

Recommendation Report for Planning Permission

**REF NO:** BE/79/19/PL

**LOCATION:** Land Adjacent to Walnut Tree Cottage  
Shripney Lane  
Shripney  
PO22 9NR

**PROPOSAL:** Single-storey bungalow on land adjacent to Walnut Tree Cottage & reinstatement of double garage to Walnut Tree Cottage from annexe/holiday let - This application may affect the character and appearance of the Shripney Conservation Area

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| <b>SITE AND SURROUNDINGS</b> |
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|                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | Detached bungalow on land adjacent to Walnut Tree Cottage & reinstatement of double garage to Walnut Tree Cottage from annexe/holiday let (the front windows would be replaced with two garage gates). The proposed dwelling would have an L shape, would be characterised by three flat roofs of a slightly different heights enclosed by a parapet wall with a pyramid roof element to the rear. The property would be constructed from a mix of materials; public facing elevations will be constructed from brick and flint commensurate with finishes found within the area. |
| SITE AREA                             | 0.2ha                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | 10 dwellings/ha                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| TOPOGRAPHY                            | Predominantly flat, slightly raising from the lane to the north.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| TREES                                 | None of any significance affected by the development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| BOUNDARY TREATMENT                    | Dwarf flint wall with brick piers approximately 1m-1.5m in height and a bridle gate to the front, approximately 2m high panel timber fence to the north-west.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| SITE CHARACTERISTICS                  | The proposal site is located on the north-eastern side of Shripney Lane and contains Walnut Tree Cottage, two storey white rendered dwelling with a pitched slate roof of an attractive appearance (Locally Listed Building) set in landscaped curtilage, a detached converted double garage with a fence aligning its front elevation and separating the plot in order to create some private amenity space to the east and an oak framed detached garage within south-eastern corner.                                                                                           |
| CHARACTER OF LOCALITY                 | The site forms part of a low density residential development on the northeast side of Shripney Lane within the Shripney Conservation Area, predominantly of two storey detached properties of a traditional style of rural character. The Cottage is facing on to the lane. Although generally street fronted, there is an informality of layout where space between                                                                                                                                                                                                              |

buildings is important. There is a number of Statutory Listed Buildings to the west and another Locally Listed Building to the east. The area has a mature verdant character. To the south of the site sits a collection of paddocks which are screened to the highway by hedgerow.

## RELEVANT SITE HISTORY

|              |                                                                                                                                                                                                                             |                                                              |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| BE/67/14/HH  | Demolition of existing garage, erection of oak framed detached garage in new position, new vehicular entrance gate. This application affects the Character and Appearance of the Bersted (Shripney Lane) Conservation Area. | ApproveConditionally<br>28-07-14                             |
| BE/47/12/    | Proposed use of annexe as a holiday let                                                                                                                                                                                     | ApproveConditionally<br>06-07-12                             |
| BE/82/10/CLP | Application for a lawful development certificate for a proposed use for the conversion of Garage to annexe                                                                                                                  | PP Not Required<br>13-09-10                                  |
| BE/47/99/    | Proposed 3 bed cottage & rebuild garage (Departure from Development Plan)                                                                                                                                                   | Refused<br>20-09-99<br><b>Appeal: Dismissed<br/>28-04-00</b> |
| BE/62/91     | Amendments to the size and roof of garage and driveway dimensions to that previously approved                                                                                                                               | ApproveConditionally<br>27-08-91                             |
| BE/16/90     | Provision of new double garage and driveway and external refurbishment of Walnut Tree Cottage                                                                                                                               | ApproveConditionally<br>19-03-90                             |
| BE/50/88     | Outline Application For: new cottage and double garage                                                                                                                                                                      | Refused<br>03-05-88<br><b>Appeal: Dismissed<br/>20-03-89</b> |

It was noted that an outline application under reference BE/50/88/PL for a new cottage and double garage on this land was previously refused by the Council under delegated powers and then dismissed on appeal in March 1989; re-submitted under reference BE/47/99, refused by the council under delegated powers and then dismissed again on appeal in April 2000.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council - object:

The design appears too modern and would not enhance or integrate with the surrounding character of the Shripney Conservation Area.

4 letters of support:

- The design is excellent and the building will sit discreetly in the area, sympathetic to the immediate environment that really blends into its setting, with its own presence and style, not mimicking the older properties along the lane.
- There seems to be a huge need for more housing in our area, around us, There will be virtually no impact on the Lane as the bungalow will be set well back from the road and even from the entrance will only be partially seen.
- The stone wall design at the front to be very clever and would fit in well with the property nearby; new build will be discreet and is well designed and of a high standard.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

The objection of Bersted Parish Council is acknowledged within the body of officer report.

The comments on the design of the proposed development within letters of support express the personal point of view of their authors and therefore they can't be taken into consideration.

