

Recommendation Report for Planning Permission

REF NO: BN/24/20/PL

LOCATION: Tile Barn Farm
32 Hill Lane
Barnham
PO22 0BL

PROPOSAL: Erection of 1 No. dwelling & formation of new vehicular access. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The dwelling would be detached, two storey and with a gable end roof form. It would have 4 bedrooms. It is proposed to be a modern contemporary interpretation of a rural barn, with timber clad and grey tile elevations, grey tile roof, dark grey steel sheet trim to gables, and metal framed doors and windows. A new vehicular access off Hill Lane would be created, and there would be a gravel driveway with parking for 3 vehicles. The property would be surrounded by gardens to the front, side and rear.

SITE AREA 0.07 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 14 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES There are numerous on and off-site trees and hedgerow which, by virtue of their size and species type, make a significant contribution to the character and visual amenity of the area.

BOUNDARY TREATMENT Mainly hedgerow and trees around perimeter of wider site (Tile Barn Farm).

SITE CHARACTERISTICS The site consists of residential garden land/an orchard related to Tile Barn Farm.

CHARACTER OF LOCALITY Narrow country lane, with agricultural/horticultural fields around and dwellings scattered along Hill Lane. The area has a rural character.

No relevant planning history on the site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council
OBJECTION.

- Dwelling would be built on land beyond existing building line.
- B&E NP policy H4 - design does not reflect local character of area and 20th century dwellings.
- Agree with WSCC Highways that formal consent must be sought/obtained from owner of private lane before construction.

No other representations were received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and issues addressed in Conclusions section of report.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Parks and Landscapes

Arboriculturist

Environmental Health

Southern Water Planning

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH:

No objection. Recommend condition requesting a scheme of sound insulation to ensure protection of future occupants from noise disturbance from nearby agricultural buildings and horticultural nurseries.

WSCC HIGHWAYS:

No objection. Would not result in unacceptable impact on highway safety nor a severe cumulative impact on the operation of the highway network, and would accord with the NPPF. Recommend conditions to secure car parking/turning space/cycle parking and an informative reminding the applicant of the requirement to gain formal consent from the owner of the privately maintained road for the access works.

ADC DRAINAGE ENGINEER:

No objection. Site in Lidsey Water Treatment Works Catchment Area. Surface water drainage design should be carefully considered and infiltration fully investigated. Recommend condition and informative.

ADC TREE OFFICER:

OBJECTION. Due to lack of supporting arboricultural information to demonstrate trees/hedgerows would be adequately protected, nor an appropriate tree/hedgerow mitigation planting scheme proposed. Prior to determination, an Arboricultural Impact Assessment (AIA) to include Tree Survey Schedule, Root Protection Area Schedule and Tree Constraints Plan must be submitted. If RPA of any tree overlaps development then a Arboricultural Method Statement including Tree Protection Plan would be required.

ECOLOGY ADVISOR:

OBJECTION. Due to the lack of protected species surveys having been undertaken, the Council is unable to establish if protected species are present and if so how they would be protected. Prior to determination, an extended Phase 1 Habitat Survey would need to be undertaken, if protected species are found to be present, further surveys and mitigation strategies would need to be submitted, again prior

to determination.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and issues addressed in Conclusions section of report.

POLICY CONTEXT

Designation applicable to site:

Countryside (Outside Built-Up Area Boundary)

Lidsey Water Treatment Works Catchment Area

CIL Zone 3

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
LANDM1	LAN DM1 Protection of landscape character
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
WMDM1	WM DM1 Waste Management
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
INFSP1	INF SP1 Infrastructure provision and implementation

<u>Barnham & Eastergate Neighbourhood Plan 2014</u> <u>POLICY ES1</u>	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES13	Renewable energy schemes
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES4	Protection of open views

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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 policies contained within the Barnham & Eastergate Neighbourhood Plan (made 2014) are relevant in the determination of this planning 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 conflicts with relevant Development Plan policies in that it is development in the countryside, and despite the Council's lack of a 5 year housing land supply and the proposals would trigger the NPPF's 'presumption in favour of sustainable development', the adverse impacts on the character of the countryside would significantly and demonstrably outweigh the benefits in this case, contrary to NPPF paragraph 11(d)(ii), Arun Local Plan policies D SP1, D DM1 and LAN DM1 and Barnham & Eastergate Neighbourhood Plan policies ES4 and ES5.

