

Recommendation Report for Outline Consent

REF NO: CM/10/18/OUT

LOCATION: Mistletoe Farm
Horsemere Green Lane
Climping
BN17 5QZ

PROPOSAL: Application for Outline planning permission with some matters reserved for redevelopment of the site with 1 No. 4-bed detached bungalow, 1 No. 3-bed detached chalet bungalows & 2 No. 3-bed semi-detached bungalows & associated works. Departure from the Development plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is in outline form seeking permission for access only. Indicative plans have been submitted which show 4 detached bungalows with 3 of the proposed bungalows suggesting residential accommodation within the roofspace.
SITE AREA	0.30 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	13 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None are considered to be of high amenity value and therefore not considered worthy of being placed under a Tree Preservation Order.
BOUNDARY TREATMENT	Northern boundary, post and rail timber fencing approximately 1.4m high. Rear and side boundaries enclosed by varying hedging and fencing approximately 2-4m high.
SITE CHARACTERISTICS	Proposed properties are to be located on garden land to a detached single storey dwelling. The dwelling has red brick quoin and rendered elevations, hipped red tiled roof with gable sections. Integral double garage. Flat roof section to the rear of the dwelling. 2 sheds and a greenhouse within site for the proposed properties.
CHARACTER OF LOCALITY	Residential properties to the east and west of the site. To the west are shallow pitched roofed detached bungalows. Open fields to the north of the site.

RELEVANT SITE HISTORY

CM/38/82	Alterations And Extensions To Existing Bungalow	ApproveConditionally 20-10-82
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CM/2/83	Alteration And Extensions To Existing Bungalow	ApproveConditionally 02-02-83
CM/15/09/	2No. single storey dwellings to the West of Mistletoe Farm	Refused 28-10-09 Appeal: Dismissed 20-09-10
CM/25/96	Outline Application for development with detached bungalows in conjunction with redevelopment of adjoining caravan park permitted under application CM/5/94.	Refused 16-04-97 Appeal: Dismissed 26-01-98

Planning permission for two dwellings on the site was refused on appeal in 2010. The Inspector agreed that the proposal was contrary to then adopted countryside policy and was harmful to the prevailing character of the area.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Council has no objection to the application provided that:

1. The Planning Officer is satisfied that the proposed chalet bungalows do not overlook or compromise the privacy of nearby properties, including those in Woodridge Walk.
2. West Sussex County Council has no highway objection to the proposed access onto Horsemere Green Lane.

33 letters of objection from 27 premises:

- Devaluation of neighbouring properties.
- Negative effect on privacy, security and light levels to 1, 2 & 3 Wooldridge Walk.
- It will set a precedent for future building and loss of village character.
- No jobs and facilities to support new homes.
- Result in unacceptable and dangerous traffic levels in an area with inadequate roads footpaths and lighting.
- Loss of wildlife.
- Overdevelopment and too dense.
- Unneighbourly.
- Out of character.
- Unacceptable noise and disturbance.
- How will drainage and sewage disposal take place to avoid flooding and over capacity?
- Profit driven development.
- Loss of valuable trees and other flora and fauna.
- Plans should be altered.
- Horsemere Green Lane is a rat run.
- A previous application was refused.
- Contrary to Development Plan.
- The area is mainly occupied by retired people for its tranquillity.

3 letters of no objection:

- Developing small infill plots is preferable to large scale greenfield development.
- Completion of cycle path will help.
- Horsemere Green Lane is no longer a quiet country lane and the area has become more built up.

4 letters of support:

- Sympathetic and tasteful family homes.
- Lack of these type of properties.
- Good use of garden land.

COMMENTS ON REPRESENTATIONS RECEIVED:

In response to Climping Parish Council representation - this is an outline application for access only and therefore the scale of the proposed dwellings is not up for consideration. If permission was to be granted a further application would be required when issues of overlooking would be assessed. County Highways have raised no objection.

Issues of profit, devaluation of properties and the type of neighbouring occupants are not addressed as they are not material planning considerations. All other issues raised will be covered in the Conclusions section of the report.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Highways England

Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

Highways England

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case the A27.

