

Arun District Council
Civic Centre
Maltravers Road
Littlehampton
BN17 5LF

05 August 2021

Dear Sir/Madam

Saxons, 33 Hill Lane, Barnham

This letter has been prepared on behalf of my client Sara Billingshurst to accompany this application for the removal of a planning condition attached to planning approval BN/56/20. Planning permission was granted on 10 August 2020 for the demolition of existing shed/garage and erection of 1 no. detached dwelling. The permission has not been implemented but remains extant.

The condition to which this application relates is no. 3 which states:

The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture (as defined in Section 336 (1) of the Town and Country Planning Act 1990), forestry or the equestrian industry, including any dependents of such a person residing with him or her, or a widow or widower of such a person.

Reason: The site lies in a rural area where, in accordance with Arun District Local Plan policy CSP1, development unrelated to the essential needs of agricultural and/or forestry and/or equine would not normally be permitted.

This application seeks to remove the condition as it is proving difficult for the applicant to obtain funding for the project because of the agricultural/equestrian occupancy condition. It is also considered that that the policy assessment that was undertaken to justify the condition did not give enough weight to the tilted balance in favour of a market dwelling. Furthermore, a subsequent nearby appeal decision has established the weight to be given to the material considerations in the planning balance that now justifies the dwelling being unencumbered. This letter will set out those circumstances and demonstrate that the removal of the condition is justified.

Planning permission was originally granted for the development in 2016 (BN/31/16). The officer's delegated report sets out the policy considerations applicable at that time. In assessing the principle of development, the officer refers to paragraph 14 of the 2012 version of the NPPF and acknowledges that the Development Plan is out of date in terms of housing policy as the Council had a lack of a 5-

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year housing supply. He recognises that on this basis, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In considering any adverse impacts, he agrees that the site is in a relatively sustainable location, the amenity of the neighbouring property is protected, the design and level of amenity is acceptable and there are no flooding/drainage or highway concerns. Having failed to identify any adverse impacts of the development in accordance with paragraph 14, he then bizarrely returns to the fact that the site is outside the built-up area and states that it can only be justified if occupied by a rural worker. The application was approved with the agricultural/equestrian condition.

Due to personal circumstances, the development was not progressed and a new application was submitted in June 2020 (BN/56/20) to effectively renew the permission but with a different design to reflect the applicant's changed needs. The policy situation was reassessed in the officer's report. The proposal was once again considered in the context of out-of-date Development Plan policies and the fact that a 5-year supply of housing could still not be demonstrated. The officer states that the presumption in favour of sustainable development does not apply if the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

As mentioned earlier, the first planning officer did not identify any adverse impacts that would arise from the development, but in this second assessment, the planning officer suggests the proposal would result in environmental harm in terms of its impact on the open and rural character of the countryside and its encroachment into the countryside. It was concluded that this outweighed the benefits to the development and therefore there was no presumption in favour of development.

The basis of this application is that the decision made on the planning balance was incorrect and the development can be justified as an unencumbered new dwelling in this location. It is particularly relevant that the planning officer's view was that 'on balance' the proposal would represent sustainable development (balancing the social economic and environmental objectives) but that there would be environmental harm from the siting of the dwelling. This one element of harm was then used to conclude that the environmental harm significantly and demonstrably outweighed the benefits of the development when assessed against the Framework as a whole and as such disengaged the presumption in favour of development.