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 Development Plan for this site currently comprises the Arun Local Plan 2011-2031 (adopted 2018), the Barnham & Eastergate Neighbourhood Development Plan (made July 2014) and the West Sussex Waste and Minerals Plans.

Section 38 (5) states: "If to any extent 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". Any conflict between the Barnham & Eastergate Neighbourhood Development Plan (2014) and the Arun Local Plan (2018), should therefore be resolved in favour of the latter.

All development policies that relate to the supply of housing in the Local Plan (policies H SP1, C SP1, SD SP2) have reduced weight because ADC cannot demonstrate an adequate supply of housing land (only 2.9 years HLS). In addition, policies in the Eastergate & Barnham Neighbourhood Development Plan that relate to the supply of housing (policy H2) have even less weight because they relate to out of date housing needs, as the policies were based on the 2003 Local Plan.

Policy C SP1 (Countryside) states that residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. It is noted that none of these relate to the proposal. The B&ENP does not contain any policies which specifically relate to development in the Built-Up Area Boundaries or Countryside.

As this site lies outside the nearest BUAB, it is defined as being in the designated Countryside. The scheme would conflict with the Development Plan, ALP policies SD SP2 and C SP1. Paragraph 11 (d) of the NPPF and the application of the 'presumption in favour' of sustainable development is triggered.

Paragraph 11 of the NPPF states that where development policies are out of date (including for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) planning permission will be granted unless:

- (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

(i) does not apply to this determination as the site does not lie in a protected landscape and is not or near a protected heritage asset that would be significantly affected. The part (ii) test, adverse impacts, are considered in detail in the proceeding sections and concluded upon under the final 'Summary' section.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the Neighbourhood Plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, criteria (a) to (d) are not all applicable because the Neighbourhood Plan was made over two years ago. The presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

Paragraph 8 of the NPPF sets out the three strands of sustainable development; economic, social and environmental.

The proposal for a dwelling meets the economic objective, in terms of providing employment during the construction phase. This provides benefit to the local economy and weighs in the schemes' favour. The proposal meets the social objective, making a contribution of 1 new home to the District's housing supply. CIL receipts could be used to contribute financially towards infrastructure a further benefit to the local community. This social benefit weighs in the schemes' favour. The site is in a relatively environmentally sustainable location (from a transport perspective) given the short distance to bus routes, railway station and local shops by foot. That being said, the proposal results in significant environmental harm with regard to its impacts on the open and rural character of the countryside.

On balance the proposals would represent sustainable development. Para 11(d) of the NPPF states permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Whilst the proposal would be sustainable development, the adverse impacts of the development in terms of its siting outside of the BUAB and harm to the character of the countryside and visual amenity of the area (as set out in the sections below) significantly and demonstrably outweigh the benefits of the proposal. For this reason, the application would not benefit from the presumption in favour of sustainable development. The adverse impacts on visual amenity and character of the local area forms a reason for refusal of the application.

VISUAL AMENITY & CHARACTER IMPACT:

Policy D SP1 of the ALP states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees and crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the surrounding environment. ALP policy LAN DM1 states that development should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. Policy ES5 of the B&ENP requires that development should be designed to respond to the specific character of the site and local surroundings. ES4 seeks to protect open views across the countryside and open spaces. Arun District Council Design SPD (due for adoption in 2020) provides detailed design guidance for developments in the District.

Para 170 of the NPPF states decisions should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside. Development Plan policies seek to exert strict control over new development in the countryside to protect its intrinsic character and beauty.

The site contains no existing structures, forms side garden land to Tile Barn Farm, is located on the end of a 'ribbon' or 'cluster' of dwellings on this part of Hill Lane, and the dwelling would be located beyond the existing building line, on the edge adjacent to farmland. Its siting would not accord with the existing pattern of development in the area. It results in encroachment of the open countryside and fails to protect open views across the countryside. Its siting would be harmful to the visual amenity and rural character of the area. Its detached typology and scale would reflect that of other dwellings in the area and its barn-like form would be acceptable in the rural context. The use of contemporary materials (e.g. galvanised steel and metal framed windows/doors) would be unusual in this rural context which is characterised by 20th century dwellings of brick/tile. However, the grey treatment of the elevations and roof makes the building recess and blend more into the surroundings and the use of slate/timber is appropriate in a rural setting. The NPPF seeks 'innovative' design and the design and materials, although different from the properties nearby, would not in and of itself justify refusal.

