

Recommendation Report for Permission in Principle

REF NO: BN/34/26/PIP

LOCATION: Land to the rear of Watermead
Yapton Road
Barnham
PO22 0BQ

PROPOSAL: Application for permission in principle for a minimum net gain of 2 dwelling to a maximum net gain of 3 No dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is an application for between 2 and 3 dwellings. It is accompanied by a location plan and an illustrative block plan. As detailed matters (such as layout, parking, design) cannot be considered through this application, the block plan cannot be considered and will not be referenced in any decision. The important thing to note is the site on which the dwellings will be located.
SITE AREA	0.29 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Between 6.9 dwellings per hectare (dph) and 10.3dph.
TOPOGRAPHY	The site is predominantly flat.
TREES	The site is surrounded on two sides (north and west) by woodland. There are trees to the eastern boundary. A Tree Preservation Order (TPO) has been served on four trees (3 x Oak, 1 x Cypress) located towards the northern end of the wider site. None of these affect the application site area.
BOUNDARY TREATMENT	The southern boundary to the existing dwelling, Watermead, comprises a brick wall with fencing atop to a height of approximately 2.5m. Due to existing vegetation, the other boundary treatments could not be readily identified.
SITE CHARACTERISTICS	The site consists of an area of hardstanding with a lightweight single storey building (formerly used for agricultural purposes). It is situated outside of the Built-up Area Boundary and immediately north of the dwelling known as 'Watermead' (which itself is North of the B2233 Yapton Road). The site is accessed by a long track predominantly in third party ownership.
CHARACTER OF LOCALITY	The area is rural. Whilst there are dwellings to the south between the site and the road, the land to the west is woodland, forming part of a former horticultural nursery and the land to the east is also horticultural - and includes a reservoir. The land to the north is part of an agricultural field with a railway and glasshouses further North.

RELEVANT SITE HISTORY

BN/114/25/PIP	Application for permission in principle for a minimum net gain of 1 dwelling to a maximum net gain of 1 No dwelling.	ApproveConditionally 12-12-25
BN/54/25/PD	Prior notification under Schedule 2, Part 3, Class Q for the change of use from an agricultural building to dwelling (C3).	Objection 03-07-25
BN/111/23/OUT	Outline permission with all matters reserved for 1 No. new dwelling. This application is a Departure from the Development Plan.	Withdrawn 18-01-24
BN/112/23/PL	New mobile home including day-room and touring pitch forming a singular mobile home pitch. This application is a departure from the development plan and is in CIL zone 3 (zero rated) as other development.	Withdrawn 18-01-24

Arun DC issued an objection to BN/54/25/PD on the basis that insufficient information had been provided to determine compliance with the relevant parts of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Prior to this BN/112/23/PL and BN/111/23/OUT were withdrawn due to the need for bat surveys. BN/114/25/PIP was granted in December 2025 and approved the principle of 1 dwelling on the site. The site is affected by an enforcement notice requiring removal of hardstanding and this has not yet been complied with.

REPRESENTATIONS

Barnham and Eastergate Parish Council object citing the following concerns:

- The Barnham catchment sewage system will not be able to cope with the additional houses (enhancement of sewage systems should take place before new houses are constructed).
- Harm to local Dark Skies (a suitable lighting condition is required).
- Conflict with Barnham and Eastergate Neighbourhood Development Plan (BENDP) policies ES15 and ES17, and harm to bats due to the site being situated between two NP designated biodiversity corridors.
- Conflict with the development plan policy as the site lies outside the Built-Up Area Boundary.
- Impact on the Barnham and Eastergate local gap.
- Harm to important local views; and
- Harm to important trees.

Three objections from local residents raising the following concerns/issues:

- The site lies outside of the built up area and the application conflicts with the BENDP.

- The access is over a single width track with no passing places.
- The intensification of the access will give rise to a level of increased traffic movements entirely unsuited to the access capacity.
- There will be potential obstruction on the track and on Yapton Road by vehicles waiting to enter the access.
- Visibility at the junction is poor and may lead to accidents.
- It would be wrong to allow development through a loophole.
- Increased risk of sewage flooding.
- Southern Water has confirmed, in relation to other local planning applications, that no additional development of any scale should currently be permitted.
- No details of foul and surface water drainage strategies.
- Increased risk of surface water flooding.
- The applicant does not own the access track.
- Harm to bat species and their habitats; and
- The site is subject to an enforcement notice, which remains unresolved.

COMMENTS ON REPRESENTATIONS RECEIVED:

This is a Permission in Principle application, and it is not possible to determine such applications with regard to technical matters such as trees, wildlife, surface/foul drainage, lighting, or highway safety/capacity. It is not relevant to consult those parties relevant to the technical matters at this stage (such as WSCC Highways).

