning considerations.
- 1.4 This application is accompanied by a set of detailed planning drawings, comprising:
 - **Drawing no. 1131.201** 'Proposed Plans, Elevation and Street Elevation'
 - **Drawing no. 1131.202** 'Site Plan, Roof Plan, Site Location Plan and Site Block Plan'
 - **Drawing no. 1131.203** 'Site Plan showing CLD Plot, Proposed Appeal Plot and Planning Application'

2. SITE CONTEXT

- 2.1 The Application Site comprises a parcel of land adjacent to the 9th Tee on the Ham Manor Golf Course.
- 2.2 It is situated to the north west of Ham Manor Way, on the Ham Manor Private Estate.



Fig 1. Aerial view of the appeal site and its surroundings (courtesy of Google Maps)

- 2.3 To the north and west of the plot is the golf course and along the north western boundary there are mature trees. To the south west of the plot, there will remain an area of land providing access to the golf course. The site has neighbouring residential development to either side.

- 2.4 The surrounding area is semi-rural in character. It is typified by large detached properties of various styles and designs. The street scene is characterised by large dwellings, set within spacious plots.
- 2.5 The application site does not contain, nor does it lie adjacent to any heritage asset. The closest Listed building is understood to be the Grade II club house at Ham Manor Golf Club, which lies further to the west.
- 2.6 There is no Ancient Woodland on site, nor adjacent to the application site. Further the site is understood to be devoid of any Tree Preservation Orders, or any trees that are worthy of such protection.
- 2.7 The Environment Agency flood map confirms that the site lies outside of any area that is identified as being at risk of flooding.

3. PLANNING DESIGNATIONS

- 3.1 In terms of the site designation in relation to Local Plan policy, the site is located in an area defined as countryside Outside the Built-up Area Boundary (BUAB).



Fig 2. Extract from Inset A: Littlehampton - Rustington

- 3.2 The site does not benefit from allocation for development for housing within **Policy HD2** of the Angmering Neighbouring Plan (ANP). However, the site does form part of a wider Local Green Space designation in the Local Plan, which encompasses the entirety of Ham Manor Golf Club including the existing housing and buildings in this area. **Policy CLW2** entitled 'Protection of Local Green Spaces' is therefore applicable.
- 3.3 To our knowledge, no other designations or restrictions relate to the site.

4. PLANNING HISTORY

(i) The Application Site

4.1 The wider area, which comprises Ham Manor Estate, has a lengthy planning history. During 1949 Hesketh Estates Limited applied for planning permission to develop houses on the existing roads around the golf course which it owned. It was granted consent via planning permission reference A/62/49 (a copy of which is attached at **Appendix A**). The related plan (found on the last page of **Appendix A**) appears not to identify what land was given outline permission only that the application was for approximately 35 acres of land and no other roads were to be constructed. It is understood that for many years developers tried to obtain planning permission to build on the land to the south of East and West Drive but were always refused. Then in 1988 an application was made A/87/88 for "*Details in pursuance of A/62/49 erection of 38 Dwellings*", the application was approved (a copy is attached at **Appendix B**). It therefore appears that the A/62/49 outline permission was used to justify permissions for housing on East & West Drive some 40 years after the original consent was granted.

4.2 In respect of the Application Site and according to the LPA's online planning records, the following planning history applies:

- **Planning ref: A/212/17/CLP/:** Lawful development certificate for the proposed erection of 2 No. dwelling in accordance with planning permission A/2/57/. Planning Permission Not Required.
- **Planning ref: A/176/17/PL/:** 2 No. dwellings. This application affects a Public Right of Way. This application is a Departure from the Development Plan. Application Refused. Appeal Pending.
- **Planning ref: A/65/11/CLP:** Application for certificate of lawfulness a proposed use - Erection of 3 No. dwellings in accordance with the conditions imposed under planning permission A/2/57. Planning Permission Not Required.

- **Planning ref: A/2/57/:** Outline application development of bungalows and houses. Approved Conditionally 05-02-1957.
- **Planning ref: A/62/49/:** Layout (part). Approved 05-12-1949.

- 4.3 **Planning ref: A/65/11/CLP** is a Certificate of Lawful Development for a Proposed Use or Development that refers to plots 40, 44 and 45 of the planning ref: A/2/57 consent. The land between Ashurst and Badgers includes plots 7, 8 and 9 of the A/2/57 consent which are also unbuilt.
- 4.4 **Planning ref: A/212/17/CLP** is a Certificate of Lawful Development Certificate for a Proposed Use or Development that refers to Land between Badgers and Ashurst, Ham Manor Way. The Decision Notice of this application is attached to this submission at **Appendix C**.
- 4.5 This CLP application was made in order to determine whether 2 no. dwellings which were the subject of planning permission A/2/57 can lawfully be built without any further in principle (outline) permission being granted.
- 4.6 As confirmed via the submitted plans, there is a significant overlap between this site and the current application site. Importantly, the proposed dwelling and entire plot width is contained within the approved CLP site. The relevant extract of this plan is detailed below for ease of reference (refer to **Fig 3**), and this shows the application site boundary identified in red, and the granted CLP site boundary shown in a black dotted line.
- 4.7 The second proposed house which is currently the subject of a separate planning appeal (planning ref: **A/176/17/PL/**) is also detailed on this plan. As can be seen, part of this dwelling is also included within the dotted black line used to indicate the CLP consent site area.

