

Recommendation Report for Planning Permission

REF NO: BN/13/17/PL

LOCATION: Land to the north of Sunnyside Barn
Yapton Road
Barnham

PROPOSAL: 3 No. dwellings & retention of small B8 storage area. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The property to plot 1 (westernmost section of the site) would be a detached 4 bedroom shaped dwelling with two storey central section and single storey 'wings' projecting to the side and forwards. Parking and bin storage to the front and large garden to rear.

Plot 2 would be formed of an L shaped detached single storey bungalow in rural barn style with parking to front and side (east) and side garden to west and large garden to rear.

Plot 3 would be a detached single storey bungalow with private garden to sides, parking and bin storage to front.

The north east corner of the site is to be retained as B8 storage.

SITE AREA

0.54 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat.

TREES

Few of any real significance affected by the proposed development.

Some additional mature trees to the south of the site again shown as being retained. Impact on trees will be address in the Conclusions section of the report.

A mature tree is located to the north of plot 1 but would be located in the very rear of its garden, retained and given the distance from the proposed unit, very unlikely to receive a significant impact from the development.

BOUNDARY TREATMENT	Various. Hedging at approx. 1.8m high behind fencing to some parts of the south boundary, open to the wears boundary and various fencing and hedging with gaps on the north and east boundary.
SITE CHARACTERISTICS	The south eastern part of the site is an annexed section of land previously forming the rearmost part of Flint Barn's garden. The north east part of the site is used for caravan storage has established use as B8. The remainder of the site is vacant agricultural land including a large glasshouse and various low level vegetation.
CHARACTER OF LOCALITY	Rural. Countryside location with a small number of dwellings, barns and storage land.

RELEVANT SITE HISTORY

BN/13/95	Conversion of barn to dwelling	ApproveConditionally 14-12-1995
BN/18/96	Conversion of barn to dwelling (variations to BN/13/95)	ApproveConditionally 06-12-1996
BN/22/98/	Provision of second floor areas	ApproveConditionally 08-12-1998
BN/13/99/	Internal alterations to provide second floor areas to fire officers requirements.	ApproveConditionally 29-07-1999
BN/12/02/	Garage, single storey, pitched roof detached timber construction	ApproveConditionally 19-08-2002
BN/3/14/CLE	Application for a Lawful Development Certificate for existing use for the storage of caravans and undercover and open air ground storage.	Approve 06-03-2014
BN/38/14/CLE	Application for certificate of lawfulness for an existing use as residential garden ground	Approve 07-01-2015
BN/33/15/PD	Prior approval for change of use from storage (Class B8) to dwellinghouse (Class C3)	No Object'n + Conds 06-10-2015
BN/61/16/PL	Removal of existing storage building & erection of a single dwelling - Departure from the Development Plan	ApproveConditionally 01-02-2017

BN/22/16/CLE	Lawful development certificate for use as existing storage (B8 Storage or Distribution) & use of adjacent land as additional campsite (sui generis)	Approve 07-02-2017
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Planning consent was granted for the north east section of the site for the removal of an existing storage barn and development of detached dwelling.

REPRESENTATIONS

Representations received:

Barnham Parish Council

At the meeting of Barnham Parish Council on 8th May the Council resolved to raise an objection to this application. Having previously objected to application BN/61/17 for the erection of one dwelling due to an increase in the footprint of the previously agreed application for one dwelling the Council strongly object to an application to increase the number of dwellings on the site to three.

The site was not one that was identified for housing in the made Barnham and Eastergate Neighbourhood Plan and although Policy H2 Windfall sites accepts that permission will be granted for small residential developments on infill and redevelopment sites it was not felt that this site would be an acceptable site as it is not within the built-up area of the village. The area of land is behind existing housing on the Yapton Road and there is a strong concern that if approval was given to building on this area then a precedent would be set for further applications on fields and areas of land along this stretch of road thus reducing the gap between the villages of Barnham and Yapton.

The application foul water drainage statement states that it is intended to seek to connect to the existing system yet Southern Water's response to the previous application on the site stated that there are no public surface water sewers in the area to service this development and therefore the Council would wish to be assured by the District Council's Building Control officers that a suitable alternative means of draining surface water would be put in place.

Whilst the design of the houses would be in keeping with other houses it is still felt that they intrude on neighbouring properties and the caravan park and are a real over-development of the site.

One public representation of no objection stating that the proposal would not affect the a local business.

Two online public comments objecting on the grounds of:-

- the development being outside of the built up area boundary against the aims of the Barnham & Eastergate Neighbourhood Plan
- houses being out of character with the open rural area
- detrimental impact on the users of the caravan site to the north of the site
- reduction in the gap between Barnham and Yapton

Comments on Representations received:

Comments noted.

