

Recommendation Report for Planning Permission

REF NO: BN/46/20/PL

LOCATION: Land Rear Of Poachers
Eastergate Lane
Eastergate
PO20 3SJ

PROPOSAL: Construction of 1 No. 4-bed detached dwelling with detached carport. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes the construction of 1 no. 4 - bed detached dwelling with detached car port.
SITE AREA	0.42 ha.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	2.3 dph.
TOPOGRAPHY	Predominantly flat.
TREES	Significant tree belts along all boundaries of the site. No trees benefit from formal protection by way of order. 2 Monterey Pines are located along the southern border which are considered to be of note. All other trees comprise specimen trees with minimal root spread.
BOUNDARY TREATMENT	The boundaries that run along the application site comprise a mixture of fencing, hedgerow and tree planting. This provides positive screening of the internal area of the site and limits the contribution that the site plays to the wider open character of the area.
SITE CHARACTERISTICS	The application site comprises a large detached paddock to the rear of Poachers. The site is predominantly flat and has a number of mature trees along its boundaries. The site area would comprise 0.39 hectares in size.
CHARACTER OF LOCALITY	Rural location with a mix of commercial and residential properties on either side of Eastergate Lane. Eastergate Lane is a rural road in nature and does not feature footpaths. The speed limit is 40 mph. Properties to the south of Eastergate Lane are more exposed than those to the north, owing to their two storey form and lower lying boundary hedging. Properties to the north of Eastergate Lane are better screened owing to higher boundary hedging and their single storey chalet bungalow forms.
	To the north of the application site is an existing development of static caravans which are understood to be in holiday let use. To the east of the site is an existing plant nursery which

has recently been subject to planning approval (BN/121/19/PL). To the south of the site is Poachers, an existing residential dwelling, which is partially visible from Eastergate Lane. However, owing to established vegetation along the boundaries of the site, there is no wider public visibility of this site.

No histories relating to redevelopment of this site.

REPRESENTATIONS

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX COUNTY COUNCIL HIGHWAYS

- No objection subject to additional information relating to bin storage, fire hydrants, EV charging and cycle storage.

ADC ENVIRONMENT OFFICER

- No protected species surveys have been undertaken on the site so we are unable to establish if protected species are present.
- Prior to determination we require an extended Phase 1 Habitat Survey is undertaken to determine potential for protected species. If potential is found further surveys will be required.
- Surveys plus any mitigation strategies required will need to be submitted as part of the application prior to determination.

SURFACE WATER DRAINAGE

- Application site is within the Lidsey Treatment Catchment, therefore surface water drainage design should be carefully considered and infiltration must be fully investigated.
- If minded to approve please apply the conditions set out in the full consultation response.

SOUTHERN WATER

- A formal application to the public sewerage system is required in order to service this development.

COMMENTS ON CONSULTATION RESPONSES:

Preliminary Ecology Assessment, additional Drainage Layout and updated Site Plan have been provided by the applicant since the above comments were provided.

POLICY CONTEXT

Designation applicable to site:

- Barnham and Eastergate Parish
- Lidsey Treatment Catchment
- Outside of Built-Up Area Boundary

- WSCC Sharp Sand and Gravel Consultation Area
- CIL Charging Zone 3
- Flood Zone 1

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
ECCSP1	ECC SP1 Adapting to Climate Change
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TDM2	T DM2 Public Parking
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Barnham & Eastergate Neighbourhood Plan 2014 Retention of employment land POLICY EE2

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	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 ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
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 H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014	Attention to detail

POLICY H6

Barnham & Eastergate Neighbourhood Plan 2014 Drainage for new housing

POLICY H7

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
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 the Barnham and Eastergate Neighbourhood Development Plan August 2014.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Barnham and Eastergate has a made Neighbourhood Plan and the relevant policies are considered 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 does not comply with relevant Development Plan policies in regard to housing within the countryside.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to warrant a decision other than in accordance with the legislative background. Owing to the Council's 5 year Housing Land Supply position, the settlement boundary policies are considered to hold reduced weight. The contents of the National Planning Policy Framework as a material consideration. However, for the reasons set out in the below report these are not considered to be of substantial enough weight to be overriding.