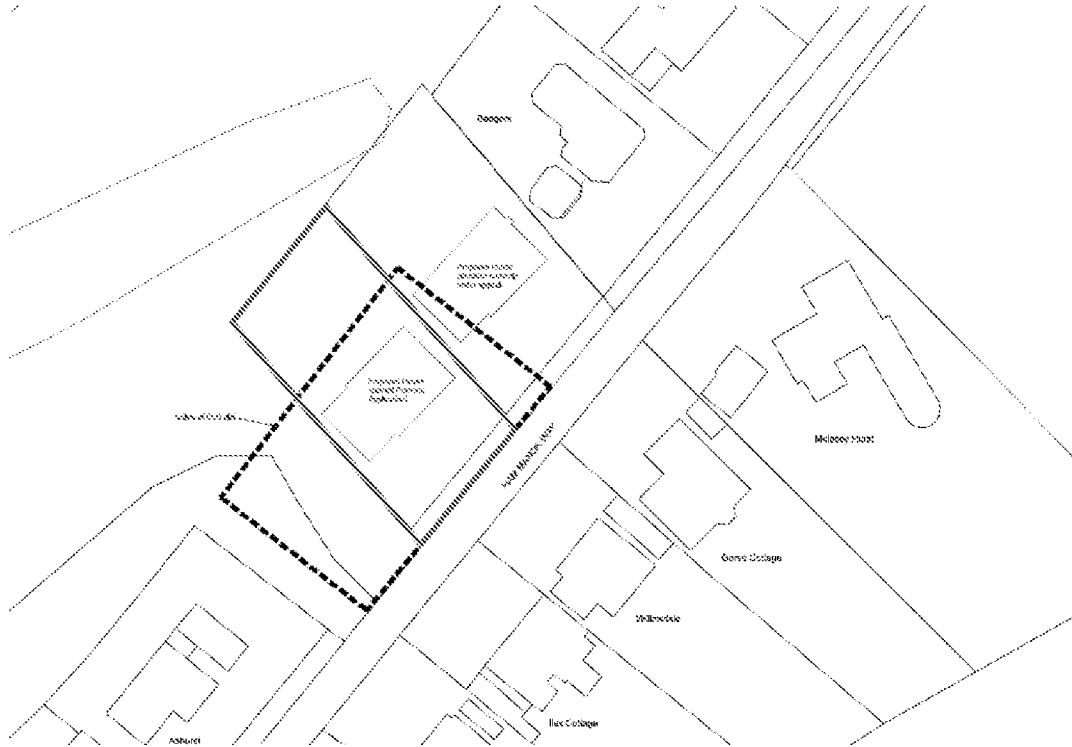


Fig 3. Extract from Proposed Site Plan

- 4.8 At the time of this recent CLP application being considered, the LPA confirmed that *“the application seeks to demonstrate that on the balance of probability outline planning permission A/2/57 remains in respect of 2 dwellings on part of the golf course fronting Ham Manor Way. The plots were originally indicated on outline permissions A/62/49 and A/2/57 but the Council's records for these applications are incomplete and the plans and approvals are missing. However the applicant has provided a copy of the plan relating to A/71/59 which clearly numbers refers to plots 5-9 and it is evident that dwellings are provided and development has taken place on plots 5 and 6. The documents are an original set of documents for A/71/59 for plot 52 referencing A/2/57 as the outline application associated with the application and enclosing a full plan of the plots on the Ham Manor Estate for which outline permission was granted by A/2/57.*

It is clear from visiting the site that Ashurst to the west has been developed and the dwelling has existed for a number of years (permission was granted under reference A/76/60 following outline and refers to Plot 6). Ham Manor Estate as a whole has been substantially built".

- 4.9 The LPA Officer went on to conclude that *"Judged on the balance of probability the evidence is sufficient, precise and unambiguous and as such outline planning permission A/2/57 relating to 2no. dwellings is extant. It is therefore recommended that planning permission is not required".*
- 4.10 **Due to the significant overlap between the above CLP site (see Fig 3) and the current application site, it is our view that this is a material planning consideration that weighs heavily in favour of the proposed planning application.**
- 4.11 **Further, in our view this CLP decision has established the principle of residential properties in this location.** This proposal only relates to the addition of 1 No. dwelling on the site, which would be contained almost entirely within the CLP site area.

(ii) Neighbouring Sites

4.12 Land at Ham Manor Estate, West Drive

Planning ref: A/182/16/PL/: Erection of 2 No. detached dwellings each with detached garage and vehicular access. This application is a departure from the development plan. Approved Conditionally.



Fig 4. Extract from approved Location plan (ref: A/182/16/PL)

- 4.13 At the time of this application being considered, the Council concluded *“the application site is located Outside the Built Up Area Boundary, where the principle of new development will usually be resisted other than in exceptional circumstances. It is noted however that exceptions within the immediately surrounding area, with residential properties being located to the north, east and west sides of the application site. Further, planning permission for 2 no. detached houses (ref: A/110/06, A/190/07 and A/56/12) on the application site have been granted and the principle of residential development on the site has therefore been accepted. In addition, A/106/16/CLP has also been approved which accepts that the previous permission for 2 dwellings A/110/06 on the site had been implemented”.*



4.15 Copper Beech, Ham Manor Close

[illegible]

Fig 5. Extract from approved Location plan (ref: A/184/06/)

4.16 This planning application was approved by the LPA, subject to conditions.

4.17 Finally, it should be noted that a 'first floor side extension' to the neighbouring property 'Badgers', has recently been approved under **planning ref: A/145/17/HH**. This approval includes a first floor extension over the existing garage, which would result in this property fronting the road 2 storeys wide and 19m wide. By way of comparison, the dwellings proposed as part of this appeal would be 2 storeys in height and 18m wide. The footprint of Badgers is 207m², whilst the proposed new properties are to be 195.2m² each.

5. THE PROPOSAL

- 5.1 This proposal seeks planning permission for the erection of 1 No. detached dwelling house on land to the north west of Ham Manor Way, on land between Badgers & Ashurst.
- 5.2 The application site is depicted on **Fig 6** below by a red outline.



Fig 6. Extract from submitted Location Plan

- 5.3 The proposal would comprise a traditional two storey detached dwelling house, with an attached garage to the side. It would have face brickwork to the walls and a clay tiled roof. Windows to be timber effect with white PVCu. The driveway would consist of resin bound gravel. Patios and Pathways would be Sandstone.

- 5.4 The proposed dwelling house would comprise a kitchen, living room, dining room and study, as well as a garage and utility at ground floor level; with 5 No. bedrooms and a family bathroom above.
- 5.5 Access to the site would be provided off Ham Manor Way.
- 5.6 There is ample space for the turning and parking of cars. Vehicular parking is provided within the attached garage, together with additional space provided to the frontage.