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| <b>CONSULTATIONS</b> |
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Environmental Health

Economic Regeneration

Conservation Officer

Southern Water Planning

Engineers (Drainage)

Engineering Services Manager

#### **CONSULTATION RESPONSES RECEIVED:**

Conservation Officer comments:

Walnut tree cottage has been identified by the Local Planning Authority as a Building or Structure of Character located within a Conservation Area.

The Conservation Area is rural in character with a variety of buildings of different ages, styles, types and materials. Although generally street fronted, there is an informality of layout where space between buildings is important. Vernacular materials are present in the buildings and the boundary treatments. The cottage and conservation area are considered to be of aesthetic (fortuitous) significance.

There also a number of listed buildings present, including Shripney House and the Pottery, which are both Grade II listed buildings:

- The proposal is for a new single storey dwelling in the grounds of Walnut Tree Cottage. It would be located close to the existing dwelling and the two outbuildings. The new dwelling is mostly to be flat roofed, but there is a pitched roof element. It is considered that the concept of a somewhat low-lying building in this location, if sensitively designed, could be acceptable subject to detailed issues of design, materials, landscaping and screening etc. However, at present, it is not clear how the design of the new

dwelling has been informed by an assessment of both the neighbouring heritage assets, or the conservation area, more generally. The design, whilst somewhat modern in appearance, does not reflect the characteristics of the neighbouring buildings or the conservation area i.e. some form of cottage or agricultural building which is constructed using the identified vernacular materials (the use of vernacular materials does not restrict the use of a more modern design).

- As a consequence, it is considered that the proposed dwelling would be out of context with the local area, and not sit comfortably in the conservation area or the street-scene. The current proposal is therefore considered to be problematic, and worthy of much further thought.

- Having reviewed the information available as part of the application, it is considered that the proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2018). As such, the public benefits should be considered that the development may achieve as part of assessment of the application, along with the contents of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Arun District Conservation Area Advisory Panel comments:

The character of Shripney Conservation Area derives from the informality of the street scenes, variety of building styles and the quality of spaces between buildings. Whilst there is no objection in principle to a low building in this locality given its relationship with the open space between the buildings and the historic buildings themselves, the design requires to be of extremely high standard which the proposal is not. A contemporary modern design of very high standard would be encouraged on this site. In conclusion the proposal will harm the character of the conservation area and therefore conflict with the NPPF 2019, Paragraph 192 (heritage assets - includes Conservation Areas) and Paragraph 127 (design quality) and also the adopted policies of the Arun local Plan, which relate to the conservation of heritage assets.

Environmental Health: no comments.

Southern Water: no comments

## COMMENTS ON CONSULTATION RESPONSES:

Comments noted; objections are raised by the statutory consultees

## POLICY CONTEXT

Designation applicable to site:

Pagham Harbour Zone B  
Outside Built Up Area Boundary  
Shripney Conservation Area

## DEVELOPMENT PLAN POLICIES

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

|        |                                          |
|--------|------------------------------------------|
| CSP1   | C SP1 Countryside                        |
| DDM1   | D DM1 Aspects of form and design quality |
| DDM2   | D DM2 Internal space standards           |
| DSP1   | D SP1 Design                             |
| ENVDM2 | ENV DM2 Pagham Harbour                   |

|        |                                                             |
|--------|-------------------------------------------------------------|
| HERDM1 | HER DM1 Listed Buildings                                    |
| HERDM3 | HER DM3 Conservation Areas                                  |
| HERDM2 | HER DM2 Locally Listed Buildings or Structures of Character |
| HERSP1 | HER SP1 The Historic Environment                            |

|                                                            |                                                   |
|------------------------------------------------------------|---------------------------------------------------|
| <a href="#">Bersted Neighbourhood Plan 2014 Policy ES1</a> | Design of new development                         |
| Bersted Neighbourhood Plan 2014 Policy ES5                 | Building design                                   |
| Bersted Neighbourhood Plan 2014 Policy ES7                 | Development outside of the Built Up Area Boundary |
| Bersted Neighbourhood Plan 2014 Policy HDQ8                | Car parking                                       |

#### 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.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Bersted Parish Council has a "made" Neighbourhood Plan and relevant policies are ES1: Design of new development, ES5: Building design, ES7: Development outside of the Built Up Area Boundary

#### 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 not considered to comply with relevant development plan policies in that whilst it would not affect adversely the residential amenities of nearby properties, it would be inappropriate development within the countryside and would have a materially adverse effect on the visual amenities of the historic environment of the Conservation Area and it is therefore contrary to Policies C SP1, HER SP1, HER DM1 and HER DM3.

#### 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 of the built up area boundary for which Local Plan Policy C SP1 states that development is generally unacceptable unless it falls into a certain category or is otherwise in accordance with a Local Plan policy which refers to a specific use or type of development and it would lead to the provision of a new dwelling in the countryside.

