

**Recommendation Report for Listed Building Consent for Alterations, Extension or Demolition of a
Listed Building**

REF NO: FG/136/25/L

LOCATION: Yew Tree Cottage
11 Ferring Street
Ferring
BN12 5HL

PROPOSAL: Listed building consent to form a new vehicular access following the removal of gate and demolition of wall. (This application may affect the character and appearance of the Ferring Conservation Area).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION SITE CHARACTERISTICS	As above. Yew Tree Cottage is a Grade II listed building characterised by two casement windows. The building is constructed with cobble facing, red brick dressings and quoins, beneath a hipped thatched roof. A modern, large single-storey extension has been added to the western elevation, which is not currently visible from the adjacent lane. The significance of the building is derived from its architectural and historic interest.
CHARACTER OF LOCALITY	The dwelling occupies a spacious and verdant plot and is enclosed by flint walling. The section of flint walling fronting the road is relatively low in height but remains a prominent feature within the street scene, particularly as it forms part of a longer, continuous stretch of flint boundary walling. The application site lies within the Ferring Conservation Area, which was designated in April 1976. The conservation area encompasses the historic core of the village and is characterised by its traditional built form and historic features. This area is surrounded by later 20th-century development, which contrasts with the older character and appearance of the village centre.

RELEVANT SITE HISTORY

FG/39/14/L	Application for Listed Building Consent for demolition of part of boundary wall to create vehicular access.	ApproveConditionally 31-07-14
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Relevant planning history noted.

REPRESENTATIONS

Ferring Parish Council:

- Concern that partial demolition of the historic flint wall could compromise the structural stability of the remaining sections.
- The loss of part of the wall is considered to harm the setting of the Grade II listed building.
- The proposal is viewed as detrimental to the character and appearance of the Ferring Conservation Area.
- The works are considered not to be in keeping with the established street scene.
- Concern that the proposal may require the removal of nearby trees, resulting in further harm to the character of the area.

Arun Conservation Area Advisory Panel (CAAP):

Flint boundary walling is a strong characteristic of this part of the conservation area and original walling is a finite resource, rarely replicated successfully. The loss of such walling is regrettable and should normally be resisted. In this case, it is noted that consent was given approximately 11 years ago for the works currently proposed and because national legislation and national and local planning policy in relation to designated heritage assets has not materially changed since that time it would be difficult now for the Council to resist the proposal.

Nevertheless, in the opinion of the Panel every effort should be made to mitigate the harm to the conservation area and suggests that one way would be to curve flint walling each side of the access from the frontage into the garden area for a suitable distance. In this way there would be no decrease in the length of flint walling permanently lost. This would also have the benefit of providing small pedestrian visibility splays each side of the new access. Clearly, a sample panel of the new flint walling would need to be agreed by the Council.

1 representation received from nearby occupier:

- Concern raised that the submitted drawings may be misleading, with inconsistencies between the stated width of the access opening and the hardstanding.
- The proposed dimensions are considered insufficient to allow safe and practical vehicle manoeuvring
- It is suggested that the applicant should revise the drawings to reflect more realistic dimensions at this stage.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments received have been noted. All established trees within the application site benefit from Conservation Area protection. Any proposed non-exempt works to these trees would require prior notification to the Council, allowing the authority to assess any proposed works.

The application has been assessed on the basis of the submitted drawings. West Sussex County Council Highways have raised no objection in relation to highway safety or vehicle manoeuvrability and, as such, there is no justification to request amended measurements at this stage. Should the applicant wish to make any future amendments, a further application would be required.

The remaining matters raised are addressed within the conclusion section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER

The proposal is for the creation of a new vehicular access following the removal of gate and demolition of wall.

Flint boundary walling is a strong characteristic of this part of the conservation area, and original walling is a finite resource that is rarely replicated successfully. Its loss is regrettable and should normally be resisted. I am also aware that there is a separate modern point of access which serves the adjoining property was as a result of a loss of flint walling.

