

Recommendation Report for Planning Permission

REF NO:	CM/4/25/PL
LOCATION:	Land to the West of Crookthorn Bryre Climping BN17 5QU
PROPOSAL:	Erection of 1 No. two storey dwelling (self build) (resubmission following CM/15/24/PL). This application affects the setting of listed buildings, is a Departure from the Development Plan and is in CIL Zone 5 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to construction of 1 No. two-storey dwelling with associated parking, garage, and access.
SITE AREA	1744sqm.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	5.7 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	2 No. mixed species groups, 1 No. group of elder trees, and 8 No. individual trees of various species all on site. All groups and 3 No. individual trees are within construction exclusion zones, leaving 7 No. individual trees for consideration with respects to bringing forth the development.
BOUNDARY TREATMENT	Timber post and rail fence to north boundary, vegetative boundaries to east, south, and west.
SITE CHARACTERISTICS	Partially cleared open vegetated land with trees and hedging to borders.
CHARACTER OF LOCALITY	The site is in the 'countryside' and to the end of a private rural road. The area is rural and has a clear agricultural character. The road features a small number of low density residential dwellings interspersed with an informal layout, most of which are historic listed buildings and demonstrate traditional building styles.

RELEVANT SITE HISTORY

CM/15/24/PL	Erection of 1 No. self-build house. This application may affect the setting of a listed building, is a departure from development plan, is in CIL Zone 5 and is CIL liable as a new dwelling	Withdrawn 08-07-24
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CM/15/24/PL - This application was for a comparable scheme to the proposed. It was withdrawn following correspondence identifying insufficient supporting evidence with respects to flood risk, and adverse comments received from the Conservation Officer.

REPRESENTATIONS

Clymping Parish Council - No Objection:

- Provided Officers are Arun officers believe it complies with Arun Local Plan policy SD SP3, with Clymping Neighbourhood Plan policy CPN 11, and that it complies with the Neighbourhood Plan Character Assessment for this Traditional Character Area of Clymping.

7 No. Objections from nearby occupiers:

- Concern for the significance of Grade II Listed Buildings.
- Concerns of overshadowing/loss of light.
- Concerns for loss of view.
- Requesting conditions for working hours and road maintenance during construction.
- Concerns the site was formerly agricultural land.
- Concerns regarding National Trust Covenants.
- Concerns the proposal is too large, modern, and out of character.
- Concerns of overlooking.
- Concerns over the loss of vegetation and biodiversity that was removed prior to the application.
- Concerns of ecological impacts on Site of Special Scientific Interest.
- Concerns that an approval would set precedent for other new buildings to emerge.
- Concerns for proximity to flood zones.

National Trust:

- Identify covenants on the land but acknowledge these are not a material planning consideration.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. All relevant planning matters are addressed within the conclusions section below. For clarity, covenants and precedents are not material planning considerations.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer:

- The site is within a sensitive context rural and agricultural context.
- The proposal appears to attempt to reflect the rural character, but does not faithfully represent a convincing agricultural barn conversion design.
- For a dwelling on this site to be successful, it's design would need to be of high quality.
- Harm to the character of the area and less than substantial harm to the setting of nearby listed buildings identified.

WSSC Highways (LHA):

- Adequate parking provisions provided.
- No access safety concerns.
- The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

Environmental Health - No Objection:

- Conditions requested pertaining to Acoustics Assessment of building services/plant, construction hours, lighting, and EV chargers.

Ecologist - No Objection:

- Noting the requirement of an Appropriate Assessment.
- PEA is acceptable. No further surveys required.
- Deadwood should be retained to create hibernacula.
- Conditions pertaining to ecological enhancements advised.

Ecologist - Further comment (31/03/25):

- It is very unlikely that the proposal would impact on the SPA or Bewick Swans due to the unsuitable habitat present on the site and adjacent to the site.

South Downs National Park:

- No comment.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions would have been applied where necessary.

POLICY CONTEXT

Designation applicable to site:

Outside Built-up Area Boundary (Countryside).

Arun Valley SPA Impact Risk Zone 2.

2km Buffer for Site of Special Scientific Interest.

Partially within Future Flood Risk Zone 3a (2111).