6. PLANNING POLICY CONTEXT

a. Legislation

- 6.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2 Specifically, Section 70(2) of the Town and Country Planning Act 1990 states:
"In dealing with such an application the authority shall have regard to:
a) The provisions of the development plan, so far as material to application,
b) Any local finance considerations, so far as material to the application, and
c) Any other material considerations."
- 6.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides:
"If regard is to be had to the development plan for the purposes 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."
- 6.4 Under Section 38(5) of the Planning and Compulsory Purchase Act 2004, if 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 to be adopted, approved or published.

b. National Planning Policy

(i) National Planning Policy Framework (NPPF)

- 6.5 The NPPF was published on 27th March 2012, and at that time the policies in the Framework came into use, with immediate effect. This guidance is now the most-up-to date Government Guidance and replaces all planning policy statements/guidance that were previously in place.

- 6.6 The focus of the new NPPF is achieving sustainable development, the definition of which is summarised in paragraph 6 as being the whole of paragraph's 18-219 of the Framework. Paragraph 7 goes further as it specifies that there are three dimensions to sustainable development: economic, social and environmental. Under the social role it states that the planning system should provide *"the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment..."*
- 6.7 Under paragraph 11, the NPPF confirms that planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan.
- 6.8 Paragraph 14 is an important element of the NPPF. It states that: *"at the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking"*. It details that objectively assessed needs, such as housing, have to be met unless *"any adverse impact of doing so would significantly and demonstrably outweigh the benefits"*. This is assessed against all the policies of the NPPF, as a whole, or specific policies relating to SSSI, Green Belt, Local Green Space, AONB, Heritage Coast, National Park, designated heritage assets, flood risk locations and coastal erosion. It also states that decision makers should be *"approving development proposals that accord with the development plan without delay"*.
- 6.9 The NPPF advises that a set of 12 core land-use planning principles should underpin both plan-making and decision-taking, and these principles are listed under paragraph 17. Although the NPPF omits the wording that was present in the draft which referred to the default position of "yes" to applications for sustainable development, it does retain the significant change that requires a response to market signals. Each of the bullet points are important, but of particular note is no.

4, where it states the need to *“always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”* and no. 5, where it details that account should be had of the character of different areas. Finally, no. 11 which requires development to be focused *“in locations which are or can be sustainable.”*

- 6.10 Section 4 is entitled ‘Promoting Sustainable Transport’. Under paragraph 29 it advises that different policies and measures are required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. This section also highlights the importance of LPA’s and/or developers working with transport providers, and also that Travel Plans are key documents. With reference to car parking, paragraph 39, states that if a LPA provides local parking standards, account should be had of *“the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles”*.
- 6.11 Section 6 of the NPPF is entitled ‘Delivering a wide choice of high quality homes’. It seeks to *“boost, significantly”* the supply of housing, whilst placing more reliance on windfall sites as a source of housing supply. Realistic historic windfall delivery rates and expected future trends are legitimate sources of supply. Paragraph 49 states *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*.
- 6.12 Paragraph 54 relates to rural areas, noting that *“local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs...”*

6.13 In addition, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Most notably, *"local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- *The essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *The exceptional quality or innovative nature of the design of the dwelling should:*
 - *Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *Reflect the highest standards in architecture;*
 - *Significantly enhance its immediate setting and;*
 - *Be sensitive to the defining characteristics of the local area".*

6.14 Section 7 discusses the need for good design. Under paragraph 58 the NPPF provides what appears to be a clearer and more robust approach to design than in PPS1 paragraph 33 – 39. At point 4, this guidance notes the importance of responding to local character and history and the need to reflect the identity of local surroundings and materials, whilst ensuring appropriate innovation is neither prevented nor discouraged. Further, at point 6, developments should be *‘visually attractive as a result of good architecture and appropriate landscaping’*.

6.15 The NPPF wishes to avoid unnecessary prescription or detail (paragraph 59), whilst the key criteria of scale, density, massing, height, landscape, layout, materials, access, relationship to neighbouring buildings and relation to the local area more generally remain. Paragraph 58 expands on this by stating that developments should: *"function well and add to the overall quality of the area... establish a*

strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit... optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses... respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping”.

- 6.16 In addition, the NPPF notes that *“although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment”.*
- 6.17 Finally, the crucial caveat of PPS1 paragraph 35 remains within the NPPF. That is that good design goes far beyond aesthetic considerations, with paragraph 61 specifically referring to *“integration of new development into the natural and historic environment.”*

c. Local Planning Policy

(i) The Arun District Local Plan (2003)

- 6.18 The Arun District Local Plan was adopted in 2003. As outlined above, the application site is located in an area defined as countryside Outside the Built-up Area Boundary (BUAB).
- 6.19 Saved **Policy GEN2** is a general policy that relates to the Built-up Area Boundary, noting that development or redevelopment will be permitted within such areas, subject to other policies in this plan.

6.20 Saved **Policy GEN3** relates to Protection of the Countryside. It is a general countryside policy, which pre-dates the introduction of the NPPF. It states that *"Outside the Built-Up Area, as defined on the Proposals Map, the countryside will be safeguarded for its own sake. Development will not be permitted unless:*

- (i) it meets the operational needs of agriculture, forestry, the extraction of minerals or the deposit of waste; or*
- (ii) for quiet, informal recreation; or*
- (iii) for the diversification of the rural economy; or*
- (iv) for essential road schemes; or*
- (v) it is in accordance with a policy in Sections 2 and 3 of the plan referring to a specific use or type of development.*

Permission will not be given for the extension of isolated groups of buildings or the consolidation of linear or sporadic development unless the proposal accords with criteria (i) to (iii) or (v)".

6.21 Saved **policy GEN7** is a general policy that seeks high quality design that responds to site characteristics and allows for safe movement of vehicles, giving priority to pedestrians.

6.22 **GEN12** is a general policy, which relates to Parking in new development.

(ii) Angmering Neighbourhood Plan 2014 -2029

6.23 The Angmering Neighbouring Plan was formally 'Made' on 11th March 2015. The following policies are considered to be of relevance to this planning application for a single dwelling:

6.24 HD1: Built-up Area Boundary

"The fundamental principle is that the Neighbourhood Plan allocates sufficient land to deliver at least the minimum housing requirement in the emerging Arun Local Plan and that, without a Built-up Area Boundary, significant further development would encroach into open countryside.... Development of Angmering village shall be focused within the Built-up Area Boundary and will generally be permitted subject to meeting other policies in the Plan..."