CONCLUSIONS**PRINCIPLE**

The key policy considerations in the determination of this application are C SP1 of the Arun Local Plan (ALP). Policy C SP1 states that 'Outside the Built-Up Area Boundaries (as identified on the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty'.

The application site is situated outside of the built up area boundary (BUAB) as specified by Policy SD SP2 which seeks to focus development within the built up area. Due to the site's location outside of the BUAB, residential development in this location would be in conflict with Policies C SP1 and SD SP2 of the Arun Local Plan and Policies EE1 and EE2 of the Made Neighbourhood Development Plan. However, owing to the Council's 5 year Housing Land Supply position these policies are out of date and therefore hold reduced weight.

The Council is unable to demonstrate a 5 year Housing Land Supply at the time of this assessment which triggers the presumption in favour of sustainable development under footnote 7 and paragraph 11(d) of the NPPF (2019).

Paragraph 8 of the NPPF outlines the three overarching objectives to achieve sustainable development in the planning system; comprising economic, social and environmental objectives.

Economic Objective: The development provides an individual single dwelling which would provide limited, small-scale, short-term employment benefits in the construction of the house (economic).

Social Objective: The development would only deliver a singular dwelling which limits the social benefits associated with this development.

Environmental Objective: The development would develop an existing green field site within the countryside and would therefore fail to fulfil the environmental role. To access the closest shops by foot would require walking along Eastergate Lane which does not feature pavements. This would encourage walking on grass verges and highway along a substantial distance. There is a lack of street lighting along Eastergate Lane which means access routes via foot would be both unsafe, and limited to sunlight hours only. This would reduce opportunities for walking and would encourage private car usage. Therefore, the LPA does not consider the development comprises sustainable development when assessed against the three objectives in the NPPF.

Taking into account the above factors, the principle of development does not comprise sustainable development in terms of the NPPF tests and has been found to conflict with Local Plan policies. Therefore, it follows that the development is considered to be principally unacceptable, notwithstanding the Council's 5 year Housing Land Supply position.

DESIGN AND VISUAL AMENITY

Policy D SP1 (ALP) requires all development proposals to reflect the characteristics of the site and local area. Policy D SP1 requires proposals to have derived from a thorough site analysis and context appraisal. Policy D DM1 (ALP) sets out a 15 point criteria against which the design of new development should be assessed. The criteria includes character, appearance, impacts, public realm, layout and density.

Policy ES5 (NDP) requires new development to be of a high quality design and to conform to the Parish's Design Guidance (once adopted). Policy ES6 (NDP) seeks for new development to contribute positively to the character of the villages. Policy H4 (NDP) requires proposals for residential development to be of a high quality, and designed so that new housing integrates into its surroundings and is well connected to the village.

The application site is well screened to all boundaries and there is no wider publicly visibility that is readily apparent. This is in part aided by the existing tree belt which is able to be protected under condition to the north and south of the site. Visibility from the east would not be apparent due to existing vegetation along the boundary and existing planting nursery site being present. Visibility from the west would be the most visible. From this aspect, there is a clear differentiation between development located

towards the road and the countryside. The siting of a new residential dwelling of a substantive size, scale and massing, set back in the site, would result in a form of development that is incongruous to this part of the area which has an undeveloped character.

The dwelling would comprise a two storey dwelling with two significant gable elements. This would be combined with a tall ridge height and low eaves height which establishes the appearance of a chalet style dwelling. Whilst the two gable elements would dominate the southern elevation. This elevation would be readily visible from the west and would be in visual contrast to this rural, undeveloped nature. Whilst it is acknowledged vegetation along the western boundary would screen the building, owing to the size of the building and proposed materials and finishing, the building would be visually apparent which would upset the rural character of this countryside location.

On the basis of the above, the development would fail to respect the countryside character of its location and would therefore conflict with Policies D SP1 and D DM1 of the Arun Local Plan and Policies ES5, ES6 and H4 of the Barnham and Eastergate Neighbourhood Development Plan.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards provide the current guidance. The internal spaces meet the current standards. Therefore, the development accords with Policy D DM2 of the Arun Local Plan.