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

CSP1	C SP1 Countryside
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVSP1	ENV SP1 Natural Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM6	HER DM6 Sites of Archaeological Interest
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

TDM1	T DM1 Sustainable Travel and Public Rights of Way
WSP1	W SP1 Water
WDM2	W DM2 Flood Risk
WMDM1	WM DM1 Waste Management

[Clymping Neighbourhood Plan 2015 Policy CPN8](#) Protection of Trees and Hedgerows

Clymping Neighbourhood Plan 2015 Policy CPN11 Quality of Design

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 within the Clymping Neighbourhood Development Plan have been considered.

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 that it would not successfully preserve the character of the area, would prejudice the setting of the nearby listed buildings, does not sufficiently evidence that there are no reasonably available alternative sites, and does not demonstrate that the site would be safe for its lifetime.

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.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal does not comply with these criteria in that it would result in less than substantial harm to

the setting of the nearby Grade II Listed Buildings.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site is outside the Built-up Area Boundary, where the principle of residential development is opposed in accordance with policies SD SP2 of the Arun Local Plan (ALP). Policy C SP1 of the ALP is of relevance to development outside of the Built-up Area Boundary however, the proposal does not accord with any criteria within this policy and, is contrary to it.

The NPPF is an important material consideration in determining applications. As the Local Planning Authority cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development could be triggered. Paragraph 11(d) of the NPPF states 'Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means... 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 Housing Land Supply (HLS) cannot be demonstrated), granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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.'

The Local Planning Authority are unable to demonstrate a 5-year HLS, Paragraph 11d of the NPPF results in the 'tilted balance' being engaged, which adds weight to the grant of planning permission for dwellings even where they are outside of the Built-up Area Boundary. However, in this instance Paragraph 11d(i) outlined above applies because the policies of the NPPF referred to include those pertaining to flood risk areas, which, as discussed further and concluded within the Flood Risk & Drainage Section of this report, form a strong reason for the refusal of this application.

The NPPF generally seeks to promote the effective use of all land (paragraph 123) and gives weight to proposals that develop under-utilised land (paragraph 124(d)).

Despite the lack of a 5-year Housing Land Supply and the locational policies of the Local Plan being out of date, the presumption in favour of residential development does not apply due to para 11 d) i.

STRATEGIC GAP

Policy SD SP3 of the ALP states: 'The generally open and undeveloped nature of the following gaps between settlements, as identified on the Policies Maps will be protected to prevent coalescence and retain their separate identity'. One such gap is that between Littlehampton & Middleton-on-Sea (inclusive of Clymping). It goes on to set out the following:

Development will only be permitted within the gaps if:

- a. It would not undermine the physical and/or visual separation of settlements;
- b. It would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development;
- c. It cannot be located elsewhere; and
- d. It maintains the character of the undeveloped coast;

e. or, if a subsequent DPD or Neighbourhood Plan deems it appropriate through an allocation.

The proposal site is to the southern end of a spur of Brookpit Lane (hereafter referred to as the lane) which features a small number of historic, residential, and agricultural buildings that have an informal layout and a low development density. The lane in question is surrounded by vegetation and projects into expanse of open agricultural land that surrounds the lane on the east, west, and south sides. The proposal sits comfortably within the general form of this cluster of development and the dense vegetation that surrounds it, and it would not project further into the agricultural land. Although the site is within a strategic gap, it would not harm the integrity of the gap, nor would it undermine the physical or visual separation of the settlements.

The proposal is in accordance with policy SD SP3 of the ALP.

CHARACTER & DESIGN

First and foremost, the prevailing character of the area is that of a prominently rural character with clear agricultural roots. The lane is buffered on both sides by mature trees and vegetation and is absent of urban features such as pavements and street lighting. Notably, the site is within 'Traditional Clymping' as referenced within the Clymping Character Assessment and identified within Policy CPN 11 of the Clymping Neighbourhood Plan (CNP). Policy CPN 11 of the CNP requires proposals to respond to, and integrate with, local built environment and the landscape context as described in the Clymping Character Assessment. The Clymping Character Assessment states that new development within Traditional Clymping will need to respect its historic and visual context, including the scale and siting of any new development, and that construction materials need to be chosen from a palette that respects the historic form of the village.

There are a small cluster of residential buildings along the lane which are either distinct traditional, rural cottages, or agricultural building conversions. The buildings are mostly historic, and many are understood to have stemmed from the agricultural roots of the area (Kent's Farm). The Hayloft outwardly appears to be the most modern building in the cluster, featuring a number of modern alterations however, it remains tucked away and mostly concealed from the lane.