Whilst the loss of flint walling is regrettable, consent for the works now proposed was granted approximately 11 years ago. As national legislation and both national and local planning policy relating to designated heritage assets have not materially changed since that time, it would be difficult for the Council to justify refusal at this stage. However, this should not set a precedent for further alterations to surrounding walling, which must continue to be carefully controlled.

If the concept of removing the section of walling is ok in this particular instance, then the implementation and design is more important. As currently presented, the wall would simply terminate at the opening, leaving a visually abrupt gap in the boundary. The design of the opening therefore warrants more careful consideration. A design-led approach (which is currently lacking) would help to ensure that the opening reads as an intentional feature rather than an afterthought, while also compensating for the loss of original walling and enabling the reuse of existing flint within the property.

One practical and sensitive mitigation measure could be to introduce new sections of flint walling on either side of the access, extending into the garden frontage. This would preserve the visual continuity of the boundary. To maintain quality and authenticity, a sample panel of the new flint walling should be agreed with the Council as part of a planning condition.

In addition, the landscaping and planting should be protected, with any shrubs or greenery removed replaced as part of a well-designed scheme. This would help soften the changes and maintain the street's green, leafy character.

Conclusion

In summary, while the loss of original flint walling is regrettable, the principle of creating a new access was established through the previous consent and remains difficult to resist under current policy. The priority must now be to ensure that the design and execution of the works are of the highest quality, with mitigation measures that preserve the character of the conservation area. Careful detailing, reuse of existing flint, and additional sections of walling, combined with a well-considered landscaping scheme, will help achieve an outcome that respects the significance of the listed building and its setting.

This recommendation is made solely on the basis of that prior approval and should not be regarded as setting a precedent for new applications where no such consent exists. Accordingly, the application should be determined in accordance with the relevant policies of the Development Plan, together with these comments, and with due regard to sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

WSCC HIGHWAYS

This application is for Listed building consent to form a new vehicular access following the removal of gate and demolition of wall. The site is located on Ferring Street, a one-way un-classified road subject to a speed limit of 30mph. The proposed vehicular crossover is demonstrated on the plans as 2.3m wide at the carriageway edge. The applicant should be aware that the VCO works would be subject to a licence from the WSCC Area Engineer and must be constructed to a specification agreed with them - the minimum VCO width is 4.5m (including transitional kerbstones). Details of the proposed access width

and geometry can be dealt with via condition. The LHA would not raise any highway safety concerns to a proposed VCO in this location- as Ferring Street is one-way, visibility appears to be sufficient for the anticipated road speeds in this location. The plans indicate that the proposed aperture in the flint wall will be 2.4m in width. Swept path tracking has not been provided to demonstrate that a vehicle could manoeuvre into the proposed parking area in one movement. The LHA consider that a wider gap within the wall would provide a more practical access width for a vehicle and reduce the opportunity for vehicles to collide with the wall. However, the LHA consider that the aperture, as proposed, is sufficiently wide enough to fit a vehicle; although it may require a vehicle to move into a suitable position within the carriageway to carry out the manoeuvre, or to conduct a multi-point manoeuvre if not aligned properly on approach. The LHA would not raise any highway safety objection to the proposal on the basis of the site aperture width, given the nature of Ferring Street, with good forward visibility - it is considered likely that oncoming vehicles would have sufficient time to react to a vehicle manoeuvring within the carriageway.

Conclusion

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, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal. If the LPA are minded to approve the application, the following conditions and informative should be applied.

COMMENTS ON CONSULTATION RESPONSES:

The comments have been noted. As the current application seeks Listed Building Consent for the works and is not a planning application, and the proposed dropped kerb onto a Classified D road does not require planning permission from the Local Planning Authority, the recommended conditions cannot be attached to this Listed Building Consent. Notwithstanding this, an informative has been attached to this consent to advise the applicant that consent still needs to be obtained from the Highway Authority in relation to the dropped kerb works.

