

Recommendation Report for Planning Permission

REF NO: K/16/19/PL

LOCATION: The New Stables
Kingston
BN16 1RP

PROPOSAL: Proposed single four bed dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a single storey bungalow. It will have 4 bedrooms, and is sited on a large, open field, currently used for the grazing of horses.
SITE AREA	N/A.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	1.3 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is bordered by a mixture of hedging and fencing on its Western, Southern and Eastern boundaries, the Northern boundary is open.
SITE CHARACTERISTICS	The site is an open area of rural land, used for the grazing of horses. It is served by a gravel track road off of an unlit country lane.
CHARACTER OF LOCALITY	The locality is considered to be a rural area, with three dwellings served by the same gravel highway.

RELEVANT SITE HISTORY

K/24/18/PL	Construction of 3x new stable units on a raised base of gravel, hardcore & bark	ApproveConditionally 08-10-18
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K/24/18/PL should be noted, as it was an application for the erection of three stable buildings on the land. These buildings were to be associated with the use of the land (for the grazing of horses).

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Kingston Parish Council

Objection:

- The site is within an area designated as countryside, and is outside of the Built up area Boundary.
- The proposed development would be detrimental to the rural character of the area both visually and to local fauna and flora.
- The proposed development is on Grade 1 agricultural land.
- This is an infringement of the Gap between Settlements, as it would compromise the integrity of the Gap.
- The loss of the Gap is harmful to the overall character of the area.
- There are no compelling circumstances to show that this development cannot be accommodated for elsewhere.
- The site is situated in an area prone to flooding.
- There is no immediate suitable access to the site.

East Preston & Kingston Preservation Society.

Objection:

- The application to build a large bungalow is wholly without merit.
- It would compromise the integrity of the Gap, and the natural beauty of the countryside.
- This represents speculative residential development, and is contrary to Development Plan Policies.

Ferring Conservation Group.

Objection:

- It is located within the 'East Preston-Ferring' Gap, without justification.
- The proposed house does not meet Arun's housing need, in that it is neither affordable, nor near an employment site.
- It is vital that this Gap not be eroded.
- The farmland is valuable, and should not be sacrificed.

Ferring Parish Council.

Objection:

- The Gap should be protected.
- There is no justification of the proposed housing in this location.

East Preston Parish Council.

Objection as per that of Kingston Parish Council.

1 letter of support:

- It is sympathetic in its design, and build materials.
- It will provide another home.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A.

POLICY CONTEXT

Designation applicable to site:
Outside of built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
LANDM1	LAN DM1 Protection of landscape character
SDSP2	SD SP2 Built-up Area Boundary
SDSP3	SD SP3 Gaps Between Settlements
TSP1	T SP1 Transport and Development

<u>Kingston Neighbourhood Plan 2014 Policy KPNP2</u>	BUILT-UP AREA BOUNDARY
Kingston Neighbourhood Plan 2014 Policy KPNP3	SETTLEMENT STRUCTURE & GREEN INFRASTRUCTURE
Kingston Neighbourhood Plan 2014 Policy KPNP7	DESIGN & DEVELOPMENT

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

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

Kingston Parish benefits from having a 'made' Neighbourhood Development Plan, of which, Policies KPNP2, KPNP3 and KPNP are considered to be relevant.

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 conflicts with relevant Development Plan policies in that it will have an unacceptable impact on the character and appearance of the area being sited in an open rural location within an established

Settlement Gap.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The key policy considerations in the determination of this application are considered to be SD SP1, SD SP2, C SP1 and SD SP3 of the Arun Local Plan (ALP) 2011 - 2031. Additionally, policies KPNP 2 and KPNP 3 of the Kingston Neighbourhood Development Plan,

The application site is situated outside of the built up area boundary (BUAB) as specified by policy SD SP2 of the Arun Local Plan, and KPNP2 of the Kingston Neighbourhood Development Plan, which seeks to focus development within the built up area.

Policy C SP1 of the ALP seeks to protect the countryside for its own sake and as such exerts strict control over development situated outside of the BUAB where it does not comply with other policies in the Arun Local Plan.

Due to the sites location outside of the BUAB the proposals would be in conflict with principles of policy C SP1 of the Arun Local Plan 2011 - 2031. However, an assessment of harm is required in order to determine whether the proposals affects the purpose of this policy to protect the character of the countryside. The proposal is not in accordance with any of the criteria that allows development to be permitted within the countryside, detailed in a-f of this policy. These comments are reflected when KPNP 2 is considered, in that this policy also seeks to protect the intrinsic character and beauty of the countryside.

The Annual Monitoring report, published on the 18th of June 2019, identifies the current five year housing land supply situation. The current housing land supply (with a 'policy off' position) is 4.7 years.