When progressing down the lane, views of the proposed building and its garage would begin to emerge past the planting on the east side of the road, and views of the proposal would be present from the southeast and southwest of the site above vegetation where there are 2 No. public footpaths (Nos. 172 & 174). The proposal site is visually accessible from the surrounding area. For a new dwelling to be successfully designed in this location, it would need to relate sympathetically to the sensitive, stark rural and agricultural character of the area that prevails along the lane.

The dwelling features a central, full height two-storey component with half-hips and two lower 1.5-storey projections either side with gable ends. The dwelling would be constructed of brick and flint with 'rustic' timber boarding, handmade clay tiles, UPVC windows, exposed rafter feet, chimney, and 'conservation style' rooflights. The dwelling would be approx. 18m in width, approx. 10m in depth, and approx. 6.6m in height at the ridge. It would sit comfortably within its plot with substantial surrounding amenity space. The general form of the proposed building appears to attempt to convey the design of the dwelling as a barn conversion, producing some element of agricultural character to its design. However, for the reasons outlined below, the overall design is not successful in accurately conveying the dwelling as a former agricultural building or that of a traditional rural cottage that would uphold the character of the lane.

Most of the materials proposed are traditional and appropriate (subject to details), having been drawn from the local context, but the proposal features a substantial number of glazed openings that are of UPVC materials and do not appear to be laid out in such a way that would be expected for a former agricultural building. This contributes to what is a more visually domestic and modern building, rather

than one which is a convincing depiction of an agricultural building conversion. Other features such as the chimney, the quantity of rooflights and solar panels, the separation of ground and first floor within the central two-storey component that is prominent from the outside which would usually have been vaulted in an agricultural barn, and the flat roofed brick and timber garage, all further contribute to the domestic appearance of the building and site, diminishing the more traditional 'barn conversion' style that would be more appropriate.

Whilst the proposal includes mostly appropriate materials and some positive features such as exposed rafter feet and rough form of the building, overall, the building does not benefit from a convincing agricultural conversion design, nor a traditional rural cottage design. Rather it reads as a dwelling that seeks to replicate a barn conversion design but does not successfully uphold the narrative and would prejudice the prevailing character of the lane as a result. This conflicts with policies D SP1 & D DM1 of the ALP, and Policy CPN 11 of the CNP.

QUALITY OF ACCOMMODATION

The proposal would provide ample internal amenity space and generous external amenity space for the benefit of its occupiers in accordance with policies D DM2 & QE SP1 of the ALP, and Section H.04 of the Arun Design Guide.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal is of a siting and scale such that it would not have any adverse overbearing or overshadowing impacts on neighbouring properties. Additionally, given the separation distances between the host dwelling and neighbouring properties, the lack of first floor north facing openings, and the density of vegetation at the host and neighbouring site boundaries, there would be no unacceptable overlooking impacts on neighbouring properties.

The proposal is in accordance with policies D DM1 & QE SP1 of the ALP.

TRANSPORT & PARKING

The proposal would provide at least 3 No. car parking spaces within the driveway which is sufficient and in accordance with the Arun Parking Standards. Had the application been successful, it is likely that conditions to secure cycle parking provisions on site (likely within the garage) and an EV Charging Point would have been attached.

WSCC Highways have provided comment on the application and have no concerns with respects to highways safety and the Local Planning Authority agree with this position.

Although the site is outside the Built-up Area Boundary, the site is within a cluster of residential units that are likely to primarily rely on the use of cars for their main mode of transport. Additionally, the site is only a short distance by bicycle (7 minutes) from the Littlehampton town centre and its railway station along rural/semirural lanes which are conducive to an amenable cycling experience.

The proposal is in accordance with Policies T SP1 & T DM1 of the ALP.

FLOOD RISK & DRAINAGE

The site is partially located in Future Flood Zone 3a (2111). The extent of this flood zone includes parts of the south, west, and north sides of the plot, part of the accessway along to Crookthorn Byre, and both the driveway access and disabled access to the northeast of the plot.

The site is not within Future Flood Risk Zone 3a (2061), so it is unclear exactly what year the site would fall within Flood Zone 3a, but it is clear that it would be at risk by 2111. As outlined by Paragraph: 006 Reference ID: 7-006-20220825 of the NPPG, residential development can be assumed to have a lifetime

of at least 100 years. As such, the proposal would be at risk of flooding within its lifetime.