6.25 HD5: Built Form

"New developments must properly demonstrate how they have considered the impact of the proposed built form on their surroundings.

- Where appropriate new development should follow established plot widths within streets and follow the character of the existing build form and create a positive addition to the current style and mix of the area.*
- No new buildings will be permitted over 2.5 storeys (based on the typical heights of existing buildings in the immediate surrounding area) unless it can be demonstrated that the proposal would be in keeping with its surroundings.*
- New developments must pay particular attention to integration with both the character of nearby development as well as its landscape setting.*
- New development must not adversely impact upon the landscape setting or views into or out of the South Downs National Park."*

6.26 HD6: Housing Layout & Design

- "Proposals for new development should demonstrate high quality design, reflect local distinctiveness, and seek to incorporate local design features evident in buildings in the surrounding area.*
- Development that seeks to meet the highest possible standards of construction Code for Sustainable Homes and BREEAM (Building Research*

Establishment Environmental Assessment Method) standards or equivalent will be strongly supported.

- Layouts must retain important trees and hedgerows. The planting of new trees and shrubs of similar species to those already evident in the immediate surroundings shall be encouraged.*
- For residential development, architectural features such as tile hanging, splayed bays, Sussex half hipped roofs with feature quoins and architraves will be encouraged where appropriate to a development."*

6.27 HD7: Housing Density

"New development, where applicable, should meet the following density requirements.

- Within the built-up area boundary, development must be of a density appropriate for; and in keeping with; the setting of the immediate surrounding area.*
- New residential developments that propose a site density greater than the immediate surrounding area will generally be refused unless clear justification can be provided to support the need for a higher density development and how effectively the design integrates into the surrounding built form or landscape."*

6.28 HD8: Parking for New Development

"The Plan supports the WSCC parking standards and encourages all new development to follow them."

6.29 Finally, **Policy CLW2** refers to the Protection of Local Green Spaces. Development that results in the loss of local green spaces identified in Appendix D, or, results in adversely affecting their character, setting, accessibility, appearance, general quality or amenity value will not be supported.

(iii) The Emerging Local Plan

- 6.30 The Arun District Local Plan 2011-2031 was submitted on 30th January 2015 for Independent examination to the Secretary of State for Communities and Local Government via the Planning Inspectorate. The Local Plan sets out a vision for the future of Arun District up to 2031. The Local Plan Examination-in-Public was formally suspended by the Planning Inspector in February 2016 following a Procedural Meeting and initial Hearing sessions. The suspension was granted to enable the Council to undertake further work and produce proposed modifications to the Local Plan in response to a range of observations and concerns identified by the Planning Inspector.
- 6.31 More recently the Council consulted on proposed modifications to the Plan prior to the Local Plan undergoing further examination in public by a new Inspector. The modifications proposed constitute both 'minor' grammatical, and non-material changes to the Plan, and 'main' substantive material changes to the contents of the Plan. A number of new evidence base studies have been produced and these studies have been produced to inform and support the proposed modifications to the Local Plan. It appears that the most significant modifications required to the Plan relate to the need for a substantial uplift to the housing requirements for the District. The latest evidence produced by GL Hearn (applying the approach endorsed by the Inspector through existing Hearings and interim conclusions) utilising the 2014 Sub-National Population Projections and associated Housing Projections indicates that OAHN equates to 919 dwellings per annum, or 18,380 dwellings over the Plan period 2011 – 2031. This is significantly higher than the OAHN in the Submitted Local Plan (580 dwellings per annum) or the OAHN figure recommended by the Local Plan Inspector (845 dwellings per annum) in February 2016 following the OAHN Hearing.
- 6.32 The Council has proposed substantive modifications to chapter 12 of the Local Plan 'Housing Delivery' to reflect 'testing' of spatial options, Sustainability

Appraisal, other evidence, and the substantial increase in OAHN for the District. These changes can be summarised as follows:

- Chapter largely re-written;
- Updated references;
- New policies HSP1 and HSP2;
- New policies HSP3 - HSP5 relating to site allocations;
- Revised affordable housing mix HSP2.

Through the proposed modifications, Arun District Council is planning to meet an updated housing requirement. The proposed modifications to the Local Plan respond to the latest evidence, which indicates an OAHN equating to 919 dwellings per annum.

6.33 The subsequent hearing sessions into the examination of the Arun Local Plan ended on 28th September 2017. Progress has been suspended, pending updates to the Plan to accommodate higher housing numbers following publication of the Inspector's interim finding in October 2017. A further Local Plan consultation exercise has been undertaken and modifications based on that work are in the process of being sent to the Examination Inspector for consideration. The precise timetable for adoption is currently unknown but is expected to be late spring or early summer 2018. Until such time as the Local Plan is adopted only limited weight should be attached to its policies, although areas of the Plan where policies have been unchallenged, these are unlikely to change and therefore may reasonably be afforded more weight.

6.34 Given that the Inspectors final report, which will contain his findings on the soundness of the Local Plan are awaited, we consider that only **limited weight** can be attributed to this emerging Local Plan at this time.

7. PLANNING ASSESSMENT

a. Principle of development

- 7.1 This application seeks planning permission for the erection of 1 No. detached dwelling on a parcel of land adjacent to the 9th Tee on the Ham Manor Golf Course. As identified by the Council's Local Plan, the site is located outside of any defined built up area boundary and within designated countryside.
- 7.2 Of significant importance to the determination of this planning application is that the site comprises an area of land that is now lawfully established (via application A/212/17/CLP). The relevant CLP refers to a slightly different site area, which is wider and less deep than that now proposed. However, the proposal only comprises 1 dwelling on approximately half of the CLP site width. The proposed design is of a scale, appearance and position that reflects one of the dwellings that were recently refused by Arun DC under application A/176/17/PL; a decision which is now subject to a pending planning appeal. It is our view that the above circumstances combine to confirm that the principle of providing a residential dwelling on this specific application site must be considered acceptable in planning principle terms.
- 7.3 Attention must also be given to the National Planning Policy Framework. This sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, encompassing economic, social and environmental dimensions. Paragraph 49 states that: *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites"*.
- 7.4 It is understood that the Arun District Council are currently **unable to demonstrate** a five-year housing land supply for the District, as required by the National Planning Policy Framework, and in fact, such is the shortfall, there is a

urgent need for new housing to be permitted within the District without delay. Indeed, the Authority confirm this point themselves within the Officers Report on application ref: A/176/17/PL/, where they state the following:-

"The Council has produced new evidence to support the emerging Local Plan which indicates that the objectively assessed housing need (OAHN) for the District equates to 919 dwellings per annum. The proposed modifications to the Local Plan result in a housing requirement of 20,000 dwellings over the Plan period between 2011 and 2031. The housing supply comprises completions, commitments, Neighbourhood Plan allocations, deliverable HELAA sites (within the Built-Up area boundary), non-strategic sites, windfall sites and strategic site allocations. This site has no allocation within the publication version of the Local Plan or the Neighbourhood Plan.