Where not subject to the above or covered in the report conclusions, the following comments are made in response to the objections:

- Southern Water have commented but do not state any objections to this application.
- The site is not directly between two Biodiversity Corridors but does adjoin one on its western side.
- The site is around 1050m from the nearest designated viewpoint in Appendix B of the BENDP. It is unclear how the proposal impacts on this or any viewpoints that are further away.
- There is no strategic gap in the Arun Local Plan (ALP) between Barnham and Yapton. BENDP policy ES3 refers to the preservation of the separate identities of Eastergate and Barnham. This proposal is at the far eastern edge of the Parish between Barnham and Yapton.
- It is not a requirement to demonstrate ownership or serve notice on landowners through a PIP application.
- Arun are aware of the enforcement notice and its status; and
- PIP applications are a formal application process enshrined in planning law.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - construction of the development must not commence until details of the means of foul/surface water drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. Advise that they do not provide drinking water in this location.

ADC ENVIRONMENTAL HEALTH - no objection but request noise and contamination are considered at technical details stage.

ADC DRAINAGE - object as no supporting drainage information provided and the application does not

evidence how dwellings can be achieved on the site whilst achieving an acceptable drainage system. There is a risk that the development will contribute to known areas of surface water flooding on the site. The Engineer states:

"Where the quantum of development is not being approved, an objection to a permission in principle is only made where:

- a viable runoff disposal location has not been evidenced,
- flood risk may be impacted by the proposal,
- surface water drainage may impact the proposed development scale and layout, or,
- a significant impact upon existing watercourses or natural drainage features is identified".

COMMENTS ON CONSULTATION RESPONSES:

The Southern Water and Environmental Health comments are noted.

Drainage is not typically a principal matter, and it is clear that although the Engineer considers it necessary to object due to the amount of development not being known, in actual fact the description makes it clear it is for between 2 and 3 dwellings.

In an appeal decision from April 2025 (Land Rear of Godolphin View, Bosence Road, Townshend, Hayle TR27 6AL - APP/D0840/W/24/3349443), the Inspector stated that whilst concerns of drainage and other matters were acknowledged, it is the second stage of a permission in principle consent route where these technical details of the proposal are assessed. In an appeal decision concerning 'Shazam', Upper Street, Defford, Worcester, Worcestershire WR8 9BG (APP/H1840/W/24/3337833) from October 2024 the Inspector stated "... drainage and access issues are technical matters to be addressed at the next stage if the appeal were to be allowed."

Flood risk would be a consideration but, in this case, only a very small part of the site area is affected by surface water flooding and the risk is low with the flood areas only appearing on the EA's 1:1000 flood map layer.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built-Up Area Boundary (BUAB).
- Current/Future Flood Zone 1.
- Within an area of potentially high groundwater levels.
- 1:1000 Surface Water Risk.
- CIL Zone 3.
- Lidsey Wastewater Treatment Catchment Area.
- TPO ref TPO/BN/3/23.
- Adjacent to a designated Biodiversity Corridor; and
- Area of Advert Special Control.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
WDM3	W DM3 Sustainable Urban Drainage Systems

[Barnham and Eastergate Neighbourhood Plan 2019](#) Reducing Flood Risk
[POLICY ES1b](#)

Barnham and Eastergate Neighbourhood Plan 2019 The Local Gap/ Green Infrastructure Corridor
 POLICY ES3

Barnham and Eastergate Neighbourhood Plan 2019 Settlement boundary
 POLICY H8

Barnham and Eastergate Neighbourhood Plan 2019 Green Infrastructure and Ecosystem Services
 POLICY ES15

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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, The South Inshore & South Offshore Marine Plan 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 relevant policies of the Barnham and Eastergate Neighbourhood Development Plan (BENDP) are referred to in this report.

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 proposes residential development in the countryside not related to the settlements of either Yapton or Barnham.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

INTRODUCTION:

This is a Permission in Principle (PIP) application, and the Local Planning Authority can only assess whether the site is suitable in principle. The National Planning Practice Guidance (NPPG) states at paragraph 012 (Reference ID_ 58-012-20180615) that: "The scope of permission in principle is limited to location, land use and the amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage."

The NPPG confirms at paragraph 020 (Reference ID: 58-020-20180615) that conditions cannot be imposed. The following report solely analyses the proposal in terms of Location, Land Use and Amount in respect of the principle of development.

LOCATION/LAND USE:

This section covers the location/use of the site with reference to countryside, flood risk, and wildlife designations.

Countryside:

Arun Local Plan (ALP) policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal and so the proposal conflicts with the ALP. It is material that the council cannot demonstrate a 5-year Housing Land Supply (HLS) (presently 3.23 years) and so the presumption in favour of sustainable development is engaged. This is engaged by the most up-to-date Housing Delivery Test results (as published in December 2024) which show that Arun delivered 70% of its housing requirements between 2020 and 2023.

The Barnham and Eastergate Neighbourhood Development Plan (BENDP) was made in March 2022 and shows the site outside the BUAB. Policy H8 states development proposals on land outside of the BUAB will not be supported unless it can demonstrate a need to be located in the countryside and there is conflict with this policy.