Policy W DM2 of the ALP identifies the need for proposals within relevant flood zones to provide and pass the Sequential Test in line with the NPPF. It goes on to require a Site-Specific Flood Risk Assessment that demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere, reduces flood risk overall, and requires the proposal to provide wider sustainability benefits. Flood warning and evacuation plans, and relevant drainage considerations are also identified, although given the scale of the development, the latter drainage considerations are not strictly applicable to this development. In effect, Policy W DM2 reiterates the requirements of the Sequential and Exception Tests for Flood Risk outlined within the NPPF.

Paragraphs 170, 173, 174 & 175 of the NPPF make it clear that where development proposals are considered in areas at risk of flooding either now or in the future, these proposals should utilise the Sequential Test to assess other 'reasonably available' sites that are in areas at the lowest or lower risk of flooding than the proposal site. This is to steer development away from flood risk areas to more appropriate sites. They note however, that where the Site-Specific Flood Risk Assessment as required by footnote 63 of the NPPF, identifies that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future, the Sequential Test is not necessary, but this is not applicable in this case.

Guidance on how to undertake the Sequential Test for Flood Risk is laid out from Paragraph: 023 Reference ID: 7-023-20220825 to Paragraph: 029 Reference ID: 7-029-20220825 of the NPPG.

Provided the Sequential Test is satisfied, the Exception Test needs to be applied where appropriate. Residential development is classified as 'More Vulnerable,' and the Exception Test needs to be applied where these are proposed within Flood Zone 3a as set out in 'Annex 3: Flood risk vulnerability classification' and 'Table 2' within Paragraph: 079 Reference ID: 7-079-20220825 of the NPPG.

Paragraphs 178 & 179 of the NPPF state that 'The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage'. To pass the exception test it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Paragraph 181 of the NPPF identifies additional requirements for development proposals that have satisfied the Sequential and Exception Tests but elaborating on these at this stage is immaterial because the Sequential Test is insufficient as outlined below. The applicant should be aware that should any future submission or appeal be produced following this determination, that paragraph 181 of the NPPF would be applicable to the proposal if the Sequential Test was passed and that the means of addressing the relevant criteria should be informed by an appropriate Site-Specific Flood Risk Assessment.

During, and following the previous application (CM/15/24/PL) the applicant was advised of the requirements of the Sequential and Exception Tests for flood risk, and that they would need to be addressed under any future submission. Email correspondence dated 10/06/24 and 03/07/24 identified that no Sequential Test had been provided contrary to the NPPF, and the submitted Flood Risk Assessment proposed no mitigations for flood risk which was insufficient. Further email correspondence dated 29/07/24 identified that the applicant would need to establish that there are no other 'reasonably available' sites at lower risk of flooding capable of accommodating the same type of development, and that this could include being a part of larger sites. Since this correspondence, it has come to light that an Exception Test for Flood Risk is not required for this development as it is within future flood zone 3a but

not currently. However, the requirement for the development to be made safe for the lifetime of the development remains in line with Paragraphs 170 of the NPPF.

Email correspondence dated 12/07/24 with the applicant's flood risk consultant outlined parameters for the Sequential Test. Following review of recent appeal decisions, including a very recent appeal hearing decision, it has become clear that the Sequential Test for flood risk should be carried out on a district-wide basis by default, and that the Sequential Test also needs to consider 'reasonably available' larger sites that could accommodate the same type of development where there is prospect that proposal could form part of these larger sites. This is in accordance with Paragraph: 028 Reference ID: 7-028-20220825 of the NPPG. However, the parameters outlined that it was considered that any larger sites for consideration should be relatively similar to the proposal, i.e. 1-2 No. dwellings for this 1 No. dwelling proposal.

The application has been supported by a Sequential Test covering the full district which is positive and in line with recent appeal decisions the LPA has been in receipt of. However, the type of development proposed is a detached dwelling with a relatively low density and a somewhat rural character. It would not be appropriate to consider this form type of development within dense urban centre locations in line with relevant design policies.

The Sequential Test submitted has reviewed the HELAA Report (December 2021), enquired with local land agents and the Local Planning Authority's Planning Department, and conducted online searches. Ultimately, it has concluded that none of the sites identified are suitable for the proposed development due to their size or the presence of existing buildings.