A Housing Implementation Strategy has been produced (March 2017) to support the modifications to the Local Plan housing policies and this document identifies the current five year housing land supply situation. The current housing land supply (with a 'policy off' position) is 2.09 years.

The National Planning Practice Guidance (NPPG) provides clear guidance on the issue of the weight that can be given to both the adopted Local Plan and emerging or made Neighbourhood Plans where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. Therefore, the adopted development plan policies relating to housing supply are out of date and the emerging Local Plan policies carry limited weight at this time.

The weight afforded to Neighbourhood Plans has been clarified by a Written Ministerial Statement (13/12/16) which confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise:

- *The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old;*
- *The NDP allocates sites for housing; and*
- *The Council can demonstrate a three-year supply of deliverable housing sites.*

Arun District Council can only currently demonstrate approximately a 2 year supply of deliverable housing sites. Therefore, those policies that relate to the supply of housing contained within the Neighbourhood Plan are out of date”.

7.5 This significant shortfall in housing supply is a material consideration that must be taken into account in determining this proposal.

7.6 Paragraph 14 of the National Planning Policy Framework states: “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision-taking. For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *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; or*
 - *specific policies in this Framework indicate development should be restricted”.*

7.7 It is our view that in the absence of a five-year housing land supply, Saved Policies GEN2 and GEN3 of the Arun District Local Plan and Policy HD1 of the Angmering Neighbourhood Plan cannot be considered to be up-to-date for the purposes of

decision taking and therefore the application falls to be determined against Paragraph 14(2) above. As such, we are of the opinion that if the proposal can be considered to constitute ‘sustainable development’ then the application must be considered on the basis of the NPPF’s presumption in favour of such proposals, and should only be refused if any adverse impacts would **significantly and demonstrably** outweigh the benefits of the development, when assessed against the NPPF as a whole, or specific NPPF policies indicate development should be restricted.

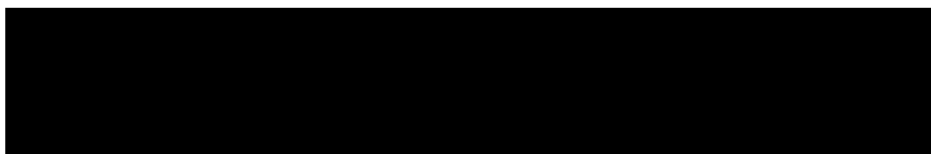
- 7.8 It is worth considering the comments of Lord Carnwath in the Supreme Court judgement on SoS v Hopkins Homes (May 2017). He explains that in circumstances where the current statutory development plan is out of date, which in this case is true in that the adopted Arun District Local Plan (2003) only satisfies housing requirements up to 2011, then the settlement boundaries contained within the development plan in turn reflect out-of-date housing requirements (para 63 of the Supreme Court judgement refers). Therefore, it is our case that, irrespective of the Local Planning Authorities five-year housing land supply (5YHLS) position, it is clearly without argument that planning applications should continue to be considered against the tilted balance exercise set out within para 14(2) of the NPPF.
- 7.9 It is our view that continued approval of schemes such as this, which although outside of the built-up area, otherwise comprises sustainable development, will improve the Council’s housing supply position, whilst also being consistent with the Secretary of State’s (SoS) decisions on called-in appeal schemes at Boreham Road, Warminster, and Southminster Road, Burnham-on-Crouch. In particular, the SoS allowed both appeals despite the relevant Local Authorities having robust 5YHLS. Specifically, it is considered important to note with the Warminster case, that the SoS confirmed that although the existence of a 5YHLS was not disputed, this does not *“negate any potential housing benefits arising from the development*

proposed, as the Framework's commitment to significantly boost housing supply extends beyond the current five-year period and the presumption of sustainable development applies" (paragraph 23 of SoS decision letter dated 20th April 2017 – appeal ref: APP/X1545/W/15/3009772). Similarly, with the Burnham-on-Crouch case, the SoS concluded that the LPA "can demonstrate a 5-year supply of housing land [set by the LPA as being 5.73 years] and, therefore, the fourth bullet point of paragraph 14 of the Framework is not engaged. However, he considers that this does not negate the benefits arising from the proposed development, particularly the contribution to custom built housing and affordable housing. In line with paragraph 47 of the Framework, which requires local authorities to boost significantly the supply of housing, he takes the view that the five-year requirement is a minimum and not a cap" (paragraph 17 of SoS decision letter dated 20th July 2017 – appeal ref: APP/Y3940/W/16/3150774).

- 7.10 We consider that this application should be determined in accordance with paragraph 14(2) of the NPPF. It is important to note that in undertaking this exercise, recent case law has confirmed that the '*presumption in favour of sustainable development*' is not an additional test for development. Therefore, when considering applications, Local Planning Authorities must measure the sustainability credentials of the development within the balance of paragraph 14, as part of the weighing up process. It is understood that Local Planning Authorities should assess applications under the 3-limbed definition of sustainable development at paragraph 7 of the NPPF.
- 7.11 If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 14 balance. If, however, the development is not found to be sustainable, that is not the end of the matter; and the appeal proposals still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused.