The Council used identical reasoning to refuse an application at Tile Barn Farm less than 100m to the north of this application site. This decision was appealed and in the decision letter the Inspector stated *"Given the small scale and limited extent of the harm that would be caused by the proposal, I cannot conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Therefore, the presumption in favour of sustainable development set out in Paragraph 11 of the Framework applies which points towards the grant of planning permission."*

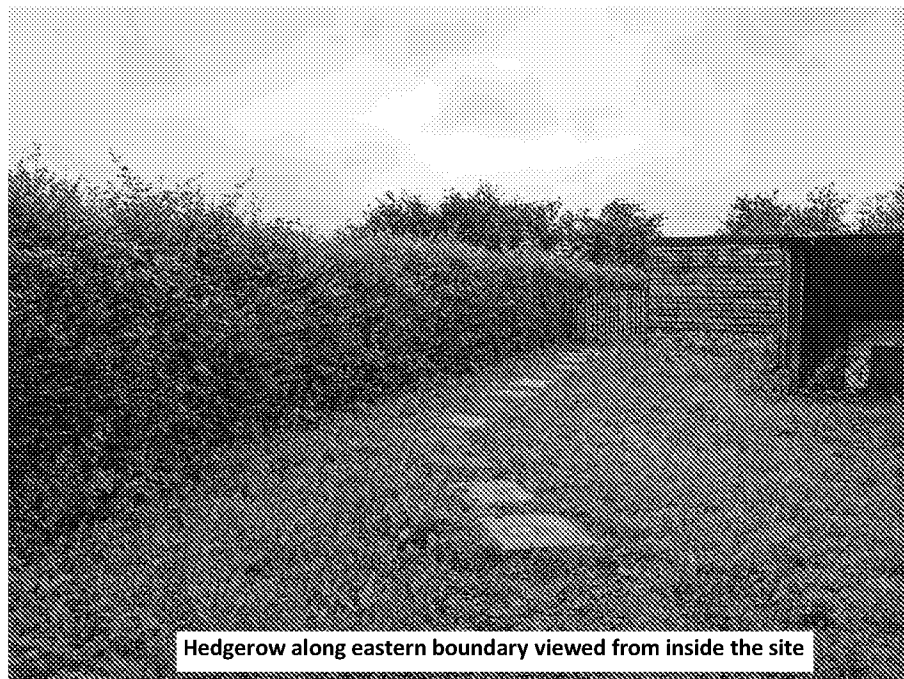
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The appeal turned on the fact that whilst the development did not accord with the locational policies of the Local Plan it would not impede or harm open views of the countryside or harm the landscape character of the area because of the proposed development's proximity to other buildings on the site, the hedgerows along Hill Lane and the existing mature landscaping on the site. Taken together with the social and economic benefits as well as the relatively sustainable location, the Inspector found the benefits outweighed the conflict with the locational policies and determined that the presumption in favour of sustainable development should be applied. In reaching this decision, the Inspector was also mindful that the Council has moved into the 'presumption' category under the 2020 Housing Delivery Test.

Whilst it is acknowledged that each application should be considered on its merits, the findings of the Inspector on the interpretation of the principal policy issues relating to a new dwelling in the countryside, on a site less than 100m away, is a material consideration. It is clear from the Inspector's reasoning therefore that, in determining whether the condition can be removed thereby permitting a market dwelling in this location, is the impact of the proposal on open views of the countryside and landscape character that is the key issue.

The site where the dwelling will be located is on land that was formerly part of the garden to Saxons but has been divided off from it by a close boarded fence in anticipation of the development, although it is still used as garden. Like the site at Tile Barn Farm, the dwelling will be situated on brownfield land. The site contains existing buildings and is bounded on its north, south and east sides by mature hedgerows clearly separating it from the countryside beyond.