POLICY CONTEXT

Grade II Listed Building.
Built-up Area Boundary.
Tree Preservation Order.
Ferring Conservation Area.
Archaeological Notification Areas.

DEVELOPMENT PLAN POLICIES

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

HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

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, 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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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."

Where the building is located in a Conservation Area, Section 72(1) of the Act states:
In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

This application seeks Listed Building Consent for the formation of a new vehicular access to Yew Tree Cottage, involving the partial demolition of the existing flint wall. The principal policy considerations are Policies HER DM1 and HER SP1 of the Arun Local Plan (ALP), together with the National Planning Policy Framework (NPPF), which relate to development affecting listed buildings. These policies require that development must protect, preserve and, where possible, enhance the historic character, integrity and setting of designated heritage assets.

Paragraph 207 of the NPPF (2024) requires applicants to describe the significance of any heritage assets affected by a proposal, including the contribution made by their setting. In this instance, the applicant has submitted heritage information in support of the application, which is sufficient to meet this requirement.

Paragraph 208 of the NPPF (2024) requires the Local Planning Authority (LPA) to identify the significance of the heritage asset affected by a proposed development. Yew Tree Cottage is a Grade II listed building dating from the 18th century, with architectural and historic interest as set out earlier in this report. The building is considered to be of architectural and historical significance.

Paragraph 212 of the NPPF (2024) states that great weight should be given to the conservation of designated heritage assets when considering the impact of development proposals, irrespective of whether any harm would be categorised as substantial or less than substantial.

As outlined in the Conservation Officer's comments, the principle of the proposed works has previously been established under Listed Building Consent reference FG/39/14/L. There are existing vehicular access points within the street scene, and the proposal would not appear out of keeping with the character of the area. The flint wall already contains openings to other properties, and the proposed vehicular access would incorporate the existing pedestrian access, thereby limiting the further extent of wall removal. While it is acknowledged that an alternative design approach could have been explored,

the relatively small scale of the works is such that the proposal would not result in harm to the listed building.

Conditions have been attached to this consent to ensure that no further structural damage would occur to the boundary wall, and that any works to the wall itself would use original materials so far as possible to ensure as much of the boundary wall is retained as possible.

The proposal would preserve the significance of the listed building and its setting, in accordance with Policies HER DM1 and HER SP1 of the Arun Local Plan and the NPPF. It is therefore concluded that the development would not result in harm to the significance of the heritage asset.

SUMMARY

The proposal is in accordance with the relevant Development Plan policies and the NPPF and as such, it is recommended for approval subject to the following conditions.

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

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

APPROVE CONDITIONALLY

- 1 The works for which Listed Building Consent is hereby granted must be begun not later than the expiration of 3 years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

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

- Proposed Block Plan 01
- Proposed Site Plan
- Location Plans

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

- 3 At all times during the progress of the work hereby approved adequate measures shall be taken to protect the remaining part of the boundary wall from collapse and/or structural damage.

Reason: To preserve the character and appearance of the Listed Building in accordance with Arun Local Plan policy HER DM1 and the NPPF.

- 4 Upon completion of the work for which Listed Building Consent is hereby granted any damage caused to the fabric of the boundary wall shall be made good to the satisfaction of the Local Planning Authority.

Reason: To preserve the special character and appearance of the building for the future in accordance with Arun Local Plan policy HER DM1 and the NPPF.

- 5 The making good of the boundary wall to complete the execution of the works for which consent is hereby granted shall be carried out as far as may be practicable with original materials. Any variation from the original materials must be with the written approval of the Local Planning Authority.

Reason: To preserve the appearance and special character of the building for the future in accordance with Arun Local Plan policy HER DM1 and the NPPF.

- 6 INFORMATIVE: The applicant is advised that they must obtain formal approval from the highway authority to carry out site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence 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-vehicle-crossovers-for-driveways-licence/>