- The Economic Role

- 7.12 The proposal is seeking planning permission for 1 No. detached dwelling. It is considered that this provision would make a small, albeit positive contribution to the building industry of the area. The proposed development would result in the creation of construction jobs during the build period. The additional, albeit limited population could help generate more local spending in the local community, provision of infrastructure and services and generate New Homes Bonus funding, as well as additional Council Tax receipts.
- 7.13 The Council reiterated the above points at the time of the most recent planning application on the site being considered (planning ref: **A/176/17/PL/**) noting that *"the proposal will create construction jobs, supply chain benefits and inward investment for the local area. Local residents will spend money locally and also contribute towards Council Tax receipts. There are some employment opportunities within the local area..."*.
- 7.14 There is further economic justification for the planning proposal, specifically in that the revenue derived from the sale of the land for residential development would be invested in the golf club to ensure its necessary upgrading and maintenance, the level of its membership fees and, crucially, its future existence. However, it is noted that the LPA in their assessment of the previous planning application (**planning ref: A/176/17/PL/**) failed to properly appreciate the seriousness of the Golf Club's financial situation. In the Officer's Report the LPA state *"The economic justification for the proposal, provided by the applicant, is that the revenue derived from the sale of the land for residential development would be invested in the golf club to ensure its necessary upgrading and maintenance, the level of its membership fees and future existence. However, there are other long term fee generating options open to the golf course which could result in less harm to the character of the area."* The purpose of the accompanying 'Financial Overview' report, which has been prepared by MHA Carpenter Box (which



is submitted in support of this Planning application), is to confirm the exact nature of the Golf Club's financial position, and how they are entirely reliant on the sale of the Appeal Site for development purposes. Failure to generate significant monies by the sale of this land to the Appellant would jeopardise the future of the Golf Club continuing to function. Such a loss would have significant consequences, not least to the local community, but also economically in terms of loss of employment.

7.15 In summary, it is clear that there are significant economic benefits, which are directly associated with the implementation of the proposed development, would secure both short and long term economic benefits to the village of Angmering and the wider locality generally. The Proposals would assist in assuring the future of the Golf Club, which provides an important social and leisure service to the local community, in addition to providing employment. These factors are material to the consideration of the scheme and are an additional matter in favour of this planning application.

- The Social Role

7.16 The NPPF seeks to promote a strong vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generation and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being.

- (i) Sustainability

7.17 Although it is acknowledged that the site is located outside of any defined built up area boundary, the appeal site would constitute an infill development, being located along a residential road with residential properties to either side, as well as opposite the site. Further, the site is located within a well-established residential Estate (Ham Manor).

- 7.18 The site is within easy reach of the A259, which is home to the Rustington Retail Park and Sainsburys.
- 7.19 The A259 to the south and Station Road to the East are on a main bus route and provide access to the main towns of Worthing to the East and Littlehampton to the West. Angmering Train station is 0.5 miles from the site.
- 7.20 Finally, the Council do not dispute the fact that the site is sustainable. They note within the previous Officers report (ref: A/176/17/PL/) that *"the proposed scheme would result in 2 large additional detached houses at a time that ADC does not have a 5 year housing land supply and on a site that has good connectivity to services and sustainable transport hubs. The site is located adjacent to neighbouring housing settlement and is in close walking distance to nearly all services in Angmering including schools and a doctor's surgery".*
- 7.21 We are aware of the Council's current lack of 5YHLS and in our view, the erection of 1 No. additional dwelling will make a small, albeit useful contribution towards the Council's housing stock which will provide housing for future generations.
- 7.22 Finally, as set out in detailed above, it is our view that the principle of 2 No. properties has been established in this location. The application proposal would be for a single dwelling, which would be almost completely contained within the site area that relates to the lawful development certificate permission for 2 no. houses in this location (planning ref: A/212/17/CLP). **This is a material planning consideration that weighs heavily in favour of the Appeal scheme.**
- The Environmental Role
- 7.23 **Policy GEN7** of the Arun District Local Plan seeks a high standard of design in all new developments, which is consistent with the aims of the NPPF. As such, it is our

view that the application must be considered in respect of its impact on the character of the area. In line with this approach we will consider the impact of the development on the character of the area in greater detail below.

(ii) Impact on the Character of the Area

- 7.24 As identified by the Councils Local Plan, the application site itself lies outside of the designated 'built-up area' boundary and within designated countryside.
- 7.25 It comprises a parcel of land adjacent to the 9th Tee on the Ham Manor Golf Course. The Golf Course is designated as a Local Green Space in the Angmering Neighbouring Development Plan.
- 7.26 **Policy CLW2** of the Angmering Neighbourhood Plan relates to the Protection of Local Green Spaces, it states that *"Development that results in the loss of local green spaces identified in Appendix D, or, results in adversely affecting their character, setting, accessibility, appearance, general quality or amenity value will not be supported"*.
- 7.27 This policy identifies Ham Manor Golf Club as one of these Local Green Spaces within Appendix D. The supporting text goes on to state that *"proposals for any development on this land will be resisted. Proposals that will enhance the viability and/or community value of the assets will be supported. Otherwise, proposals that result in either the loss of the asset or significant harm to the community value of an asset will be resisted, unless it can be clearly demonstrated that the operation of the asset, or the ongoing delivery of the community value of the asset, is no longer financially viable"*.
- 7.28 This planning application is accompanied by a viability assessment, which has been prepared by MHA Carpenter Box (Chartered Accountants) on behalf of Ham Manor Golf Club. This report outlines that the proposal will materially 'enhance the viability of the asset'. Specifically, the executive summary contained within the

report confirms that *“the results of the data analysed shows a clear downward trend in the turnover of the Club, whilst costs of sales and administrative expenses have not reduced and are not expected to be reduced in the forthcoming 5 year period... The report indicates that action needs to be taken immediately by the Club’s directors to prepare and implement a business plan in response to the current and forecast financial situation... The Club’s latest audited financial statements report a net current liability position and this is expected to significantly worsen in the period up to 31 March 2023... The land and property owned by the Club is included in the financial statements at cost and not open market value. If the land was revalued and the financial statements reflected this revaluation, this would improve the balance sheet, although it would not increase the working capital or cash position... There is the opportunity to crystallise some of this value by disposing of some of the land to generate significant funds to allow the Club to implement an investment plan and to generate sufficient working capital such that it can recover and achieve a sustainable business.”*

- 7.29 The application proposals are in clear compliance with **ANP policy CLW2** in that although the proposed dwelling will result in the small loss of an area of land designated as a local green space, the character, setting, accessibility, appearance, general quality and amenity value of the wider green space will be unaffected. Further, there is a clear financial need for this development in order to sustain the Golf Club business. Therefore, the proposals will enhance the viability and community value of the assets, as the appeal scheme will support the ongoing delivery of the community value of the asset. The MHA Carpenter Box report establishes that, without the provision of the funds arising from the sale of the Appeal site to the Applicant (the value of which arrives from its ability to develop housing), then the future financial viability of the Golf Club is unassured. Consequently, the Appeal scheme is demonstrably in full compliance with **ANP Policy CLW2**.