RESIDENTIAL AMENITY

Policy QE SP1 (ALP) requires development to ensure it does not have a significantly negative impact upon residential amenity. Policy D DM1 (ALP) requires development to have a minimal impact to users and occupiers of nearby property and land.

Paragraph 127(f) (NPPF) requires planning decisions to create places with a high standard of amenity for existing and future users.

The proposed dwelling would be situated a significant distance (in excess of 50 metres) from the nearest residential property to the south. This would also be assisted by the existing vegetation along the southern boundary being retained. On this basis, no impacts upon privacy or overlooking would result.

It is noted that the access to the proposed dwelling would be reliant upon passing alongside the neighbouring property Poachers to the south. However, given this application seeks permission for only a single dwelling, the vehicle movements associated with this would not be so significant that a demonstrable impact upon residential amenity would result. Had the application sought in excess of 1 additional unit it is likely that the Local Planning Authority would not consider such a quantum of vehicle movements in proximity to a residential dwelling to be acceptable.

Taking the above factors into account, the development achieves a sufficient level of residential amenity for both the neighbouring and future occupants of the dwelling and would therefore accord with the contents of paragraph 127(f) of the NPPF and Policies QE SP1 and D DM1 of the Arun Local Plan.

HIGHWAYS, TRANSPORT AND PARKING

Policy T SP1 (ALP) requires development to provide safe access on to the highway network. Policy T SP1 requires development to incorporate appropriate levels of parking in line with WSCC guidance on parking provision and incorporate facilities for charging electric and plug-in hybrid vehicles. Arun District Council SPG guidance has since been adopted and comprises the up to date standard for assessing parking and cycle provision in new residential development.

A condition securing EV charging has been requested by WSCC, acting in their capacity as the Local Highway Authority, within their consultation response. If the development were considered acceptable in all other respects then EV charging provision could be secured by imposition of condition.

Paragraph 108 (NPPF) states that in assessing specific applications it should ensure that safe and suitable access to the site can be achieved for all users. Paragraph 109 (NPPF) states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Vehicular access to the property utilises the existing access of Poachers Lane which serves the dwelling of Poachers. The consultation response received from West Sussex County Council does not object to this arrangement.

The on-site vehicular parking is undertaken within a covered carport arrangement. This carport provides for 3 no. vehicular spaces which accord with the Arun District Council Parking Standards SPD guidance. A condition will be imposed requiring the retention of these spaces within the carport in perpetuity. A further condition will be added requiring the provision of the carport prior to the occupation of the dwelling to ensure the vehicular demands created are catered for. Such conditions accord with the tests outlined in the NPPF.

The application does not provide for any cycle parking at present. However, there is ample space within both the buildings and within the perimeter of the site to accommodate a secure cycle storage area. The imposition of a condition requiring details to be agreed with the Local Planning Authority prior to occupation of the dwelling would address this concern raised by the Local Highways Authority.

If the development were to be found acceptable in all other respects, a condition could be imposed requiring the provision of these spaces to be made available prior to the occupation of the dwelling. These spaces could be retained for these purposes at all times thereafter. The consultation response from WSCC deems the layout, tracking and access of these spaces as being acceptable.

The Local Highway Authority has raised concerns with the ability for emergency service vehicles (namely fire vehicles) to be able to adequately turn on site to exit in a forward gear. This requirement derives from both a highways safety perspective and building control condition. Matters of building control will be addressed at that latter time and the applicants are aware of this. From a highways perspective, the land surrounding the site is within the ownership of the dwelling. In the event of an emergency, the applicants have indicated they would be happy for the emergency service vehicle to mount the grassed area to facilitate a turning manoeuvre. An amended site plan has been submitted which shows a grasscrete membrane (or similar) to be placed over an area of grassed lawn to facilitate this.

Subject to the above conditions, the development would accord with Policy T SP1 of the Arun Local Plan and paragraphs 108 and 109 of the National Planning Policy Framework.

BIN AND CYCLE STORAGE

Policy WM DM1 (ALP) requires safe bin storage areas which are designed to ensure that kerbside collection is possible for municipal waste vehicles. Further, Policy H6 (NDP) requires the design of new housing to give full consideration of bin stores.