The National Planning Policy Framework (NPPF) provides information on the issue of the weight that can be given to the Arun Local Plan or 'made' neighbourhood development plans, where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. These details are set out in full in Paragraph 11(d), where it is stated that permission would be granted, unless there are any adverse impacts that would demonstrably outweigh the benefits.

In this instance the adverse impacts do demonstrably outweigh the benefits of the single housing unit proposed. These impacts are due to the harmful impact on the Settlement Gap, character of the rural area, and intrinsic character of the countryside.

DEVELOPMENT WITHIN THE SETTLEMENT GAP

Policy SD SP3 of the Arun Local Plan is entitled 'Gaps Between Settlements' confirms that the undeveloped space between East Preston and Ferring, is identified as a gap and will be protected to prevent the Parishes coalescing and retaining their separate identity. Policy KPNP3 of the Kingston Neighbourhood Plan also sets out criteria by which proposals within the Settlement Gap must comply with.

Development within the Gap will only be permitted if all relevant policy criteria is met including not undermining the existing identity/character of settlements and will not result in their coalescence. The

proposal is not considered to be in accordance with parts (a) & (b) of SD SP3 as it will compromise the integrity of the gap by undermining the visual separation of settlements in contributing to the built form within the gap. The proposal is also considered to conflict with KPNP3ii., iii. and viii. of the Kingston Neighbourhood Development Plan.

Part (c) of SD SP3, and KPNP(i) state that development would be permitted if there was evidence to suggest it cannot be located elsewhere. No justification is submitted to show that a single storey bungalow could not be accommodated within the built up area boundary, as opposed to within an established settlement gap.

It is not considered that the proposal would cause harm to the recreational access of the coastline, due to the separation distance between the application site and said coast. The proposal is not considered to have a significant impact upon the connections between the South Downs National Park (SDNP) and the coastline, nor its biodiversity, or the views towards the SDNP. With regard to the flood attenuation of the site, it is considered that due to the nature of the proposal, this could be covered under Building Regulations legislation.

DESIGN AND VISUAL AMENITY

The proposed dwelling is considered to have a detrimentally harmful impact on the character of the locality. This is predominantly due to its siting, introducing a built form into a rural area, as the proposed dwelling edges further into the open fields surrounding the locality.

Whilst it is noted that there is built form in the area (three dwellings, with associated outbuildings), this is not considered to change the character of the area to the degree that it could be considered to be residential, as opposed to rural. Additionally, the existing dwellings within the area are of a larger stature, and more agricultural in their appearance. Nevertheless, the introduction of any built form, let alone a large, squat, ill-proportioned bungalow, would be unacceptable in this location, due to its resultant character of the open, rural area.

The proposed development is considered to be in conflict with D DM1 of the Arun Local Plan, in terms of its design, and impact upon the character of the locality.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development will not have any significantly harmful impact upon the residential amenities of neighbouring dwellings. This is due to its single storey scale, and considerable separating distance from nearest dwellings.

Therefore, the proposed dwelling is not considered to be in conflict with D DM1(3) of the Arun Local Plan.

TRANSPORT AND PARKING

The proposed development is not considered to be in accordance with T SP1 (a), in that it is not considered to be designed to promote the use of sustainable models of transport i.e. those other than the motorcar. The nearest bus stop is approximately 500m to the North-West with access to it being from an unlit road with no pavement.

it is also in conflict with policy HWB SP1 a. of the Local Plan as it is not served by a safe walking and cycling environment therefore precluding physical exercise and associated good health.

TREES

There are no Protected Trees on the site, nor has there been demonstrated to be any works to the existing trees that border the site at current.

SUMMARY

The proposed development is considered to represent unacceptable residential development within the countryside, in an existing Settlement Gap. This will have an harmful impact upon the character of the wider locality, and the East-Preston - Ferring Settlement Gap. Therefore, the application should be refused.

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

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

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

RECOMMENDATION**REFUSE**

- 1 The proposed development is sited outside of the Built Up Area Boundary in an open and rural location within the East Preston and Ferring Settlement Gap. As a result of its scale and location the proposal will have an unacceptable impact on this open character and serve to encroach onto the settlement gap and thereby compromise its integrity and aim to prevent coalescence between the settlements of East Preston and Ferring in conflict with policies C SP1, SD SP3 and D DM1 of the Arun Local Plan and policies KPNP 2 and KPNP 3 of the Kingston Parish Neighbourhood Plan.
- 2 The proposed development will lead to an unacceptable increase in the use of fossil fuels and help to deteriorate the health and well being of the Districts population given that the site is not safely accessible to non motorised means of transport and does not provide a safe walking and cycling environment in conflict with policies T SP1 and HWB SP1 of the Arun Local Plan.
- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and 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 meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised

development.