

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: BN/90/26/HH

LOCATION: Barnham Court
Church Lane
Barnham
PO22 0BP

PROPOSAL: Replacement of existing pond with new and associated landscape works. This application may affect the character and appearance of the Church Lane, Barnham Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

RELEVANT SITE HISTORY

BN/127/25/HH	Alterations to boundary treatments and internal alterations. (This application may affect the character and appearance of the Church Lane Conservation Area).	ApproveConditionally 17-03-26
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BN/62/20/HH	Construction of a garage space and Gardener's Shed. This application may affect the setting of a Listed Building & may affect the character and appearance of the Church Lane Conservation Area.	ApproveConditionally 26-08-20
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REPRESENTATIONS

Barnham & Eastergate Parish Council - No objection.

Arun Conservation Area Advisory Panel- No objection.

No representations were received from neighbouring occupiers.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

ADC Drainage Engineers - No objection subject to a pre-commencement condition.

POLICY CONTEXT

Grade I Listed Building.
 Church Lane, Barnham Conservation Area.
 Within an area with potentially high ground water.
 Lidsey Treatment Catchment.
 Outside Built-Up Area.
 Archaeological Notification Areas.
 Flood Zone 2.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
DDM1	D DM1 Aspects of form and design quality

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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CONCLUSIONS

DESIGN AND VISUAL AMENITY

The site comprises a detached Grade I listed building known as Barnham Court. Planning permission is sought for the replacement of the existing pond with a new pond of reduced size.

It is acknowledged that the original proposal included the installation of a heat pump with a collector located at the base of the pond. However, this element has subsequently been removed from the application following discussions with the applicant, as further supporting information was required. Advice has been provided regarding the requirements for any future application, and the current proposal is therefore limited to works associated with the pond only.

The existing pond is situated to the north-west of the host dwelling and would be replaced within the footprint of the existing lake. The proposal includes the introduction of a lined pond with re-profiled internal banks, ranging between approximately 1:3 and 1:5 gradients below water level, creating a softer transition at the pond edges. The scheme also incorporates cultivation and seeding works together with aquatic planting intended to enhance biodiversity and promote wildlife.

The pond sits within the extensive grounds surrounding the host dwelling and is not visible within the street scene. The principle of a pond is already well established within the site and the proposal represents a replacement and enhancement of the existing feature rather than the introduction of a new

element within the landscape. The proposal would not result in harm to the character or appearance of the host dwelling, the street scene, or the wider area, and would be in accordance with Arun Local Plan (ALP) policy D DM1.

RESIDENTIAL AMENITY

The proposed pond works would be undertaken within the extensive grounds of Barnham Court and are located a significant distance from neighbouring residential properties. Given the nature and location of the works, the proposal would not impact residential amenity. The proposal is in accordance with ALP policy D DM1.

HERITAGE

Barnham Court is a Grade I listed building which is of exceptional architectural and historic interest as one of a few surviving and intact Artisan Mannerist buildings. The site is also within the Church Lane, Barnham Conservation Area.

Policy HE5 of the NPPF (2026) states that development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets' importance and no more than is necessary to understand the potential effect of the proposal on their significance. The Applicant has submitted a comprehensive Design & Access and Heritage Statement, which adequately addresses this requirement.

Policy HE6 of the NPPF (2026) states when considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.

Policy HE9 of the NPPF (2026) states development proposals within or affecting the significance of conservation areas should retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible; and consider the area's special architectural or historic interest (as identified as part of the designation of the conservation area) in the design of development.

The proposed works are confined to the existing pond located within the wider grounds of the property and do not involve any alterations to the listed building or its historic fabric. The pond is situated at a considerable distance from the principal building, and the proposal would result in the reduction of its size together with the introduction of additional aquatic planting and habitat enhancements. These measures would maintain and enhance the landscaped character of the grounds without adversely affecting the appreciation, setting, or significance of the listed building.

The proposal would preserve the significance of the listed building and the conservation area, and is in accordance with ALP policies HER SP1, HER DM1, HER DM3 and the NPPF(2026).

DRAINAGE & FLOOD RISK

ALP policy W DM1 requires development within the Lidsey Wastewater Treatment Works Catchment Area to be supported by a Drainage Impact Assessment that considers the effects on foul drainage, surface water management and flood risk. Part of the application site, including the pond area, is also located within Flood Zone 2.

The application is supported by a Flood Risk Assessment prepared in accordance with national guidance. The proposal relates to the alteration and replacement of an existing pond and would not

increase the drainage catchment area or introduce significant additional surface water runoff. The Council's Drainage Engineers have reviewed the submitted details and raise no objection to the development, subject to a pre-commencement condition requiring the submission and approval of the detailed technical design and installation methodology for the proposed works and outfall arrangements. The applicant has agreed to the imposition of such a condition

Subject to compliance with the recommended condition, the development would not increase flood risk on the site or elsewhere and is therefore in accordance with ALP policies W DM1, W DM2 and W DM3.

SUMMARY

The proposals are in accordance with the relevant development plan policies and are recommended for approval subject to the following conditions and informatives.

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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 not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans and documents:

- Location Plan A1.00 Rev 3A
- Proposed Site Plan A3.01 Rev 3A
- Tree Protection Plan May 2026
- Lake Design W25-017-001 Rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1, HER DM1 and HER DM3.

- 3 Prior to the commencement of development, full details of the proposed lake alteration must be submitted and approved in writing by the local planning authority. The full details submitted for approval shall include:

1. Detailed drainage plans and details conforming to Local Planning Authority guidance,
2. Specifications for all surface water drainage components and associated infrastructure or flow control mechanisms,
3. Designs for bank stability, impermeable liner and measures to mitigate the effects of groundwater,
4. Details of the proposed outfall and confirmation of approvals for any alterations to an ordinary watercourse,
5. A Maintenance Plan for the drainage system.

The scheme shall then be constructed as per the approved plans. No building shall be occupied until the complete surface water drainage system serving that building has been implemented in accordance with the agreed details. The surface water drainage scheme shall remain for the lifetime of the development unless agreed in writing by the local planning authority. The local authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan and the NPPF. This is required to be a pre commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works."

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable

development, as set out within the NPPF.