Notwithstanding the above, the development, by reason of its siting, results in an encroachment of the

open countryside and the erosion of the character of this rural area, failing to protect the countryside and landscape. The proposals are contrary to the NPPF and ALP policy C SP1, which seek to protect countryside for its own sake (i.e. its value of intrinsic character and beauty) and design and landscape policies D SP1, D DM1 and LAN DM1 of the ALP, and B&ENP policies ES4 and ES5.

RESIDENTIAL AMENITY IMPACT:

Policy D DM1 of the Local Plan states new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. QE SP1 states the Council requires development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. Policy QE DM1 seeks to protect noise sensitive development against noise impacts of nearby uses. The Arun District Council Design SPD (due to be adopted in 2020) provides detailed design guidance for development, including with regard to matters of amenity. Para 127 (f) of the NPPF states development should have a high standard of amenity for existing and future users.

To the north of the site is farm land, to the west on the opposite side of Hill Lane is horticultural nursery land and to the south of the site is Tile Barn Farm. The new dwelling would be located around 19m from the side elevation of the nearest dwelling, Tile Barn Farm (no.32 Hill Lane). The side facing elevation of the dwelling has been designed to avoid overlooking with minimal openings and high level windows and rooflights only. The balconies would be inset under the gable ends and not provide views into the neighbouring garden. Given separation distances and design, the proposals would not result in harmful impact on outlook, light or privacy levels to neighbouring occupants at Tile Barn Farm.

The Council's Environmental Health Officer requested that, in the event of permission being granted, a condition be applied requesting a scheme of sound insulation for the dwelling to ensure protection of future occupants from noise disturbance from the nearby agricultural buildings and horticultural nurseries.

The proposals, subject to this condition, would have an acceptable impact on neighbouring residential amenity, in accordance with the NPPF and ALP policies D DM1, QE SP1 and QE DM1.

QUALITY OF ACCOMMODATION:

Policy D DM2 of the ALP states that internal spaces should be of an appropriate size and that the national Technical Housing Standards provide guidance.

The minimum Gross Internal Area (GIA) for a 4 bedroom dwelling over 2 storeys is 97-124sqm (with 3sqm built-in storage). The proposed GIA appears to be approximately 203sqm which would exceed the minimum national GIA for a property of this size and type. The accommodation is well laid out and would provide built-in storage and a good quality of outlook and light levels to future occupants.

There are no specific policies in the ALP or adopted guidance with regard external spaces. Policy H5 of the B&ENP states that proposals for new housing development should include good quality outdoor amenity space and that this should be commensurate to the size and type of dwelling and the character of the area. Paragraph H.04 of the emerging Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

The dwelling would have gardens to the front, side and rear. Soft landscaping including trees and

boundary screening is shown. The external outdoor amenity space provision would be of an ample size and shape to be functional and enjoyable to serve the future occupiers of this 4 bedroom dwelling.

Policy WM DM1 of the ALP advises that all new residential development, will be permitted provided that it is designed to ensure that kerbside collection is possible for municipal waste vehicles. Policy H6 of the B&ENP requires that the design of new housing should give full consideration to items including bin stores and recycling facilities.

The site plan does not show bins or a bin store, however, there is space on site to accommodate bin storage to include recycling and kerbside collection on Hill Lane would be acceptable, and accord with ALP policy WM DM1 and B&ENP policy H6. Details of the appearance of the bin storage could be secured by condition, if the Council were minded to grant the application.

CLIMATE CHANGE:

ALP policy ECC SP1 states 'The Council will support development which is located and appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding; water stress; health impacts as a result of extreme temperatures and a decline in the quality of habitats and richness in biodiversity'. Policy ECC SP2 of the Local Plan is also relevant and sets out a number of sustainability measures to promote energy efficiency and renewable energy. Policies ES11 and ES13 of the B&ENP seek to promote energy efficiency and renewable energy schemes.