First and foremost, the most up-to-date HELAA Report from Arun District Council was released in January 2025 and supersedes the former HELAA Report that was reviewed. The submitted Sequential Test identifies 40 'deliverable' sites within the 2021 HELAA Report that could potentially accommodate residential development. It should be noted that only twenty-four 'deliverable' sites are defined in the 2025 HELAA Report, of which fifteen remain from the 2021 report, with nine new sites having been introduced. Nevertheless, all sites within the HELAA 2021 Report, including those which persist in the most up-to-date report have been dismissed due to the quantum of development they are expected to accommodate. The nine new sites identified within the HELAA Report (2025) do not propose residential sites smaller than those within the HELAA 2021, and it is therefore, assumed the applicant would have dismissed these sites in the same manner as a result.

As outlined above, the NPPG states that larger sites that can accommodate the same type of development proposal could be considered 'reasonably available'. The applicant has not provided any evidence as to why these larger sites could not accommodate a single dwelling development such as that proposed. However, whilst the lack of evidence is noted, given the scale of development, it is thought highly improbable and likely unfeasible that landowners/controlling bodies of the sites identified within the HELAA, would partition the sites to accommodate a single dwelling. Although the applicant has not identified strategic housing allocation sites within the district that could accommodate a single dwelling, the LPA considers it would also be extremely unlikely that the strategic housing allocations sites could viably be partitioned to accommodate a single dwelling proposal in the same manner, and none are of a comparable scale of development.

Paragraph: 028 Reference ID: 7-028-20220825 of the NPPG expressly states that reasonably available sites 'could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development.' However, it does not expressly state that larger sites must be considered. Given the scale of development and the context, it is not felt that significantly larger sites allocated or identified as suitable for much larger residential schemes should be considered 'reasonably available'.

The applicant has provided screenshots of correspondence they suggest has been sent to various local land agents enquiring about single dwelling development sites that may be available for purchase. Whilst evidence of these enquiries has been provided, no evidence of any responses to these enquiries has been submitted. The submitted Sequential Test identifies that responses were unfruitful, but without evidence, it cannot be assumed that no potential sites were identified or reviewed. Insufficient evidence pertaining to the enquiries with local land agents has been provided.

The applicant contacted the LPA through the planning email address seeking sites suitable for an individual dwelling development. The LPA do not hold such a specific list of sites and was responded to accordingly.

Land searches were undertaken through 'Zoopla' and 'Rightmove' seeking land for sale within the district. The fifteen sites identified were all ruled out by virtue of their size or the presence of existing buildings. It is not clear why this is the case as no evidence to elaborate these conclusions was submitted. Whilst a number of the sites were larger than the proposal site or featured existing buildings, all sites were available for purchase at the time, and no evidence has been provided to show that the same type of development could not have been constructed on these sites and at a lower risk of flooding through the subdivision of land. Although the land may have been greater in area, or existing buildings may have been present, their level of flood risk and the potential for introducing the same type of development (single detached dwelling of a somewhat rural character) should have been explored and evidenced. The presence of an existing building(s) is not necessarily a barrier to development if sufficient space for the type of development proposed remains on the wider site.

Additionally, the submitted 'Rightmove' land searches identified two sites 'Mayflower Way' and 'Toddingtong Lane' that are at lower risk of flooding, and which benefitted from extant planning permissions for 2 No. detached dwellings and 1 No. detached dwelling, respectively. Toddingtong Lane was very comparable to the proposed development but was ruled out and it is unclear why.

Having checked the same websites 'Rightmove' and 'Zoopla' using the same search parameters submitted as part of the Sequential Test, these sites now appear to be unavailable. It is asserted that the sites outlined should not have been ruled out without evidence to provide reasoning as to why, and it is wholly unclear that sites with extant permissions (such as those specifically named above) should have been dismissed.

Whilst it is accepted that the HELAA and strategic allocation sites identified by Arun District Council would not likely prove to be viable 'reasonably available' alternative sites for the proposed development due to the high likelihood that they would not be subdivided/partitioned for a single dwelling development when they are considered viable for much larger schemes, no evidence of this has been provided by the applicant. Additionally, no evidence of correspondence with local land agents following enquiries has been provided, and it appears that sites available at the time (including two with extant planning permissions for comparable development) that could have been explored, were ruled out without sufficient explanation or evidence that they would have been incapable of accommodating the same type of development.

