

Recommendation Report for Planning Permission

REF NO: FG/22/26/PL

LOCATION: The Haystack
Sea Lane
Ferring
BN12 5EP

PROPOSAL: Demolition of existing dwelling and erection of new detached dwelling (self build) and associated landscaping works. This application is in CIL Zone 5 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	4553sqm.
TREES	The site has mature planting to all boundaries, including hedging and larger trees.
BOUNDARY TREATMENT	Significant mature hedging and planting.
SITE CHARACTERISTICS	The site comprises a large, established residential plot with a two-storey detached dwelling consisting of rendered and clad elevations and tiled pitched roof. It also includes a detached garage and outbuilding.
CHARACTER OF LOCALITY	The site lies outside and adjacent to the Built-up Area Boundary and is surrounded by open agricultural land to the north, east, and south. To the West is Sea Lane and the Built-up Area of Ferring consisting primarily of 1-2 storey dwellings.

RELEVANT SITE HISTORY

FG/67/24/HH	Two storey rear extension & single storey side extension along with internal remodelling.	ApproveConditionally 24-06-24
FG/79/23/HH	Demolition of existing garage and erection of new garage with annexe above.	ApproveConditionally 18-08-23
FG/82/23/CLP	Lawful development certificate for the erection a detached building in rear garden (pool room).	PP Not Required 03-08-23
FG/64/23/PL	Demolition of existing dwelling and erection of new	Withdrawn

detached dwelling and associated landscaping works. 05-06-23
This application is in CIL Zone 5 and is CIL Liable as a
new dwelling. (Resubmission of FG/181/22/PL).

FG/27/23/CLE Lawful development certificate for the use of entire plot PP Not Required
as the residential garden. 03-05-23

FG/181/22/PL Demolition of existing dwelling and erection of new Refused
detached dwelling, pool room, car port, detached garage 25-04-23
and associated landscaping works. This application is in
CIL Zone 5 and is CIL Liable as new dwelling.

FG/181/22/PL - This application sought a replacement dwelling alongside the replacement of a detached garage and construction of two detached outbuildings. It was refused on various grounds, including harm to the countryside, character, settlement gap, and established trees. It was also found, during the application, that the site boundary included an area of land that did not benefit from planning permission as residential land.

FG/27/23/CLE - This was for a lawful development certificate that by virtue of time, the section of land understood to not have benefitted from planning permission for residential use, now benefitted from lawful residential use.

FG/64/23/PL - This sought a replacement dwelling but was swiftly withdrawn at the request of the applicant.

FG/82/23/CLP - This granted a lawful development certificate for the construction of a detached outbuilding.

FG/79/23/HH - This granted planning permission for a replacement detached garage with annexe above.

FG/67/24/HH - This granted planning permission for a two-storey rear extension, single-storey side extension, and remodelling.

REPRESENTATIONS

Ferring Parish Council - Objection:

- Harm to character and appearance of the area.
- Excessive increase in scale and bulk.
- Overbearing and inappropriate form of development.
- Visually intrusive.
- Encroachment into, and erosion of, the settlement gap.
- Overly dominant and harmful presence within the landscape.

Ferring Conservation Group - Objection:

- Noting the history of development on site.
- Suggesting property proposed footprint should be restricted.
- Harmful intrusion into the settlement gap and landscape by virtue of increased scale and bulk.

- Noting intrusion into the views from the seafront, through the gap, towards Highdown Hill.
- The existing mature planting will not conceal the proposal.

5 letters of objection from local residents:

- Harm to the character and appearance of the area.
- Harm to residential amenity.
- Concerns regarding precedent of cumulative incremental increases of scale along Sea Lane.
- Concerns regarding overbearing, overshadowing, and overlooking of neighbours.
- Concerns regarding temporary disruption to highways and parking during construction.
- Concerns regarding biodiversity impacts.
- Highways safety concerns during construction.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. All relevant Planning matters discussed within the Conclusions section of this report.

Matters of precedent cannot be considered.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside Built-up Area Boundary.

Settlement Gap (Ferring - Worthing).

Partially at Very Low Risk of Flooding from Rivers and Sea (Defended).