- 7.30 At the time of the previous application being considered by the Council (ref: **A/176/17/PL/**), the LPA's officer report states that *"the proposal is not considered to be environmentally acceptable since it would adversely affect the character of the area and erode an undeveloped open area designated as a local green space in the Neighbourhood Plan which is clearly viewed from a public right of way... In relation to the sustainability the application is therefore considered unacceptable. It is recognised that there are houses in close proximity to the site, but the proposal would be located within an important open gap in the countryside. The site would not therefore have the appearance of being situated within the urban envelope."* Specifically, Officers are of the opinion that development of *"approximately 2/3rds"* of the width of this gap, which they consider makes a *"significant contribution to the appearance of the streetscene and wider area"* would be sufficiently harmful to outweigh the benefits of the Appeal scheme. For the reasons set out above, we have the opposite view on how this should be assessed in the planning balance.
- 7.31 Further, and notwithstanding the clear economic and other benefits arising from the application proposal, we disagree with the LPA in their assessment of the importance of this gap – which in any case is not proposed to be infilled entirely.
- 7.32 **Policy HD5** of Angmering Neighbourhood Plan requires that new developments must pay particular attention to integration with both the character of nearby development as well as its landscape setting. We consider that this is achieved by the Appeal scheme. The proposals involve the infilling of a gap between existing established built form – albeit with space maintained (circa 20 metres in width). It is acknowledged that the site is adjacent to a public footpath, but it is not considered that the development of the application site in the manner proposed would lead to the experience and amenities of users of this footpath being materially impacted upon. Once constructed, the new dwelling would appear in keeping with the established urban grain and pattern of development on Ham

Manor Way, and as such would not appear out of keeping. It is acknowledged that the 'gap' to the southern side of the application site is part of the CLP permission for 2 dwellings, but this does not form part of this application, and is outside of the applicant's control. As such, it is considered that the retained gaps to both sides of the application site would still provide views out across the golf course. In any case, it must be appreciated that these 'gap' could be infilled at any point with planting (without any planning control), which would disrupt or prohibit public views of the open space.

- 7.33 In addition, and as set out above, this 'gap', which the application site forms part of, has a lawful planning permission for 2 dwellings (albeit in a different position), and therefore the reduction of this part of the local green space by way of the provision of 2 new houses is established in planning terms.
- 7.34 It is our view that the site is large enough to comfortably accommodate 1 No. dwelling of the scale and size proposed and the resultant low density would be entirely appropriate and in keeping with surrounding development.
- 7.35 The surrounding area is mixed residential, generally characterised by substantial sized detached dwellings of various styles.
- 7.36 The proposed dwelling will not appear cramped or as an overdevelopment of the site, with sizeable spacing provided between the proposed dwelling and the sites boundaries. Indeed, part of the gap remaining to the south west side, will provide direct access to the Golf Course.
- 7.37 The proposed dwelling would be similarly positioned in respect of its set back from the road frontage and in this way would replicate the pattern of adjoining development.

7.38 The proposed dwelling would be of a high quality design and would reflect existing neighbouring development in terms of scale, form, siting and design. As outlined at **Fig 7.** below the application proposals would look perfectly in keeping with the street scene.

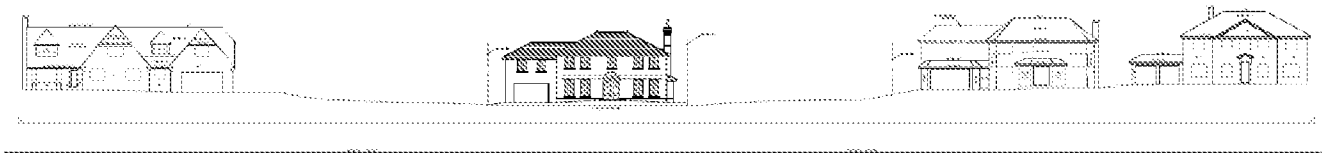


Fig 7. Proposed Street Scene Elevation

7.39 It is our view that the introduction of 1 No. detached dwelling house in this location would represent a visual improvement in the context of this area. The proposed dwelling would visually appear as an 'infill', with residential properties to the immediate north east and further to the south west. In particular, the application proposals have been carefully designed to retain an existing gap to both sides, thus allowing integration with both the character of the nearby development as well its landscape setting, in accordance with **Policy HD5** of the Angmering Neighbourhood Plan.

7.40 Further, the proposed dwelling, which is the subject of this application would sit comfortably within its plot, whilst representing an efficient use of an otherwise vacant area of land that is almost entirely surrounded by existing development, which is generally characterised largely by detached houses set in good sized plots.