The lack of evidence relating to the search for potentially 'reasonably available' alternative sites, and insufficient justification for those ruled out has resulted in the failure of the Sequential Test for flood risk.

Whilst the Exception Test has been concluded as not necessary for this proposal, the requirement for the development to be made safe for its lifetime remains in accordance with Para 171 of the NPPF.

Residential development should be assumed to have a lifetime of 100 years, and the proposal is

predicted to become situated within Flood Zone 3 at some time between 2061 and 2111. The applicant has identified that a Site-Specific Flood Risk Assessment has been undertaken for the proposal (QFRA 2540, 26/06/2024), which concludes that that with appropriate mitigation in place, the proposed development will be safe, in terms of flood risk, for its design life and will not impose any flood risk elsewhere. The Flood Risk Assessment submitted alongside this application does not share this reference number, and is wholly inadequate, merely identifying that the site sits within Flood Zone 1 and that no mitigation is necessary. It is noted, however, that during the previous application (CM/15/24/PL), email correspondence with the applicant (dated: 03/07/24) involved the submission of a Site-Specific Flood Risk Assessment '(QFRA 2540, 26/06/2024)' to the LPA for consideration. Whilst this FRA was not submitted in support of the current application, in order to be proactive, it has been reviewed informally by Officers, and it has been concluded that if the FRA in question (QFRA 2540, 26/06/2024) had been submitted, it would have been insufficient. The proposal would fall within flood zone 3a during its lifetime and as such, an assessment of the predicted future flood risk alongside relevant mitigation measures, would be necessary to ensure the proposal is safe for its lifetime (100 years). The FRA (QFRA 2540, 26/06/2024) fails to identify that the site is predicted to fall within flood zone 3a during its lifetime, ultimately concluding that as it is currently within flood zone 1, that no mitigation measures, such as the raising of floor levels or a flood warning/emergency plan, are necessary.

The proposal has failed to provide sufficient evidence to assert that there are no 'reasonably available' alternative sites at lower risk of flooding that could accommodate the proposed development. It has also not been supported by a sufficient Flood Risk Assessment to confirm that the proposal would be safe for its lifetime. As such, the proposal is not in accordance with the principles of ALP Policies ECC SP1 and W SP1, nor is it in accordance with ALP Policy W DM2, or paragraphs 170, 174 and 181 of the NPPF.

The conflict with paragraphs 170, 174 & 181 of the NPPF is a strong reason for refusal and as such, paragraph 11d(i) of the NPPF applies.

Policy W DM3 of the ALP requires all development to incorporate Sustainable Urban Drainage Systems. The proposal incorporates a permeable gravel driveway, and the garage incorporates a green roof, both of which are supported by the policy. Due to the scale of the development, remaining surface water drainage matters will be dealt with at the Building Regulations stage.

The proposal involves non-mains foul drainage via a sewage treatment plant on site and subsequent discharge to the adjacent ditch. The Environment Agency are not consulted for such methods on non-major applications but the applicant should be aware that this would likely require relevant licenses/permits from the Environment Agency and any other relevant bodies.

The proposal is in accordance with Policy W DM3 of the ALP.

ECOLOGY & BIODIVERSITY

The proposal is a 'self-build' scheme and as is exempt from statutory biodiversity net gain.

Policy ENV DM1 of the ALP resists any proposed development likely to have an adverse effect on land with the designated features of any Site of Biodiversity or Geological Importance listed in Tables 17.1-17.7 or any subsequently designated sites. The proposal is within the 2km buffer zone for Climping Beach Site of Special Scientific Interest (SSSI) and the Arun Valley Special Protection Area (SPA) Impact Risk Zone. This Impact Risk Zone is defined as land in foraging distance for Bewick Swans. Loss of habitat within these zones which is regularly used by foraging Bewick's Swans and is functionally linked to the SPA, could have a significant effect on the SPA. The site is a partially cleared, flat scrubland area surrounded by early mature trees and planting and adjacent a residential access track. The Council's Ecologist has advised that it is very unlikely that the proposal would have any impact on Bewick Swans due to the unsuitability of foraging habitat on site.