The officer agrees that the development would be out of character within the countryside and

is not located in a suitably sustainable location to meet the requirement of a windfall site. It is not considered that the houses would have a detrimental impact on the users of the caravan park as the houses' large rear gardens would separate the caravan park from the dwellings. And the use of the buildings and sites as residential is not considered to create significant noise and disturbance to the caravan park.

The issue of surface water drainage could be dealt with by reason of pre-commencement condition to assess the impact on surface water drainage and water table level.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)
Southern Water Planning

Consultations responses received:

WSCC STRATEGIC PLANNING (HIGHWAYS)

Access

The existing access is proposed to remain to serve this development. The existing use of this site varies from that of a residential use to a camp site and caravan storage. Taking into account the existing permitted B8 and campsite usage in terms of highway safety and level of activity of the site, it is unlikely that this proposal to change to C3 would have an adverse impact on the local highway network.

Refuse appears to be proposed to be taken from within the site although this is not clear and has not been stated within the design and access statement. The applicant is advised to contact the relevant waste disposal authorities to discuss the suitability of the proposed. Manual for Streets advises that residents should not have to carry bins in excess of 30m from their front door. Therefore the Local Planning Authority (LPA) may wish to consider this amenity issue.

Based on the consideration that the use of this access is an existing arrangement that appears to be functioning with no known highways safety issues, visibility is considered to be sufficient.

Sustainability

Barnham has a range of services and amenities which suggests that this site can be viewed as a sustainable location for housing, while many of the amenities and services are within a reasonable walking distance from the site, there are regular bus services allowing the site to be appropriate for cycling and public transport links. Bus stops are located at The Windmill to the east and Village Hall to the west; both within a three minute walk. Although not lit, all footways are linked and paved.

Capacity

Given the scale of the proposal and the existing permitted use a TRICS assessment and Travel Plan are not required. Whilst the LHA acknowledge that there will be a difference in the pattern of traffic movements, it is not considered that there will be a material increase in traffic movements over the existing use. In addition there are no known capacity and congestion issues within the immediate vicinity of the site. From a capacity perspective we are satisfied the proposal will not have a severe residual impact and not be contrary to Paragraph 32 of the NPPF.

Conclusion

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32.) Should planning consent be granted, the following conditions are advised to be sealed alongside it.

Conditions

Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

DRAINAGE ENGINEER

The applicant states that surface water disposal will be via soakaways. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, and cater for the 1 in 10 year storm between invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified at that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The Applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information.

There may be historic watercourses/culverts crossing the site. This will need to be investigated by the applicant and discussed with ourselves, before a development layout is agreed.

Please apply standard conditions ENGD2A, ENGD4A & ENGD6A.

SOUTHERN WATER

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Due to surface water inundation issues in the Lidsey Catchment "The applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development".

Developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary;
Class C Road;
Special Control of Adverts;
No Public Sewer; and
Lidsey Treatment Catchment Area.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN3
GEN7
GEN9
GEN11
GEN12

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
Protection of the Countryside
The Form of New Development
Foul and Surface Water Drainage
Inland Flooding
Parking in New Development
C SP1 Countryside
D DM1 Aspects of Form and Design
Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design
SD SP1 Sustainable Development
SD SP2 Built-Up Area Boundary
SO DM1 Soils
T SP1 Transport and Development
QE SP1 Quality of the Environment
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage
Systems
WM DM1 Waste Management

[Barnham & Eastergate Neighbourhood Plan 2014](#) POLICY ES1 Applications for new development must meet the local drainage requirements

[Barnham & Eastergate Neighbourhood Plan 2014](#) POLICY ES5 Quality of design

[Barnham & Eastergate Neighbourhood Plan 2014](#) Contribution to local character

POLICY ES6

[Barnham & Eastergate Neighbourhood Plan 2014](#) Windfall sites

POLICY H2

[Barnham & Eastergate Neighbourhood Plan 2014](#) Integration of new housing into surroundings

POLICY H4

[Barnham & Eastergate Neighbourhood Plan 2014](#) Attention to detail

POLICY H6

[Barnham & Eastergate Neighbourhood Plan 2014](#) Connection to sustainable transport

POLICY GA1

[Barnham & Eastergate Neighbourhood Plan 2014](#) Parking and new development

POLICY GA4

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 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
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The relevant policies of the Barnham & Eastergate NP will be considered as part of the application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and an adverse impact upon the established character of the surrounding area. It would also result in the development of dwellings in an unsustainable location and the loss of important Grade 2 Agricultural land.