The drawings do not include reference to sustainable features, although the Planning Statement refers to the proposal incorporating sustainable technologies where possible, including an air source heat pump for central heating and hot water and grey water harvesting. An Energy Statement and Plan setting out the energy conservation/efficiency measures and renewable energy sources would need to be secured by way of a planning condition, if the Council were minded to grant the application. A standard condition would be imposed requiring 10% on-site generation from renewable or low carbon energy generation, plus the fabric first approach.

HIGHWAYS:

Regard should be had to para 109 of the NPPF which states: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with WSCC guidance on parking provision. Arun District Council adopted its own Parking Standards SPD (Jan 2020). Policy GA4 of the B&ENP states proposals will be supported where they include the maximum level of off-street parking consistent with the standards under the Local Plan. Para 106 of the NPPF refers to maximum parking standards for residential and non-residential development. Policy T SP1 and T DM1 support the inclusion of sustainable modes of transport.

WSCC Highways raised no objection to the application, subject to conditions to secure car parking and turning space, cycle parking and an informative reminding the applicant of the requirement to gain formal consent from the owner of the privately maintained road for the proposed access works.

The application proposes a 3m wide vehicular access to Hill Lane. The applicant needs to obtain formal consent from the owner of the privately maintained road for access works. An Informative could be used to remind the applicant of this, should the Council be minded to grant permission of this application. Visibility splays of 2m x 20m to the north and 2m x 40m to the south of the access have been demonstrated. Taking into account the road layout, geometry and anticipated road speeds, the Local Highway Authority (LHA) consider these visibility splays to be acceptable. Access to the maintained

highway network is at the junction between Hill Lane and Church Lane. There are no apparent visibility issues at this junction and police records show no recorded injury accidents in the past 5 years in the vicinity of the site or at this junction. There is no evidence to suggest the road network is operating unsafely or the proposal would exacerbate an existing highways safety concern.

The site plan shows 3 car parking spaces in the front driveway. This provision accords with the parking standards set out in the ADC Parking SPD for a dwelling of this size in this location. In accordance with the ADC Parking SPD, at least one parking space should be provided with an Electric Vehicle Charging Point (EVCP); this could be secured by way of a condition if the Council were minded to grant the application. The site plan shows cycle storage with provision for 2 cycle parking spaces, which accords with the ADC Parking standards.

Subject to conditions the proposal has acceptable impacts on parking and highways safety and operation, in accordance with the NPPF, ALP policies T SP1 and T DM1, B&ENP policy GA4 and the Arun Parking SPD.

DRAINAGE:

ALP policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans. ALP policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. These features may include green roofs, permeable driveways, soakaways, water harvesting such as water butts. Policy ES1 of the B&ENP requires that new development should reduce the overall level of flood risk in the area, which includes taking account of the Lidsey Water Treatment Works Catchment Area.

The site is in Flood Zone 1 (low risk of flooding). No FRA or flood mitigation measures are required in this regard. The site is in the Lidsey Water Treatment Catchment Area where surface water drainage needs to be carefully considered. The Council's Drainage Engineer raised no objection subject to a drainage condition and accompanying informative.

Subject to condition, the application would have an acceptable impact on drainage and would not increase the risk of flooding, in accordance with the NPPF, ALP policies W DM2 and W DM3 and policy ES1 of the B&ENP.

TREES:

Policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or contributing to local amenity. Policy ES10 of the B&ENP requires that development proposals must maintain trees or hedgerows of good arboricultural or amenity value.

There are numerous on and off-site trees and hedgerow, which by virtue of their size and species type make a significant contribution to the visual amenity and character of the area.

The Council's Trees Officer objected to on the basis that there was no supporting arboricultural information with the application, a requirement of BS5837:2012. As such, insufficient information had been submitted to guarantee such trees and hedgerow would be adequately respected and protected. Some of the trees in the development boundary would have to be removed to facilitate the proposal. No mitigation, by way of a detailed planting scheme, was provided. Although most of the trees to be removed appear to be of moderate/low quality (BS5837:2012), the Trees Officer confirmed mitigation for any loss, by way of a detailed replacement tree planting scheme, is required. In addition, further details of the indigenous hedgerow planting scheme (north and south boundary of new plot) as shown on

Proposed Site dwg. no. 06 would be required.