Having examined the above application and associated information supplied, we are satisfied that the development will not materially affect the safety and/or operation of the SRN and therefore we do not offer any objections or requirements relating to the proposal.

Greenspace

As this is a small development of only 4 dwellings there is no requirement for public open space or play provision. There are trees within and to the boundaries of this application site which should be considered within these proposals. Any proposed tree works to this site should be in consultation with agreed with Arun District Councils Tree Officer. The existing vegetation to boundaries is established, these areas need consideration, be protected and retained. Before construction a tree protection scheme must be in place for all retained trees including trees whose root protection areas fall within the construction zone from neighbouring properties. This should be in accordance with BS 5837:20012 '

A detailed landscape scheme will need to be proposed that will maximise the biodiversity of the site, with the inclusion of mixed ornamental planting suitable for location, enhancing biodiversity and forming a variety of habitats. The landscape proposals will need to be shown in plan from detailing species choice, planting densities and size at time of planting. This will need to include mitigation planting for any proposed removed vegetation and possible additional planting to provide appropriate screening to adjacent properties.

The above information should be submitted for consideration or conditioned with any decision and if approved would recommend an early implementation of new planted areas are undertaken.

County Highways

WSCC in its capacity as the Local Highway Authority (LHA), have been re-consulted on outline proposals for residential development at Mistletoe Farm. Amendments to the proposed scheme are for reduction from 5 to 4 units. No changes to the proposed access and internal layout are proposed. The LHA's previous comments dated 16th May 2018 should be referred to and conditions advised therein.

Access (details approved, access provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety.

Car parking space (details required)

No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use.

Cycle parking

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

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

INFORMATIVE

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover license shall be granted. Additional information about the licence application process can be found at the following web page: <https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-drivewayslicence/> Online applications can be made at the link below, alternatively please call 01243 642105. <https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-drivewayslicence/>

Arun District Council Engineers:

Please apply standard condition ENGD2A, ENGD4A, ENGD6A. Soakaways must be investigated for surface water disposal. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the

highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information.

We note that there is a culverted ordinary watercourse running along the northern boundary of the property, any proposals to alter this will need to be discussed with us at the earliest opportunity.

There is a Southern Water sewer and rising main running through the site. Early consultation with Southern Water is recommended.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside built up area boundary.

DEVELOPMENT PLAN POLICES

TSP1	T SP1 Transport and Development
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM4	ENV DM4 Protection of trees
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
CSP1	C SP1 Countryside

[Clymping Neighbourhood Plan 2015 Policy CPN11](#) Quality of Design

Clymping Neighbourhood Plan 2015 Policy CPN14 Traffic and the Environment

Clymping Neighbourhood Plan 2015 Policy CPN12 Reducing the risk of flooding

Clymping Neighbourhood Plan 2015 Policy CPN8 Protection of Trees and Hedgerows

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for

the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The relevant policies in the Clymping Neighbourhood Plan have been taken into account in the consideration of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that the proposed dwellings would be sited outside the built-up area boundary in which development will only be acceptable in certain circumstances.

The proposal would have an unacceptable adverse impact upon the established character of the surrounding area.

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 application site is located within the Parish of Clymping and as such the development plan in the determination of this application will consist of the Arun Local Plan (ALP) 2011 - 2031 and the Clymping Neighbourhood Plan (CNP) .

Arun Local Plan (2011-2031):

The key policy considerations in the determination of this application are considered to be SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031.

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. Policy C SP1 of the ALP seeks to protect the countryside for its own sake and as such exerts strict control over development situated outside of the BUAB. Due to the sites location outside of the BUAB development in this location would be in conflict with policy C SP1 of the Arun Local Plan 2011 - 2031.

The NPPF (July 2018) states:-

2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Therefore as the development conflicts with an up-to-date Local Plan and there are no material considerations to indicate otherwise a recommendation for refusal would be compliant with the NPPF.

Conclusion on Matters of Principle:

The principle of residential development on this site is contrary to the development plan (Arun Local Plan policy C SP1).

The proposed development would provide an additional 4 houses which are not required in the District at the present time due to the 5.3 year housing land supply identified in the inspector's comments on the Local Plan. Whilst the development would have a small positive effect upon the supply of housing the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, not be acceptable.