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 B8 use of the north west corner of the site has an established, lawful use as B8 and there is no objection to this being retained.

The site lies in a countryside location outside the built-up boundary where the principle of development is considered to be unacceptable other than for certain types of development. Development Plan policies seek to exert a strict control over new development in the countryside to protect it for its own sake. Development will only be permitted if the criteria set out are met or where there is a strong justification for a countryside location. The Government's planning advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected, and where possible enhanced.

The site is in a location that is not allocated for housing. In the Publication Version of the Local Plan (2014), policy H SP1 establishes strategic housing, parish and town allocations. This policy states that there will be a site specific allocation of at least 2000 homes on land between Barnham, Eastergate and Westergate.

The Barnham & Eastergate Neighbourhood Development Plan (NDP) allocates land elsewhere within the area for 60 houses. However, Policy H2 states that permission will be granted for small residential developments on infill and redevelopment sites within the area. This policy does not state that such sites need to be within the built up area boundary.

The Council is currently unable to demonstrate an adequate 5 year supply of housing land as required by paragraph 49 of the National Planning Policy Framework (NPPF). Furthermore, the Examination into the emerging Local Plan was suspended by the Planning Inspector on the grounds that the Council's Objectively Assessed Housing Need (OAN) should be reviewed higher than that proposed in the Local Plan (580 units p.a). The Council will therefore need to identify an adequate land supply to meet the additional housing requirements. The OAN figure has now been increased to 919 units p.a as of October 2016. Additional strategic sites are being assessed and allocated to meet this higher figure.

The National Planning Practice Guidance (NPPG) has provided 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. It is considered that 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 that can be afforded to Neighbourhood Plans has recently 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.

Only one of the above circumstances arises as the Barnham & Eastergate Neighbourhood Plan is

more than 2 years old and although it allocates sites for housing, Arun District Council can only currently demonstrate a 2.15 year supply of deliverable housing sites.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, 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".

NPPF TEST ON SUSTAINABILITY:

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system

Environmental Role-

Paragraph 55 of the NPPF advises that new isolated homes in the countryside should be avoided, unless there are special circumstances. It also states that housing in rural areas should be located where they will enhance or maintain the vitality of rural communities.

The site is located within defined countryside outside of the settlement of Barnham. The nearest pub is considered to be the Murrell Arms at a walking distance of 590m. The nearest shops are the Barnham Trading post (850m) or Tesco Express (890m). Barnham railway station is opposite the Tesco and there are additional shops and services in the vicinity of these. All of these distances are considered to be acceptable walking or cycling distances.

However, the first 300m of this route is via a narrow (approximately 1 person wide) unlit footpath on the northern side of Yapton Road. There are also no designated Cycle lanes along Yapton Road. The nearest bus stops are on the B2233 Yapton Road - either in a westerly direction at a walking distance of 450m, or in an easterly direction at a walking distance of 380m. Furthermore, it is noted that the bus service, the 66 (Bognor Regis - Barnham - Yapton - Walberton - Bognor Regis) only runs between 7am and 6pm and is relatively infrequent (with pick ups every 1-2 hours).

As such, although it would be possible to walk, cycle or walk to catch a bus from the site to nearby shops & facilities, in reality it is not considered that these options would be attractive compared to the private car. Whilst there are other houses in the vicinity of the site, it is considered that the proposal would result in three new dwellings in a relatively isolated location in the countryside and in an unsustainable location. In the absence of evidence to demonstrate any of the special circumstances set out in Paragraph 55 of the Framework, it would be contrary to its requirements.

Social Role-

It is considered that the proposal will support the local community by providing three family dwellings to help meet future needs. This factor weighs in the scheme's favour.

Economic Role-

It is considered that the proposal will (1) lead to a small increase in Council Tax receipts; (2) lead to a small increase in New Homes Bonus payments; and (3) create a limited number of jobs during construction. All of these would provide a small benefit to the local economy. These economic factors weigh in the scheme's favour.

Assessment-

The proposal would provide three new homes which would contribute, albeit in a minor way, to the district's housing needs and would result in limited economic benefits. These economic factors weigh in the scheme's favour. However, it is not considered the location of the site would contribute to the achievement of the social dimension of sustainable development and this would partly conflict with environmental goals.

SUMMARY OF SUSTAINABILITY & PRINCIPLE:

This site lies in a countryside location outside of the defined built up area boundary. However, relevant local plan policies for the supply of housing should not be considered up-to-date as Arun District Council cannot demonstrate a 5 year supply of deliverable housing sites. Furthermore, although the Barnham & Eastergate Neighbourhood Plan does not prevent infill housing development outside the built up area boundary (and as such would support this proposal), as according to the recent Ministerial Statement regarding the status of neighbourhood plans, housing policies within the Neighbourhood Plan should be considered to be out-of-date.