The proposed site plan shows an area towards the southern portion of the access road which safeguards an area for bin storage. However, this specifies its use as bin storage. This area is located less than 30m from the kerbside which would allow for a drive-by collection. This form of collection is comparable to all other properties along Eastergate Lane.

Subject to the above condition, the development would accord with Policy WM DM1 of the Arun Local Plan and Policy H6 of the Barnham and Eastergate Neighbourhood Development Plan.

LANDSCAPING

Policy D SP1 (ALP) requires development proposals to reflect the characteristics of the site in terms of landscaping. Policy D DM1 (ALP) requires hard and soft landscaping to reflect the local area.

There is a significant and substantial amount of tree planting around the site at present. The submitted plans indicate the use of a Construction Exclusion Zone to protect the trees on the boundaries throughout the construction phases. However, such zones will not protect the trees and boundary landscaping in perpetuity. Therefore, a condition will be imposed requiring a landscaping scheme to be submitted prior to the occupation of the dwelling. Once agreed the landscaping scheme shall be undertaken in accordance with these details and maintained for a period of 5 years thereafter. Such a condition conforms with the tests for conditions outlined in paragraph 56 of the NPPF.

Taking into account the above factors, the development would accord with policies D SP1 and D DM1 of the Arun Local Plan and Policy HD of the Bersted and Eastergate Neighbourhood Development Plan.

WATER SUPPLY AND QUALITY

The site falls within the Lidsey Wastewater Treatment Works Catchment Area. Policy W DM1 (ALP) states that although minor developments are unlikely to raise significant flood risk, due to the cumulative impact of all development within this area, applications must be accompanied by a Drainage Impact Assessment.

The application proposes a single residential dwelling and therefore the foul water demands created are unlikely to be significant. In discussions with the applicant throughout the application period they indicated that they would be able to accommodate a cesspit arrangement on site which would prevent foul water from having to be pumped into Lidsey Waste Water Treatment Works. Such an arrangement could be secured via condition to ensure no development works take place until such an arrangement has been agreed in writing with the Local Planning Authority.

The site falls within Flood Zone 1 and therefore the risk of flooding from tidal or fluvial sources is considered to be limited.

Arun District Council's Drainage Engineers have requested that conditions be imposed upon any planning consent to ensure that the development can be adequately drained and does not increase flood risk elsewhere. Conditions requiring a Surface Water Drainage scheme prior to commencement of development (notwithstanding site survey and investigation) meets with the tests outlined in paragraph 56 of the 2019 Framework.

On this basis, the development would not give rise to significant flood risk or cumulative impacts upon foul water disposal and would therefore accord with Policy W DM1 of the Arun Local Plan.

SUMMARY

This application has been assessed against the policies contained within the Development Plan having regard to the principle of development, design and visual amenity, internal space standards, residential amenity, highways, transport and parking, landscaping, water supply and quality and the Council's current 5 year Housing Land Supply position.

It has been found that the development fails to fulfil the objectives outlined in paragraph 8 of the NPPF and is therefore not considered to be sustainable development. It has been found that the countryside and settlement boundary policies would have limited weight owing to the Council's 5 Year Housing Land

Supply position. Notwithstanding these matters, the harm that would derive from establishing new residential development in a countryside location would be reliant upon private motor vehicle and would erode the established countryside location. It is therefore considered to be unsustainable and overriding in nature. Therefore, applying paragraph 11(d)(ii) of the 2019 Framework, planning permission should be refused.

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

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 would be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 The development would result in the introduction of a residential use outside of the built up area boundary which would result in the future occupants being reliant upon private motor vehicle for day to day needs; contrary to paragraph 8 of the National Planning Policy Framework and Policies SD SP2 and C SP1 of the Arun Local Plan and Policies H3 and H4 of the Made Barnham and Eastergate Neighbourhood Development Plan.
- 2 The development in the countryside location fails to respect the established grain and pattern of development in the locality. This results in a building of visual prominence which demonstrably harms the undeveloped countryside character of the locality; contrary to Policies D SP1 and D DM1 of the Arun Local Plan and Policies ES5, ES6 and H4 of the Barnham and Eastergate Neighbourhood Development Plan.
- 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.