

Recommendation Report for Planning Permission

REF NO: K/54/20/PL

LOCATION: Land East Of Kingston House
Kingston Lane
Kingston
BN16 1RP

PROPOSAL: Single storey 4 bed dwelling & stable block (resubmission following K/16/19/PL. This application is a Departure from the Development Plan & is in CIL Zone 3 & is CIL Liable.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a single storey 4 bed dwelling & stable block. The dwelling is sited on a large, open field, currently used for the grazing of horses.
SITE AREA	Approximately 1.41ha.
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. The site falls within the designated gap between East Preston and Ferring.

RELEVANT SITE HISTORY

K/16/19/PL	Proposed single four bed dwelling.	Refused 03-10-19 Appeal: Dismissed 31-03-20
K/24/18/PL	Construction of 3x new stable units on a raised base of gravel, hardcore & bark	ApproveConditionally 08-10-18

K/24/18/PL should be noted. 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).

K/16/19/PL should be noted, as it was for a single storey four bedroom dwelling. This application was

refused, then dismissed at appeal for the following reasons:

'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.'

'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.'

This application differs from the dismissed appeal in that the dwelling has been re-orientated and re-sited within the application site, with differing materials. Furthermore, measures have been taken to increase the bio-diversity of the site, by way of an orchard, rewilding of the site and beehives. These differences are not considered to be sufficient to overcome reason for refusal 1. The Inspector did not agree with reason for refusal 2 and found the location to be sustainable.

REPRESENTATIONS

Kingston Parish Council - Objection.

- None of the proposed changes mitigate the original objection to the application.
- The site is within the countryside, outside of the built up area boundary.
- The site is on Grade I agricultural land.
- The site is an infringement of the Gap between Settlements (East Preston to Ferring).
- The site is situated in an area subject to flooding.
- There is no immediate suitable access to public highway.

East Preston Parish Council - Objection.

- The settlement gap should not be eroded.

Ferring Parish Council - Objection.

- The site is outside of the built up area boundary.
- The proposal results in harm to the open and undeveloped character of the settlement gap.

East Preston and Kingston Preservation society - Objection.

- The application is outside of the built-up area boundary and within a settlement gap.
- The measures taken to mitigate the harm are not sufficient.

Ferring Conservation Group - Objection.

- There are no exceptional circumstances that would justify this development.
- The changes from previous refusal are purely cosmetic.
- The proposal will result in harm to the character of Ferring and the surrounding countryside.

2 letters of objection from nearby occupiers:

- The site is good quality agricultural land.
- The site is designated countryside.
- The proposal would set a dangerous precedent for development within the countryside and within the settlement gap.
- The site is prone to flooding.

- There is no immediate site access.

2 letters of support:

- The re-siting of the development addresses the harm to the area.
- The increase in bio-diversity and rewilding is positive.
- The appearance has been softened by the use of materials.
- The materials and use of car charging points show thought about the future.
- The apple orchard and beehives are positive additions to the proposal.
- The proposal would not have as much harm on the area as ASDA.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Comments made will be addressed in the conclusion section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection subject to conditions.

Ecology - Objection.

- No information has been submitted to allow the Ecology Department to form an opinion.
- Details should be submitted prior to decision.

WSCC Highways - No objection.

- The proposal would not give rise to a material increase in movements from the site.
- The proposed parking provision is sufficient.
- The proposal is within walking/cycling distance from local amenities.

COMMENTS ON CONSULTATION RESPONSES:

The lack of an ecological survey is noted and represents a reason for refusal.

POLICY CONTEXT

Designation applicable to site:

Outside built up area boundary

Within settlement Gap

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVSP1	ENV SP1 Natural Environment
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
ENVDM3	ENV DM3 Biodiversity Opportunity Areas

[Kingston Neighbourhood Plan 2014 Policy KPNP2](#)

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.

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 be weighed in the balance with the Development Plan.