It is then necessary to consider whether the proposal is sustainable development and if so would take advantage of the NPPF presumption in favour of sustainable development. The above analysis shows that the site is not sustainably located and the benefits of the proposal would not outweigh the environmental harm. Therefore, it is not considered that the proposal would be acceptable in principle and conflicts with saved policies GEN2, GEN3 and GEN7 of the Arun District Local Plan, Policies C SP1, SD SP1, SD SP1a and SD SP2 of the emerging Local Plan and Barnham & Eastergate NP Policy H2.

VISUAL AMENITY AND IMPACT ON THE CHARACTER OF THE AREA

The development of three detached dwellings, plot one of a substantial size, in an area characterised by fields and caravan sites and storage is not considered to be in character or respect the visual amenity of the area. It is recognised that there are properties facing on to Yapton Road some of which are barn conversions, but the character of this area, overall is open rural land with the glasshouse showing an agricultural use on the site reflecting the farming uses of the fields adjoining the site. It can also be argued that as the principle of the development is unacceptable, that development of this size (3 new dwellings) is, by its very nature unacceptable.

The application is considered to harm the established open and rural countryside, character of the area, fails to integrate with the countryside surroundings or the character of the two villages of Barnham and Eastergate; in conflict with saved policy GEN 7, emerging policies D DM1, D SP1

and Barnham & Eastergate Neighbourhood Plan Policies ES6 and H4.

INTERNAL AND EXTERNAL AMENITY STANDARDS

All three properties would meet emerging policy DDM3 requirements for external private amenity space and internal space standards

RESIDENTIAL AMENITY

The location of the properties more than 35m (approx.) from the rear of nearest dwelling houses Sunnyside Barn and The Flint Barn and 40m (approx.) from the rear of Highfield House and their immediate rear amenity areas means the impact on residential amenity is limited. It is not considered that the proposal could result in an overbearing impact on residential amenity, loss of light or overshadowing or any harmful loss of privacy through overlooking.

PARKING & HIGHWAYS

WSCC as the Highway Authority have not objected to the application on the grounds of parking, highways movements and traffic and have noted the bus stops within walking distance. The properties will have large off street parking areas to the front for 4 + vehicles each with turning spaces. As such the properties will meet WSCC parking standards and policy GA4 of the Barnham & Eastergate NP.

LOSS OF AGRICULTURAL LAND

The largest, part of the site (central section and west section) are occupied by a Glasshouse and could be used for Agriculture. The site is located on Grade 2 (high quality) agricultural land. Emerging Policy SO DM1 states:-

"Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term."

This site is not designated for housing by saved policies, emerging plan or NP. Whilst only a small section of the site (approximately 0.27 hectares) is still able to be lawfully used for Agriculture policy SO DM1 does not include a land area or size for the policy to come into force. However, considering the emerging policy pragmatically, the area of the site which has lawful use as agricultural cannot be argued to be of strategic value in terms of crop or livestock production for the district.

It is not considered the application should be refused on the grounds of loss of agricultural land.

SURFACE WATER DRAINAGE/FLOODING

The site is located within the Lidsey Catchment Area, so it is at high risk of flooding from surface water run off. The Council's Drainage Engineer has recommended 3 conditions to be attached to the application should it be recommended for approval. Whilst the application is being recommended for refusal, were an approval granted, it is considered that should the conditions

fully discharged and approved details complied with, that the development would not significantly increase the risk of flooding from surface water run off.

The application is recommended for refusal for the following reason.

HUMAN RIGHTS ACT

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 development by reason of its unsustainable location in the countryside, outside a defined built up area boundary, its lack of lit footpath access to bus stops and local shops; the proposal will be car reliant and this will result in environmental harm contrary to saved Arun District Local Plan policies GEN2, GEN3 and GEN7 , paragraph 7, 14 and 55 of the National Planning Policy Framework and Policies C SP1, SD SP1, SD SP1a and SD SP2 of the emerging Local Plan and Policy H2 of the made Barnham & Eastergate Neighbourhood Development Plan .
- 2 The development of three detached dwellings in an area characterised by open fields in the countryside, outside of a defined built up area is considered to be out of character with the open surrounding rural area and fails to integrate with the surroundings or the overall character of the two villages of Barnham and Eastergate; contrary to saved policy GEN 7, emerging policies D DM1, D SP1 and Barnham & Eastergate Neighbourhood

Plan Policies ES6 and H4.

- 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 reason(s) for the refusal, approval has not been possible.