Partially at High Risk of Surface Water Flooding in the future (2040-2060).

Partially at Medium Risk of Surface Water Flooding.

EA Flood Map for Planning - Future Flood Zones (2070-2125).

DEVELOPMENT PLAN POLICIES

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

SDSP3	SD SP3 Gaps Between Settlements
CSP1	C SP1 Countryside
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP2	ECC SP2 Energy and climate change mitigation
TSP1	T SP1 Transport and Development
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity

WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

Ferring Neighbourhood Plan 2014 Policy 10

A Spatial Plan for the Parish

Sustainable water management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
SPD11	Arun Parking Standards 2020

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 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 in conflict with relevant Development Plan policies in that no Site-Specific Flood Risk Assessment has been provided, and it would compromise the character of both the residential development to the west, and the rural, undeveloped character of the settlement gap and coast to the north, east, and south of the site.

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.

OTHER MATERIAL CONSIDERATIONS

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

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) under the de-minimis exemption.

CONCLUSIONS

PRINCIPLE

The site lies both outside of the Built-up Area Boundary and within the Settlement Gap between Ferring and Worthing.

Arun Local Plan (ALP) policy C SP1 seeks to protect the intrinsic nature and beauty of the countryside. Ferring Neighbourhood Development Plan (FNP) Policy 1A complements this by only supporting proposals within the Built-up Area Boundary (BUAB).

While the principle of residential development is typically opposed within the countryside and settlement gaps, it remains, however, that the site is an established residential plot with two-storey dwelling and associated buildings and landscaping.

The principle of a replacement dwelling on site is not opposed given one exists at present, subject to the consideration of relevant Development Plan policies.

The proposal is in technical conflict with Arun Local Plan (ALP) policy C SP1 and FNP policy 1a, however, for the reasons outlined above, this alone is not a reason for refusal.

CHARACTER AND DESIGN

The existing dwelling is of a more traditional design that has evolved over time to include a primary two-storey element with rear two-storey extension, single-storey side/front extensions, and side conservatory. It resides in a significant plot buffered by mature planting on all sides and access taken from Sea Lane. It is the sole dwelling to the east side of Sea Lane and is surrounded to the north, east, and south, by undeveloped, open arable land. While views of the dwelling are achievable over the surrounding planting from a distance along the coast or within the informal footpaths through the surrounding agricultural land, the dwelling remains largely concealed.

The replacement dwelling makes efficient use of the existing footprint but proposes a more modern design that is substantially taller and despite its design technically being one of 2.5-storeys, involves a large increase of massing and reads as a three-storey dwelling. The existing dwelling has a maximum ridge height of approx. 7.7m and a two-storey eaves height of approx. 5m, with the two-storey rear projection reducing to approx. 6.9m and the remainder of the single-storey components being low in height. The proposed dwelling, however, would be 2.5-storeys across the full extent of the dwelling, with a part-hipped part-flat roof design that allows almost full accommodation of the footprint at second-floor level. It has a consistent ridge height of approx. 8.8m and an eaves height of approx. 8m. It represents a substantial increase in height and massing across the full extent of the footprint and would be substantially more prominent in views through the settlement gap toward the site from the coast and surrounding informal footpaths, and through the access at Sea Lane. The significant increase in scale would materially increase the developments prominence in a location that is prominently, and purposefully, undeveloped, resulting in harm to the rural character of the surrounding rural landscape and the undeveloped nature of the settlement gap.

The prevailing character of residential development in the vicinity of the site is that of detached chalet-style bungalows with some two-storey units interspersed. They often do not have uniformity of design or character, and some, including two adjacent, have recently been developed with a more modern character despite traditional design features. There are some larger, modern, and art-deco style dwellings further south along the coast and on the corner of Sea Drive. Those along Sea Drive, however, are a significant distance from the site and form part of a different character context to those further north along Sea Lane and adjacent to the site. The largest building (2 Sea Drive) comprises multiple flats and

represents a prominent corner and seafront facing property.