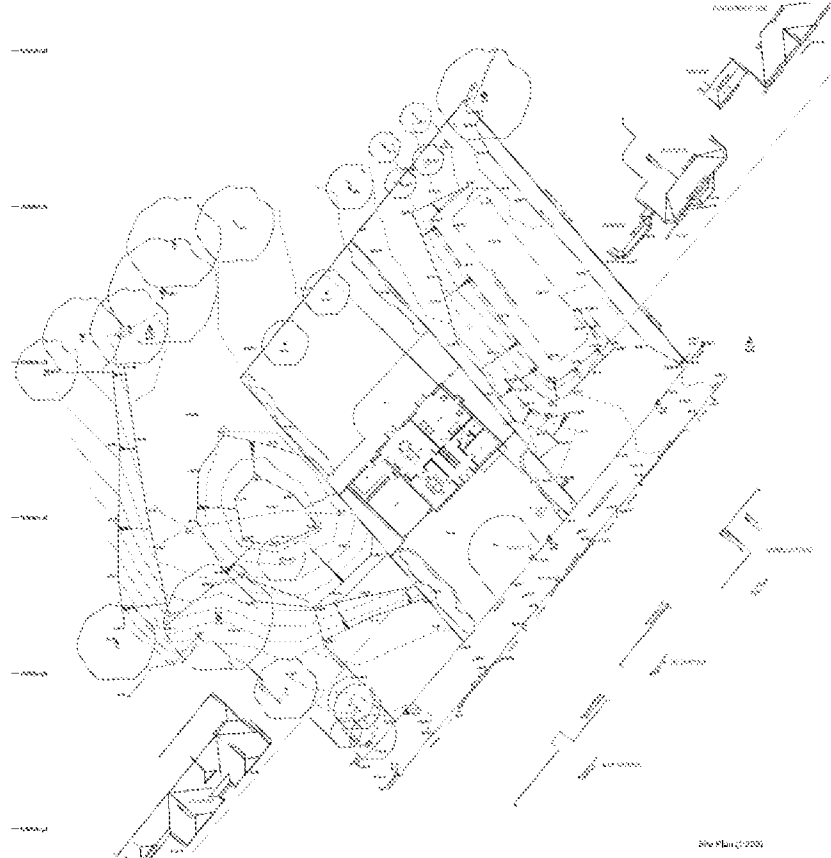


Fig 8. Extract from submitted Site Layout Plan

7.41 To conclude, we are of the view that the proposed dwelling would make an efficient use of a plot, which would otherwise be under-used; within a semi-rural locale within the established Ham Manor Estate. The proposed dwelling would be of a design that sympathetically relates to the surrounding area; which is located within the countryside. Indeed, it is our view that this high-quality development of 1 No. detached dwelling, which would use a sensitive pallet of materials would in fact enhance the character of the semi-rural locale and represent a visual improvement. This fact is strengthened by the retention of the gaps to both sides, thus allowing integration with both the character of the nearby development as well its landscape setting. In addition, the submitted viability assessment which accompanies this application clearly demonstrates that the proposal will ‘enhance the viability of the asset’ and as such, is fully compliant with **Policy CLW2**. Further

the provision of 2 No. dwellings within this gap between existing dwellings is established via the recent approval of a Certificate of Lawfulness.

- 7.42 The proposed development would represent a high-quality development in this location that would appear perfectly in keeping with existing development and would not detract from the character or appearance of the surrounding locality. The proposal would be fully compliant with **Policies GEN7** of the Arun District Local Plan and **HD5** and **CLW2** of the Angmering Neighbourhood Plan.

8 CONCLUSIONS

- 8.1 This proposal seeks planning permission for the erection of 1 No. detached house on a parcel of land adjacent to the 9th Tee on the Ham Manor Golf Course.
- 8.2 As identified by the Councils Local Plan, the site is located outside of any defined built up area boundary and within designated countryside.
- 8.3 At this time, Arun District Council are unable to demonstrate a five-year housing land supply. **This is a material consideration that must be taken into account in determining this proposal.**
- 8.4 It is our view that in the absence of a five-year housing land supply, Saved **Policies GEN2 and GEN3** of the Arun District Local Plan and **Policy HD1** of the Angmering Neighbourhood Plan cannot be considered to be up-to-date for the purposes of decision taking and therefore the application falls to be determined against Paragraph 14 above.
- 8.5 It is clear that these economic benefits, which are directly associated with the implementation of the proposed development, would secure both short and long term economic benefits to the village of Angmering and the wider locality generally. These are material to the consideration of the scheme and are an additional factor in favour of the appeal proposals. The proposal would satisfy the Economic Limb of this approach.
- 8.6 The NPPF seeks to promote a strong vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generation and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being. The proposal would satisfy the Social Limb of this approach.

- 8.7 In addition, as set out in detail above, due to the significant overlap between the above site planning ref: A/212/17/CLP and the current proposal, it is our view that the principle of 2 No. properties has been established in this location. This is a material planning consideration that weighs heavily in favour of the proposal.
- 8.8 **Policy CLW2** of the Angmering Neighbourhood Plan relates to the Protection of Local Green Spaces, it states that *“Development that results in the loss of local green spaces identified in Appendix D, or, results in adversely affecting their character, setting, accessibility, appearance, general quality or amenity value will not be supported”*. It is our case that the modest reduction of the much larger, wider green space designation will not be harmful due to the well-considered design approach, and the gap that would be retained adjacent to Ham Manor Way. In any case any minor impacts arising from the development of the application site would be off-set by the tangible benefits that will arise from granting planning permission. Of most significance is the provision of much needed housing (at a time when the LPA cannot demonstrate a 5YHLS), and that there is a financial need for this development so as to assure the future of the Golf Club.
- 8.9 This planning application is accompanied by a Financial Overview report, which clearly sets out that the proposal will ‘enhance the viability of the asset’ and as such, is fully compliant with Policy CLW2. The accompanying report from MHA Carpenter Box sets out that, essentially, without the grant of planning permission for the application proposal, the Golf Club would be unable to sell this land for a premium, and therefore the revenue it would generate would not be accrued. As a direct consequence, the very future of the Golf Club would be compromised, potentially leading to the Golf Club ceasing to function. The ramifications of this would be that there would be social and economic impacts on the local community, and wider District.

- 8.10 The application proposal make an efficient use of a plot, which would otherwise be under-used; within a semi-rural locale within the established Ham Manor Estate. The proposed dwelling would be of a design that sympathetically relates to the surrounding area; which is located within the countryside.
- 8.11 Indeed, it is our view that this high-quality development of 1 No. detached dwelling, which would use a sensitive pallet of materials would in fact enhance the character of the semi-rural locale and represent a visual improvement. Consequently, the proposed development would represent a high-quality development in this location that would appear perfectly in keeping with existing development and would not detract from the character or appearance of the surrounding locality. The proposal would be fully compliant with **Policies GEN7** of the Arun District Local Plan and **Policies HD5** and **CLW2** of the Angmering Neighbourhood Plan.

May 2018