Subject to conditions securing the recommended procedures during construction, compensatory planting and ecological enhancement measures, the proposal would acceptably integrate and supplement the ecology of the site and would not have any impacts on the ecology of the area that would present any harmful impacts to the SSSI or the SPA. The requirement for an Appropriate Assessment as to the impacts on the significance of the Arun Valley SPA has been screened out by virtue of concluding that the works have had a negligible impact on Bewick Swans and the wider Impact Risk Zone.

The proposal has been supported by a Preliminary Ecological Appraisal and additional surveys that have been reviewed by The Council's Ecologist and have been concluded as acceptable. Subject to conditions, the proposal would have been in accordance with policies QE SP1, D DM1, ENV SP1, ENV DM4 & ENV DM5 of the ALP, and Policy CPN 8 of the CNP.

HERITAGE

The applicant has submitted a largely accurate heritage statement and historic environment record review. The statement sets out various design cues that are noted to be drawn from the surrounding context alongside other details.

The proposal site is located to the southern end of a spur of Brookpit Lane which is populated by 3 No. Grade II Listed Buildings. These are Kent's Barn/East Barn, 1-2 Kent's Dairy Cottages, and Kent's Farmhouse/Lower Dairy Barn. The latter of which is read as two physically separate buildings despite the shared listing.

Kent's Barn/East Barn is identified as a "Barn at Kent's Farm to southeast of the farmhouse and to the south of Nos. 1 and 2 Brookpits Manor Cottage". The building has been restored and divided into two properties. It is a long, timber-framed barn with red brick infilling, it features a part tiled and part flat roof, windows with wooden mullions, and a half-hipped gable at the northern end of the west elevation.

1-2 Kent's Dairy Cottages may date as far back as the 17th century. It is of two storeys with flint and brick elevations under a thatched roof. It was originally a timber framed building and part of the rear wall survives within the present house. Much of the timber framing has been replaced by rubble with brick dressings, and the house has been extended southwards.

Kent's Farmhouse is an attractive two-storey detached building with attics and tiled roof. It is largely Georgian in character but has origins in the 17th Century. The Georgian parts of the house have large window bays, whilst Victorian alterations include an attractive music room with full height sash windows.

Lower Dairy Barn is located close to the proposal site and is associated with Kent's Farmhouse. It is a traditional flint and brick structure with clay and slate tiled roofs. The building includes the main threshing barn and two single storey elements, one of which has been converted into residential, and the other part which remains open to one site with timber supports.

Individually, the assets derive their significance from their architectural and historical interest. However, the assets, together with their materials, the lower density nature of buildings along the lane, and the surrounding open agricultural land, establish a sensitive rural and agricultural context.

The proposal site sits firmly within the context and setting of the Listed Buildings, and in particular, Lower Dairy Barn. It is visible from the lane and public footpaths and has been natural scrubland until a recent partial clearance of the site. The proposal would impact upon the established rural character of this small grouping of listed buildings as a result. It would remove the natural character of the site and replace it with a relatively large residential dwelling and a detached, partly submerged, flat roofed garage building with driveway access and parking.

From review of the submitted heritage statement, the design choices, and the comments of the Conservation Officer, it is apparent that the proposal has sought to portray the character of an agricultural building conversion. However, the proposal has a number of features and components that result in the structure appearing overly domestic for this narrative, compromising this design intention and ultimately, not upholding the character of the lane along which buildings have a relatively binary character consisting of either traditional rural cottages, or dwellings that are clear, organic agricultural conversions and do not appear overly domestic. It is felt that The Hayloft is a visual exception to this, but as outlined within the character and design section of this report, The Hayloft has a limited visual presence along the lane and this alone does not override the strong prevailing character of the lane.

The proposal features a substantial number of UPVC fenestrations with a layout more akin to a residential unit than one that might be derived from a former agricultural building. This contributes to what is a more notably domestic building, rather than one which accurately mimics the organic conversion of an agricultural building. Additionally, the chimney, the quantity of rooflights and solar panels, the separation of ground and first floor within the central two-storey component that is prominent from the outside and which would usually have been vaulted in an agricultural barn, and the flat roofed brick and timber garage, all further contribute to the more domestic appearance of the building and overall site, diminishing the apparent agricultural conversion design intention that would be appropriate for the locality.

The proposed design does not simulate a convincing agricultural conversion, nor a traditional rural cottage, and as such, the proposal would not uphold the strong rural character of the lane that informs the sensitive context of the settings of the nearby heritage assets. As such, the proposal would have less than substantial harm on the wider setting of the heritage assets, and as a consequence, their significance.