The scale and massing would result in the dwelling appearing notably out of character with the prevailing character of development to the west. By being the standalone property to the east side of Sea Lane, The Haystack does, to a degree, detach itself from the adjacent built development and could, therefore, afford the plot some flexibility for expressing individuality without compromising the broad parameters of the prevailing character of the area. The proposal includes a footprint that despite being comparable to the existing, remains significantly larger than the majority of adjacent properties, and introduces what is in effect a three-storey dwelling that would dwarf the adjacent chalet style bungalows with no scale relief as seen at present. Currently, the two-storey dwelling reduces to single storey for large sections of the footprint, whereas the proposed would have tall, imposing elevations with no meaningful relief in scale. Passers-by experiencing the development through the access from the Public Right of Way (FEG-3092) or the highway, would immediately notice that the dwelling is significantly larger than those adjacent despite the planting and highway that separates the site from those to the west.

The principle of a more modern design that draws influence from traditional architectural features is not generally opposed, but the scale and massing of the proposal would result in unacceptable harms to the rural character of the surrounding open landscape, and the character of the adjacent built development. The proposal is in conflict with ALP policies D SP1 and D DM1.

SETTLEMENT GAP

ALP policy SD SP3 seeks to protect the undeveloped character of the coast and protect the integrity of the established settlement gaps.

With regard to SD SP3(c), as a replacement dwelling proposal on an established site, the proposal could not reasonably be located elsewhere.

The existence of an established two-storey dwelling on site is recognised as a mitigating factor, but ultimately, for the reasons outlined within the character and design section above, the proposal would substantially and materially increase the impact of urban development on site. The additional prominence would, to a limited degree, undermine the visual separation of the settlements, and would be detrimental to the undeveloped character of the settlement gap, resulting in conflict with ALP policy SD SP3(a) and (d).

QUALITY OF ACCOMMODATION

The proposal is a five-bedroom dwelling that is well in excess of internal space requirements outlined within the Nationally Described Space Standards and has a large surrounding residential garden that provides significant residential amenity.

The proposal is compliant with ALP policies QE SP1 and D DM2.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal is sufficiently isolated from neighbouring residential properties to ensure that there would be no significant adverse impacts by way of overbearing, overshadowing, or overlooking in accordance with ALP policies D DM1 and QE SP1.

ECOLOGY AND BIODIVERSITY

The site is surrounded by significant mature planting at its perimeter but the proposal is centrally located and makes efficient use of the existing footprint. It would have no detrimental impacts upon the surrounding vegetation in accordance with ALP Policy ENV DM4.

The proposal is said to be 'Self-Build' for the purposes of Statutory Biodiversity Net Gain (BNG) and

therefore, exempt. The proposal may well be 'self-build' however, in the absence of a completed Section 106 agreement that secures this exemption, this exemption cannot be claimed. Having reviewed the submission and liaised with the Council's Ecologist, given the proposals predominant confinement to the footprint of the existing dwelling and its associated hardstanding, it was concluded to benefit from the de-minimis exemption. It has not, therefore, been necessary to pursue a Section 106 agreement. The applicant is advised that if any future iteration of the scheme were to impact on-site biodiversity beyond the de-minimis exemption, that a Section 106 agreement securing the self-build exemption may be required, or the proposal may be subject to Statutory BNG requirements.

ALP policy ENV DM5 still requires developments to achieve a biodiversity net gain on site. For an established residential site such as this, the Local Planning Authority would have been satisfied with securing this by way of condition, requiring the submission of a scheme to achieve on-site biodiversity net gain to include features such as additional soft landscaping and ecological enhancements such as integrated bird boxes, bat boxes, bee bricks, and/or insect hotels.

Had the application been approved, subject to conditions, the proposal could have been in accordance with ALP Policy ENV DM5.

DRAINAGE AND FLOOD RISK

The site is partially at Medium Risk of Surface Water Flooding, set to increase to High Risk in the future (2040-2060) and will be at Very Low Risk of Flooding from Rivers and Sea in the Defended Scenario when accounting for Climate Change.

The site falls in the Environment Agency's Flood Map for Planning - Future Flood Zones (2070-2125), although, following correspondence with the EA on separate applications, the accuracy of this mapping layer is questionable at this time since it makes use of a National Flood Model.