BENDP Policy ES3 seeks to prevent development that fails to preserve the separate identities of Eastergate and Barnham or causes further physical coalescence of the villages. In particular, development north or south of the B2233 should be prevented. This policy suggests it is concerned with the separation of Barnham from Eastergate not Barnham from Yapton.

The site lies on the edge of the BENDP area roughly midway between the settlements of Barnham and Yapton. It is north of the B2233. However, there are already dwellings in the immediate area, the site benefits from an existing access and due to the level of screening around the site, it is not visible from any public viewpoints. The proposal will have no impact on the identity of Barnham and will not cause any physical coalescence with Yapton.

The NPPF is an important material consideration in determining planning applications. As the Council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

The site is between the settlements of Barnham, and Yapton. There is a continuous pavement between Barnham and Yapton. It would be a long walk to access services in either of these settlements however it is possible to take a bus or cycle and whilst the private car will be the most attractive mode of transport there are realistic alternatives available. In summary, this is not an unsustainable location.

Paragraph 14 of the NPPF states 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 a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the Plan is less than 5 years old and contains policies and allocations to meet its identified housing requirement. The BENDP was made in 2022 and includes policies/allocations to provide for a minimum of 75 homes. On this basis, where there is conflict with the plan, the NPPF directs that this will likely outweigh the benefits.

The principle of development on this site conflicts with the ALP and the BENDP in respect of development in the countryside. The NPPF presumption and the impact of paragraph 14 are considered at the end of this report.

Flood Risk:

The site lies within the Environment Agency defined Flood Zone 1 and it is not affected by predicted changes in flood risk due to climate change. Ground water levels do have the potential to be high in this area (not specific to the site) however, the precise levels will not be known until detailed groundwater monitoring is undertaken in advance of a Technical Details application. The site is known to be subject to a low risk from surface water flooding however this only affects small areas of the site and there is potential for 2 or 3 dwellings to be sited without being within the affected areas. There are no flood risk reasons to prevent a dwelling from being sited in this location.

Impact on the Biodiversity Corridor:

BENDP policy ES15 states new development within or adjacent to the Biodiversity Corridors must assess the impact on the natural environment and must not give rise to any significant harm to the integrity or function of the Biodiversity Corridors. The BENDP shows a biodiversity corridor following the line of the private track and extending north after its end. Therefore, the application site is adjacent to this corridor.

However, crucially it is not within the line of the corridor and at the same time the Policy does not state that applications within or adjacent the corridor are unacceptable. This is not a constraint to the principle of development but rather something to be considered at the technical details stage through the submission of bat/wildlife surveys and suitable mitigation measures.

AMOUNT OF NEW DEVELOPMENT:

The proposal is for 2-3 dwellings, and it is material that 1 dwelling has been agreed by BN/114/25/PIP. It is acknowledged the site is well screened on all sides and is set well back from the main road such that there are no views of it other than from the access track (and only from a point immediately adjacent to the site). The access is existing and so there will be no change to the streetscene. The site will generate additional vehicle movements along the access however these will not be significant, and there has historically already been activity and a human presence at the site.

The amount is in accordance with development plan policies on density but would not respect existing local character noting that Watermead and Saxby to the south are single dwellings in large plots extending southwards to the main road. There are nearby residential properties such as The White House/Sundance/Croftway House on the western side of the track roughly level with Watermead. These have a different layout to Watermead and Saxby however they are sited in a traditional manner (side by side in a row). The proposal on the other hand would result in a small grouping of 2-3 dwellings potentially in a cul-de-sac form. The development of this greater number would be harmful to the

established character.

Unlike with the previous application, the proposed amount is determined to be unacceptable.

SUMMARY:

The NPPF presumption in favour of sustainable development states at paragraph 11 d) that where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

This report identifies that the proposal conflicts with the development plan policies in respect of development in the countryside. This is by definition an inappropriate location for new residential development. There would be harm to local character arising from layout. The application is for 2-3 dwellings and the benefits would be limited in scope. Whilst the above assessment concludes that the site is sustainable, it is clearly not the most sustainable location being located between two existing settlements and some distance back from the main road.

It is not appropriate to refuse solely because a site lies in the countryside and corresponding harm must be demonstrated. Whereas the previous application found none, this new proposal does generate harm to the character of the existing areas, and this location is not suitable for multiple new dwellings.

Paragraph 14 of the NPPF directs that the adverse impact of allowing development that conflicts with the BENDP are likely to significantly and demonstrably outweigh the benefits. In this case, permission should be refused.

RECOMMENDATION

REFUSE

- 1 The site lies in the designated countryside and is an unsuitable location for the proposed number of dwellings having regard to the character of the area in conflict with Arun Local Plan policy C SP1, Barnham and Eastergate Neighbourhood Development Plan policy H8 and with reference to the weight to be afforded to Neighbourhood Plans by virtue of paragraph 14 of the NPPF.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.