CHARACTER & DESIGN

Arun Local Plan policy D DM1 lists a series of 15 criteria that development must comply with - these include character where the policy states:

'1. Character

Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.'

Arun Local Plan Policy D SP1 - Design states:

'All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details....' The policy requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

Policy CPN11 of the Clymping Neighbourhood Plan seeks to ensure that proposed development is in keeping with its location so as to protect and enhance the character of the locality. Good design is considered to mean 'responding to and integrating with the local built environment and landscape context as described in the Clymping Character Assessment'.

CPNP in Appendix 1 identifies the application site as 'Horsemere Green Lane' where it states that 'most of the houses are detached with only smaller numbers of semidetached houses' and 'Wooldridge Walk/Mant Close (39 properties) differs in that it is exclusively three bedroom detached bungalows with rendered walls and tiled roofs built around a small open green space.'

It is also necessary to consider the guidance within the National Planning Policy Framework.

Section 12 paragraph 127 states that 'Planning policies and decisions should ensure that developments: c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'.

Paragraph 130 goes on to say that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions,...

Whilst it is acknowledged that the proposal is in outline form with only access seeking permission the proposal is for 4 dwellings with the indicative drawings depicting 4 detached 1 and a half storey units with their own plot of external space. This layout is at odds with other residential development fronting Horsemere Green Lane between Wooldridge Walk and Apple Tree Walk. Along this section of Horsemere Green Lane the dwellings are large detached properties set within spacious curtilages. The density of the proposal would be noticeably different to this prevailing character.

To summarise the application is considered to be an overdevelopment which would result in the character of the area being unacceptably affected.

It is therefore considered that the proposal would not be in accordance with policy D DM1 (1) and D SP1 of the ALP 2011 - 2031, policy CPN11 of the CNP and paragraphs 127 (c) and 130 of the National Planning Policy Framework.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the WNP policies specifically refer to residential amenity issues.

The NPPF in paragraph 180 states that 'planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'

Furthermore in paragraph 123 c) it states that 'when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'

In this case the application does not seek permission for the layout, scale and appearance of the proposed units and without the appropriate associated plans the Council is unable to consider the impact on the residential amenities of the dwellings neighbouring the application site.

HIGHWAY SAFETY, & PARKING

Policy T SP1 of the Arun Local Plan 2011 - 2031 discusses transport issues including safe highway access.

Regard should be had to paragraph 109 of the National Planning Policy Framework which states that: '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.'

The application has been assessed by WSCC Highways. WSCC advice is that it is satisfied with the

proposed access, associated visibility splays and car parking provision.

It is not therefore considered that there is any conflict with the adopted development plan policies or with the NPPF.

TREES

There a number of trees on the site and the applicants have submitted a tree survey alleging that there are no trees of high quality and value in the application site. However, because the siting of these dwellings is not up for consideration by this application the Council is unable, at this stage, to assess the trees on site and make a determination as to whether the proposed siting of the units would harm any trees that it considers should be retained. Equally this applies to any ecological implications which have also been raised as of concern by objectors.

SUMMARY

The application site is outside the defined built-up area boundary of Clymping and is therefore contrary to policy C SP1 of the Arun Local Plan (ALP) 2011 - 2031 of the ALP which seeks to protect the intrinsic character and beauty of this countryside location. The proposal will detrimentally and unacceptably alter the character and appearance of the area in conflict with policies D DM1 & D SP1 of the ALP and policy CPN of the CNP.

The proposed development is recommended for refusal for the following reason.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

REFUSE

- 1 The site lies outside the built up area boundary as defined in the Arun Local Plan 2011 - 2031 and would represent an encroachment of built form into the countryside. By reason of the number of dwellings proposed the proposal would result in an overdevelopment of the site at odds with the spacious and open character and appearance of the immediate locality. The proposal would therefore be contrary to policies C SP1, D SP1 and D DM1 of the Arun Local Plan 2011 - 2031 and policy CNP11 of the Clymping Neighbourhood Development Plan.
- 2 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 for the refusal, approval has not been possible.