The dwelling lies predominantly outside of present day flood risk extents, with marginal parts of the rear of the dwelling at Very Low Risk of Surface Water Flooding (set to increase to Low Risk between 2040-2060), and marginal parts of the rear and sides of the dwelling being at risk of flooding from rivers and sea in the future when accounting for climate change in the defended scenario.

No Flood Risk Assessment, nor Sequential Test, has been submitted. It is material that the site features an existing dwelling in almost the exact same location as the proposed. The existing is a 6-bed dwelling with three bedrooms at ground floor, whereas the proposal is a 5-bed dwelling with sleeping accommodation entirely and first-floor and above.

While no Sequential Test has been provided, it is material that a residential dwelling exists on site, and that the dwelling would benefit from modern construction methods and raise sleeping accommodation to first-floor and above. This would result in a likely more resilient structure and a lesser risk of residents being in harm's way during their sleep should a low probability flood event occur later in the development's lifetime when flood risk (and associated flood depths) is likely to increase.

The proposal represents a net improvement of on-site flood risk and while the proposal has not been supported by a Sequential Test or Flood Risk Assessment in conflict with ALP Policy W DM2, in this instance, neither are a reason for refusal.

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. FNDP Policy 10 states that proposals for development that are able to demonstrate that their sustainable drainage design features will be effective in managing the risk of surface water flooding within and beyond their boundary will be supported. Incorporating one or more of the following could help to meet this policy:

permeable driveways; water harvesting and storage features; green roofs; or soakaways.

The proposal is for a single replacement dwelling with no significant increase in footprint. It falls below the Local Planning Authority's threshold for requiring a surface water drainage scheme or associated consultation. Given the location, scale, and nature of the proposal, any surface water drainage management requirements would be dealt with at the Building Regulations stage.

ENERGY EFFICIENCY

ALP policy ECC SP2 requires all new residential and commercial 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. The inclusion of energy efficient materials such as double glazing is expected and would be controlled at the Building Regulations stage. To ensure that adequate decentralised, renewable, and low carbon energy supply systems are provided, a condition would have been attached to this decision.

Subject to the relevant condition, the proposal would be in accordance with ALP policy ECC SP2.

TRANSPORT AND PARKING

The proposal would replace the existing 6-bed dwelling with a 5-bed dwelling. In any event, the proposal would maintain the existing parking arrangements which are capable of accommodating 6+ cars to the front of the site and would reduce potential on-site parking demand.

As a 5-bed dwelling, cycle storage for a minimum of two bicycles could have been secured by condition in line with the Arun Parking Standards.

A single EV Charging Point could have been secured by way of condition to ensure accordance with the Arun Parking Standards and ALP policy T SP1.

The existing access arrangements are to be maintained and would not be impacted by the proposal. For a development of this scale, a Construction Management Plan would not be reasonable.

The proposal is in accordance with ALP policy T SP1, and if it had been approved, conditions would have been attached as set out above.

SUMMARY

By virtue of the substantial scale and massing of the dwelling, and its resultant prominence, the proposal would result in unacceptable harms to the rural, undeveloped character of the surrounding open landscape, the settlement gap, and the prevailing character of the adjacent residential development in conflict with ALP policies D SP1, D DM1, and SD SP3. There are no material considerations or public benefits that outweigh the identified harms and as such, the proposal 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 would have been CIL liable, therefore, developer contributions towards infrastructure would have been required (dependent on any exemptions or relief that may have applied).

RECOMMENDATION

REFUSE

- 1 By virtue of the substantial scale and massing of the dwelling, the proposal would result in unacceptable harms to the rural, undeveloped character of the surrounding open landscape and the prevailing character of the adjacent residential development in conflict with Arun Local Plan policies D SP1 and D DM1.
- 2 By virtue of the significant additional scale and massing of the dwelling, the proposal would significantly increase the prominence of urban development within the wider rural context, undermining the visual separation of the settlements to a limited degree, and to the detriment of the undeveloped character of the settlement gap and coast in conflict with ALP policy SD SP3(a) and (d).
- 3 **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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.