Policies HER SP1 & HER DM1 of the ALP seek to preserve the significance of listed buildings, including their setting, and Policy CPN 13 of the CNP states that proposals are expected to retain and enhance the local distinctiveness of the heritage assets in question and their setting.

Paragraph 212 of the NPPF states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...'.

The proposal would prejudice and harm the setting of the nearby listed buildings for the reasons outlined above. As such, the public benefits of the proposal need to be weighed against the harms in accordance with paragraph 215 of the NPPF which states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...'.

The public benefits of the proposal would consist of the contribution of 1 No. dwelling to the housing land supply during a time of acute shortfall and need, alongside the short-term economic stimulus resulting from the construction of the dwelling. Whilst the need for housing is high, the contribution of 1 No. dwelling and the short-term economic stimulus would not outweigh the harms to the setting of the nearby heritage assets in this sensitive context.

The proposal is not in accordance with policies HER SP1 or HER DM1 of the ALP, CPN 13 of the CNP, or paragraph 215 of the NPPF.

ARCHAEOLOGY

The site is located on the southern perimeter of an Archaeological Notification Area (Site of Islesham

Church and Deserted Medieval Village). Given the scale of the development, it is unlikely that significant archaeological finds would be discovered during the development, however, the potential cannot be ruled out and a precautionary approach would have been taken. Had the works been approved, conditions may have been attached requiring the applicant/developer to notify the LPA if any archaeological finds are found during the works and to allow for an appropriate archaeological body to investigate the finds in such an event.

Subject to conditions, the proposal would have been in accordance with Policy HER DM6 of the ALP.

ENERGY EFFICIENCY

Policy ECC SP2 requires all new residential development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels or air source heat pumps. The proposal has identified the intention to have a low-carbon footprint and include energy efficient materials, perhaps above standard, which is generally positive, provided it is sensitive to the historic environment.

Inset solar panels are proposed to the rear roof slope, however, in the sensitive heritage context, the proposed quantity of solar panels would not be appropriate. It is noted that extensive solar panels are present on 'Lower Dairy Barn' to the east of the site, and at 'The Hayloft' to the north, however, these have not been reviewed under an application for planning permission, and it is clear from the comments of the Conservation Officer, that these are not appropriate in the context. Alternative energy efficiency measures such as Air Source Heat Pumps would be more appropriate in the context and would have been secured by a condition had this application been approved.

Subject to the relevant condition, the proposal would have been compliant with policy ECC SP2 of the ALP.

WASTE

The proposal could comfortably facilitate waste bin collection at the access and specific details of bin storage could have been secured by way of condition in line with policies CPN 11 of the CNP and policy WM DM1 of the ALP.

SUMMARY

The proposal has not sufficiently evidenced or justified that there were/are any other 'reasonably available' alternative sites at a lower risk of flooding that could accommodate the same type of development. It has not been supported by an appropriate site-specific flood risk assessment that convinces the Local Planning Authority the proposal would be safe for its lifetime, and it does not successfully uphold the sensitive character of the area, causing harm to the setting and significance of nearby heritage assets that is not outweighed by the benefits of the proposal. As such, the proposal is not in accordance with all relevant Development Plan policies or the NPPF and is recommended for refusal.

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 would have been required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

REFUSE

- 1 The proposal by reason of its design and appearance is out of keeping with the established character of the lane in conflict with policies D SP1 & D DM1 of the Arun Local Plan, and Policy CPN 11 of the Climbing Neighbourhood Development Plan.
- 2 The design and character of the proposal is in conflict with the established character of the lane and results in less than substantial harm to the settings of nearby Listed Buildings, with no sufficient public benefits to outweigh the harm, in conflict with policies HER SP1 & HER DM1 of the Arun Local Plan, and Paragraph 215 of the NPPF.
- 3 The submitted Sequential Test provides insufficient evidence to assert that there are no 'reasonably available' alternative sites at lower risk of flooding that could accommodate the same type of development proposed in conflict with Policy W DM2 of the Arun Local Plan and Paragraphs 170 and 174 of the NPPF.
- 4 The application has not not been supported by a sufficient Flood Risk Assessment that assesses and confirms that the proposal would be safe for its lifetime, with particular regard to future flood risk, in conflict with Policy W DM2 of the Arun Local Plan, and Paragraph 170 of the NPPF.
- 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 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.