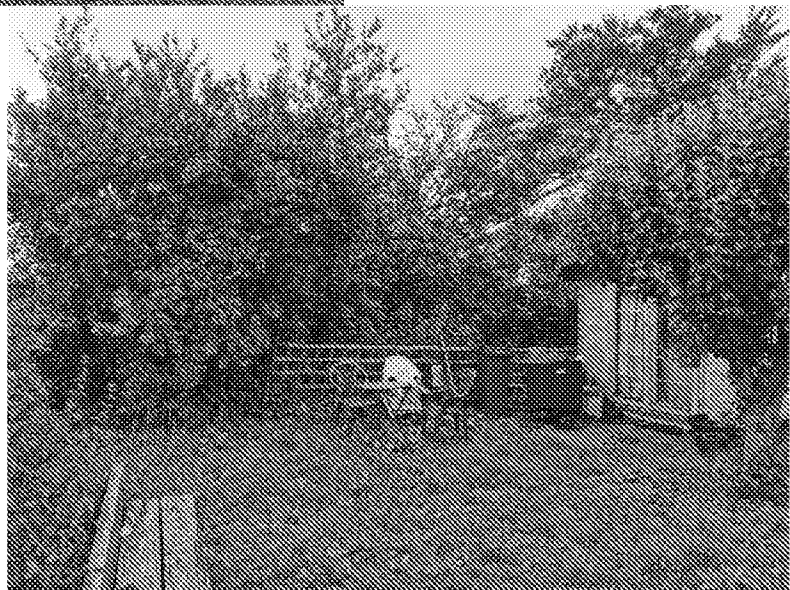
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Hedgerow wrapping around onto the road frontage

Hedgerow beyond southern boundary viewed from inside the site



The site is therefore visually contained and, with the existing buildings and domestic paraphernalia, has a totally different character to the open countryside to the south. The appearance of the site is clearly one that is visually integrated with the cluster of dwellings in this part of Hill Lane and is not perceived as a rural greenfield site. The potential views to the site are from the road to the north and the public footpath 200_1 to the south. The views of the dwelling from these public vantage points would be extremely limited due to the hedgerow screening and would certainly not impede or harm open views of the countryside because of the site's close association with existing dwellings in Hill

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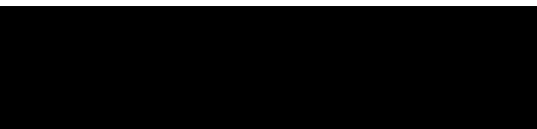
Lane and the buildings at Tile Barn Farm. Neither would it be seen as an incursion into the open countryside.

The following aerial view of the application site demonstrates its relationship with the surrounding built development and the strong hedgerow line to the south that delineates a clear character difference between the development on Hill Lane and the surrounding countryside.



Therefore, in accordance with the reasoning of the Inspector at the Tile Barn Farm appeal, although the development conflicts with the locational policies of the Local Plan, paragraph 11(d)(ii) of the NPPF should be applied given the Council's status as a presumption authority. This requires the development to be assessed against the Framework as a whole to determine whether any adverse impacts would significantly and demonstrably outweigh the benefits. In the assessment of the adverse impacts and the benefits, the application site circumstances are very similar to the appeal site. Both are within existing residential curtilages where the character is distinctly different from the surrounding countryside, both sites are acknowledged by the Council as being locationally sustainable and both bring social and economic benefits, albeit these would be modest. In balancing all these

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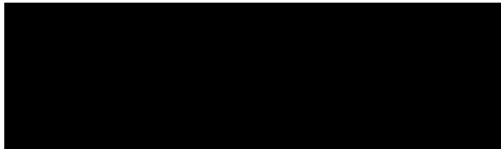


issues, the Inspector found that the benefits outweighed the slight harm from conflict with SD SP2 and C SP1 and that the presumption in favour of development indicated that permission should be granted. The decision demonstrates that, unlike the planning officer's reasoning on BN/56/20, a small element of harm does not necessarily significantly and demonstrably outweigh the benefits.

In conclusion, it is submitted that the dwelling on this site is justified as a market dwelling and the reasons for not allowing it as such have been tested in a similar situation less than 100m away where an Inspector clearly sets out the balance to be applied to such cases. Applied to this case, the balance is in favour of the provision of a new dwelling given the presumption in favour of sustainable development and the limited harm identified. The condition limiting its occupation to a rural worker because it is an 'exception' to policy, is unnecessary. The removal of the condition will allow the applicant to fund the construction of the dwelling and continue her work with the heavy horses kept on the adjoining land.

I trust that the Council will have due regard to the comments in this statement and will support the application. If any further information is required however, then please do not hesitate to contact me.

Yours faithfully



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