Paragraph 79 of NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; c) the development would re-use redundant or disused buildings and enhance its immediate setting; d) the development would involve the subdivision of an existing residential dwelling; or e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The proposal does not accord with any of above circumstances set in the NPPF or range of development which may be permitted in the countryside in Local Plan Policy C SP1.

Paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if a 5 year supply of deliverable housing sites cannot be demonstrated.

The Council can demonstrate a 4.7 year supply of housing land and therefore, relevant policies for the supply of housing should not be considered up to date. Paragraph 14 of the Framework confirms the presumption in favour of sustainable development and advocates that where relevant policies are out of date development proposals should be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Nevertheless, irrespective of the housing land supply position, it is necessary to consider whether the proposal would be sustainable development for which there is a presumption in favour.

It is not considered the proposal fully complies with the definition of sustainable development within paragraph 7 of the NPPF. The NPPF identifies three dimensions to sustainable development -economic, social and environmental and advocates that gains in each dimension should be sought jointly and simultaneously to achieve sustainable development.

The building of single dwelling would generate some temporary economic/financial benefits during the construction phase and the occupants of the dwelling would provide support, albeit limited, for businesses in the local village/town. The NPPF advocates as part of the social dimension the provision of housing to meet the needs of present and future generation and the creation of a high quality of built environment with accessible local services. The provision of a single life time home for the existing landowner would provide some benefit although the overall social gain would be very limited.

Under the heading of 'Environmental Role' the agent/applicant among other things, highlighted a sustainable location and that the proposal would make more efficient use of land. There are few facilities along Shripney Road and a public house, the majority of services, including shops, banks, schools and medical services are available in Bognor Regis. There is a bus service along Shripney Road. Nevertheless, it is highly likely that the future occupants of the proposed dwelling would largely dependent on the use of a private vehicle. Therefore, it is considered that the site, remote from services and facilities is not a sustainable location and would not satisfy the NPPF's definition of sustainable development.

The benefits arising from the proposal would be limited and would be significantly outweighed by the adverse impacts of the proposed development in the countryside and its harm to the intrinsic character and appearance of the area. The proposal would therefore be contrary to the provisions of the NPPF and the countryside protection objectives of Policy C SP1.

It is also important to consider the following references from the National Planning Policy Framework (NPPF). Firstly, paragraph 28 states that:

"To promote a strong rural economy, local and neighbourhood plans should: (3) support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside."

The existing holiday let permitted under BE/47/12/PL by the conversion of an annex within the curtilage of Walnut Tree Cottage is proposed in the current application to be converted to the original purpose of this outbuilding what is a double garage what is considered as a loss in terms of sustainable rural tourism.

Heritage:-

Paragraph 192 of NPPF states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 194 of NPPF stresses that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification and paragraph 196 carry on by saying that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposal would intensify the site which is already covered with an annex of rather dominant position within marginally sloping terrain and a new double garage within a south-eastern corner of the site. The annex was later converted to holiday let, however in current application would be converted to its original use as a double garage. The proposed dwelling would have a flat roof with a parapet wall and a pyramid roof above its rear part. Notwithstanding the intention to keep the proposed property as invisible from the street as possible, both roofs and bungalow style of the proposed development would distract from the surrounding area, failing to make a positive contribution to the asset and to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards.

The proposed substantial dwelling, albeit single storey, with the converted double garage of a significant size between proposed and an existing locally listed building would have a significantly greater visual impact in this countryside location within the Shripney Conservation Area and would be detrimental to the relatively open character and appearance of the area, particularly viewing from Shripney Lane. The existing vegetation to the south-east would provide some screening of the proposed dwelling. However, there would be little to prevent the overgrown bushes and the hedge being reduced in height in the future which would increase the visibility and prominence of the building and would emphasise the loss of part of the open space between sporadic properties and would harm its immediate setting.

#### **BERSTED NEIGHBOURHOOD DEVELOPMENT PLAN:**

Bersted Neighbourhood Development Plan policy ES7 "Development Outside of Built Up Area" is relevant. It states that proposals for development outside of the built-up area boundary will not be supported. Another relevant policy ES1 "Design of New Development" states that new development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to its location. And policy ES5 " Building Design" stresses that the design of new buildings should contribute positively to the historic character.

As discuss above, the proposed development will not comply with any of the relevant policies of the Bersted Neighbourhood Development Plan.

#### **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.

#### **RECOMMENDATION**

**REFUSE**

1 The site lies in a rural area (outside of the built up area) and the proposal, which comprises an

undesirable intensification of residential development, would be prejudicial to the rural character of the area in which it is intended that permission for development unrelated to an essential rural activity will not normally be granted. The proposal is therefore contrary to policy C SP1 of the Arun Local Plan and Paragraphs 7-14 of the NPPF.

- 2 The proposed development would adversely affect the character and appearance of the Shripney Conservation Area by reason of its design contrary to policies HER SP1 and HER DM3 of the Arun Local Plan and Paragraphs 127 and 192 of the NPPF.
- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.
- 4 INFORMATIVE: If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.