During the course of the determination period, the site plan was amended and a Tree Schedule and Tree Protection Plan has been submitted. The Council's Tree Officer has not had sufficient time and opportunity to review the submitted information prior to determination of the application. They have not confirmed the proposals are now acceptable or that their objection is withdrawn on the basis that trees and hedgerows would be adequately protected and an appropriate tree and hedgerow mitigation planting scheme being proposed.

The application fails to demonstrate that trees/hedgerows would be adequately protected from loss or damage and that an appropriate tree and hedgerow mitigation planting scheme has been proposed, contrary to the requirements of ALP policy ENV DM4 and policy ES10 of the B&ENP. This forms a reason for refusal of the application.

ECOLOGY:

ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and protect existing habitats on site. The B&ENP emphasises the importance of the protection and enhancement of local wildlife. Paras 170, 174 and 175 of the NPPF indicates that developments should aim to protect or enhance, minimise impacts, and provide net gains to biodiversity. Net Biodiversity Gain is an important aspect of the Environment Bill and the NPPF. Natural England provide guidance with regard to a range of Net Biodiversity Gain measures. Development will need to avoid impacts on legally protected species, and where this is not possible, mitigation or compensation will be necessary and a Licence from Natural England may be required.

The Council's Ecology Advisor objected due to the lack of protected species surveys having been undertaken, so the Council is unable to establish if protected species are present, and if so how they would be protected. Prior to determination, an extended phase one habitat survey would need to be undertaken on the site to determine if there is potential for protected species. If there is potential for protected species then further surveys would be required. These surveys plus any mitigation strategies required would need to be submitted as part of the planning application, prior to determination.

During the course of the determination period, the applicant submitted an Ecological Report (which advised further reptile surveys). They have sought to undertake reptile surveys but these have not been submitted prior to the determination of this application nor has the Council's Ecology Advisor had opportunity to review the further surveys and confirm the proposals are acceptable.

Given the lack of information provided with the application, there has been a failure to demonstrate that protected species would be adequately protected, as required by legislation and ALP policy ENV DM5. This forms a reason for refusal.

COMMUNITY INFRASTRUCTURE CONTRIBUTIONS:

Policy INF SP1 of the Local Plan states: 'The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development (including the necessary infrastructure set out in the Infrastructure Delivery Plan) to meet the needs of occupiers and users of the development and the existing community'.

Subject to CIL contributions, the proposals would be acceptable in terms of infrastructure provision and impacts, and would accord with Arun Local Plan policy INF SP1.

SUMMARY:

There is conflict with BUAB policy SD SP2 and countryside policy C SP1 of the ALP, which seek to protect the countryside and prevent residential windfall development on sites outside the built up area. Whilst the Council's lack of a 5 year housing land supply would mean that the NPPF's 'presumption in favour of sustainable development' would be triggered, given the adverse harm to the character of the countryside and visual amenity of the area (in conflict with policies D SP1, D DM1 and LAN DM1 of the ALP and ES4 and ES5 of the B&ENP) this would, on balance, outweigh the benefits of the proposal and so the proposed development would not benefit from the presumption in favour.

The submission lacks adequate information and there has been a failure to demonstrate the development would adequately protect trees/hedgerows and protected species, contrary to the NPPF, relevant legislation, policies ENV DM4 and ENV DM5 of the ALP and policy ES10 of the B&ENP.

Therefore, the application is to be refused for the following reasons:

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010:

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply).

RECOMMENDATION

REFUSE

- 1 The site lies in a countryside location outside the defined Built-Up Area Boundary and the proposal, results in encroachment into the open countryside, an erosion of the existing intrinsic character of the countryside harming the visual amenity of this rural area. The

proposal is contrary to policies SD SP2, C SP1, D SP1, D DM1 and LAN DM1 of the Arun Local Plan (2018) and Policies ES4 and ES5 of the Barnham and Eastergate Neighbourhood Plan (2014) and the NPPF.

- 2 There has been a failure to demonstrate trees/hedgerows on and near the site would be adequately protected from the development, contrary to the requirements of policy ENV DM4 of the Arun Local Plan (2018) and policy ES10 of the Barnham and Eastergate Neighbourhood Plan (2014) causing harm to visual amenity and landscape.
- 3 There has been a failure to demonstrate protected species would be adequately protected, as required by legislation and policy ENV DM5 of the Arun Local Plan (2018) causing harm to biodiversity.