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 Built Up Area Boundary the proposals would be in conflict with principles of policy C SP1 of the Arun Local Plan. However, an assessment of harm is required in order to determine whether the proposals affect the purpose of this policy to protect the intrinsic beauty 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 also apply to Kingston Parish Neighbourhood Plan Policy 2 which also seeks to protect the intrinsic character and beauty of the countryside.

The Council is currently unable to demonstrate a 5 year NPPF compliant Housing Land Supply (HLS) with the current supply at 3.3 years (as per the 2019/20 Annual Monitoring Report).

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 and character of the rural area.

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 the relevant criteria within the policy is complied with. Considering the location of the site, and the siting of the proposed development within the site, it cannot be considered that the application would result in any significant encroachment onto the settlement gap, nor result in detrimental harm to the open character of the gap. It is considered that due to the scale of the dwelling and the proposed mitigation methods, there will be no significant impact upon the context of the settlement gap, as the proposed dwelling would be screened from the locality itself. Furthermore, the visual separation between East Preston and Ferring and the separate identities of those respective communities would be maintained as a result of these factors. Therefore, the proposal would have no material effect on the integrity, and represents accordance with SD SP3(a), (b) and (d) of the Arun Local Plan.

Part (c) of SD SP3, and KPNP 2(i) state that development would be permitted if there was evidence to suggest it cannot be located elsewhere. It is noted that a very brief letter from a local estate agent has been submitted to allege that within the postcode there are no other sites to satisfy this need. However, this is wholly insufficient evidence to demonstrate that there are no other sites within the District, not just the area, that can accommodate this development.

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. As such, the proposal accords with LAN DM1 of the Arun Local Plan. 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.

The proposed relocation (turning the original dwelling by 45 degrees) and the change of proposed materials are not considered to acceptably ameliorate the negative impact of the dwelling upon the character of the area. The proposal remains the same size and design, an ill-proportioned squat bungalow within an area of intrinsic open beauty. The proposal is considered to result in harm to the character of the area by way of the introduction of substantial built form within an open rural area. The proposal is not considered to respect or enhance the distinctive rural character of the area, in conflict with section Q.01 (Rural Development) of the Arun District Council Design Guide which seeks to integrate rural development into its setting.

The development is not found to be sensitively and appropriately integrated into its landscape setting which forms the dominant character of the location, in this case open and unobtrusive. Whilst screening by way of planting is proposed this will not mature for a long period making the dwelling visible and alien within the open landscape.

The Arun Design guide will very shortly become part of the Development Plan framework when it is adopted by the Full Council.

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 was considered to be in a sustainable and accessible location by the Inspector under appeal reference APP/C3810/W/19/3242255, It is also not considered to result in any 'severe' impact upon the local highway network, as clarified by West Sussex County Council Highways Department. Furthermore, the proposal is considered to meet the parking requirements set out in the Arun District Council Parking Standards SPD.

ECOLOGY

Policy ENV DM3 of the Arun Local Plan states that development that does not demonstrate that it addresses locally valued and important habitats will not be permitted. The proposal has not adequately addressed these issues by way of an ecological survey and is therefore in conflict with policy ENV DM3.

SUMMARY

The proposed development is considered to represent unacceptable residential development within the countryside, in an existing Settlement Gap. This will have a harmful impact upon the established rural character of the area and the lack of evidence a single residential unit cannot be accommodated

elsewhere. 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 siting and location the proposal will have an unacceptable impact on the established character of the area. Furthermore, there has been no evidence submitted to demonstrate a single residential unit cannot be constructed elsewhere within the district. Therefore, the proposal is considered to conflict with C SP1, SD SP3(c) and D DM1 of the Arun Local Plan, and policies KPNP 2 and KPNP 3(i) of the Kingston Parish Neighbourhood Plan.
- 2 The proposed development does not include any details relating to surveys, or mitigation strategies relating to potential for protected species on the site. Therefore, it has not been demonstrated that the proposal will not harm to any potential protected species on site, or their environment in conflict with policy ENV DM3 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.