

REPORT UPDATE

Application No: P/66/26/PL

Reason for the Update / Changes

Reason for Update/Changes: Following the publication of the Officer Report, the revised version of the NPPF was published on the 17 August 2026. The revised NPPF has not materially altered the assessment of this application and the officer recommendation remains for approval subject to conditions.

One further representation has been received since the officer report was published from an existing objector. No additional material considerations were raised within the representation.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: P/66/26/PL

LOCATION: Land to the North of Nyetimber Forge
Barton Close
Pagham
PO21 4NH

PROPOSAL: Extension and retention of resurfacing of land to form a permeable gravel area and front boundary fence (resubmission following P/165/25/PL). This application may affect the setting of listed buildings and is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Part retrospective application for the extension and retention of resurfacing works. The applicant proposes to use the area as parking for residents/visitors of Nyetimber Forge. Fencing/landscaping works are proposed.
SITE CHARACTERISTICS	The land previously comprised vegetation and is between a car park serving The Lamb Inn and dwellings on Barton Close.
CHARACTER OF LOCALITY	Residential with The Lamb to the south west.

RELEVANT SITE HISTORY

P/165/25/PL	Replacement of muddy grass surface with fully permeable gravel, retention of natural drainage (no membranes or grid systems used), installation of cleft post-and-rail fencing with laurel hedge planting at the	Withdrawn 27-04-26
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frontage and installation of replacement 1.8m wooden boundary fencing to the remaining sides for screening and security. This application affects the setting of listed buildings and is in CIL Zone 4 (Zero Rated) as other development.

P/165/25/PL was withdrawn following land ownership concerns. There is an ongoing dispute with regards to land ownership. The applicant submitted a revised location plan with the current application which removes the land that was in dispute.

REPRESENTATIONS

Pagham Parish Council - No objection.

7 objections by/on behalf of two nearby occupiers and a Parish Councillor. Summary of objections:

- The land is not solely owned by applicant.
- The water course / ditch had its flow interrupted which will lead to winter or storm flooding.
- Pedestrian access has been obstructed and left in an unusable state.
- No softening planting or hedging has been installed.
- The entrance is awkward for traffic.
- Entrance has lost its country lane feel spoiling the aspect and access to many listed buildings.
- Concerns regarding the description of the development not fully reflecting the practical use of the site.
- Layout may not give sufficient space for vehicles to enter, park and leave site in a forward gear.
- Concerns regarding highway safety.
- Concerns regarding adequacy of submitted drawings.
- Inaccurate address and postcode.
- Concerns regarding traffic problems.
- Concerns regarding devaluation of properties.
- Concerns regarding contamination of land.
- Concerns regarding pedestrian and vehicle access and rights of way.
- Concerns regarding Biodiversity Net Gain.
- Concerns regarding loss of trees.
- Concerns regarding use of the land.

4 comments in support from nearby occupiers. Summary of comments:

- The work is a big improvement to the appearance and access to Barton Close.
- Entrance to Barton Close has been an eyesore for a while. Approval would allow for works to be completed.
- Massive improvement to the unkept weed and bramble infested area that it previously was.
- Confirm the area was used for parking by the previous owner and the reinstatement of a path would be extremely welcome as opposed to walking in the road. There are no flooding issues at that site.
- The area was a blind spot of overgrown shrubland with no path to walk on, causing cars and vans to enter the area outside Barton Forge with no idea if anyone was walking on the side or drive down.
- Since work started to clear this area a path has been installed and it is much safer. Appearance improvement.

COMMENTS ON REPRESENTATIONS RECEIVED:

Objections relating to land ownership and property devaluation are not material planning considerations. Officers are satisfied the applicant has amended the location plan and has excluded the land which is

under dispute and has signed Certificate A (to confirm ownership). There is no evidence to suggest the applicant has undertaken works to a watercourse/ditch, and the surrounding ditches are in the ownership of The Lamb Inn.

A site visit on the 12 June ascertained hedging on the front boundary had been planted and was maturing. Front boundary fencing is in situ.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No objection.

Nyetimber Forge is a Grade II Listed Building identified as dating to the C18.

The listed building is within the Barton Close Area of Character. It has a semi-rural character with a single track lane bordered by grass verges, established hedges and cleft oak fencing. The approach to Barton Close is enhanced by The Lamb Inn which contributes greatly to the area. The Smithy and Nyetimber Forge form attractive entrance buildings to the Close. The area includes the historically important Barton Manor.

The site forms part of the entrance to the lane and is visually prominent. It contributes to the setting of the listed building, providing the immediate foreground from which the principal elevation is experienced from the narrow lane.

The use of this area as a small parking area could be acceptable in principle. The application includes a lower, open post-and-rail frontage, which is a positive choice as it helps to retain a more rural appearance. However, the selected hedging species is not ideal in this prominent location. The use of a native species mix to the rear, which would screen taller fencing, is acceptable and would help the development integrate more naturally with the character of the lane and the setting of the listed building. This planting should be maintained so that it continues to provide a positive backdrop.

The proposal represents an improvement over the current situation, it remains disappointing that laurel hedging has been incorporated the scheme. The proposal would have a neutral impact on the significance of the listed building and the Area of Character (non-designated heritage asset).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Area prone to groundwater flooding.

Nyetimber Forge opposite the site is a Grade II Listed Building.

Barton Close, Pagham, Area of Character.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
HERDM1	HER DM1 Listed Buildings
HERDM4	HER DM4 Areas of Character

WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

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 complies with relevant Development Plan policies in that it would not result in demonstrable harm to visual amenity or residential amenity.

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.

CONCLUSIONS

This application seeks permission to retain some of the resurfacing works, and extend the resurfacing works to include a small area to the north west. The proposal seeks to retain and extend the open bar fencing along the front boundary of the site, and includes hedging adjacent to the fencing.

DESIGN AND VISUAL AMENITY

The development comprises the extension and retention of resurfacing works to the land to the north of Nyetimber Forge. The works included clearance of vegetation. Resurfacing works resulted in the laying

of gravel and open fencing on the front boundary which varies in height between 1m and 1.2m.

The site is adjacent to the overflow carpark serving The Lamb Inn which has the same fencing denoting the front boundary adjacent to the highway. Gravel is an appropriate material to formalise the parking arrangement opposite Nyetimber Forge, a Grade II Listed Building. Whilst the proposal has resulted in a more formal entrance to the street scene, this was partly in existence, given the use of fencing to both sides of the entrance denoting the boundary of the carparks serving the public house. The proposal includes hedging on the front boundary, softening the appearance of the works.

Given the use of similar fencing in close proximity of the site, the inclusion of hedging in the proposal and character of the wider street scenes with driveways serving the dwellings, the works, once completed, would not result in harm to the character or visual amenity of the street scene and are in accordance with Arun Local Plan (ALP) policy D DM1.

NEIGHBOURING AMENITY

Given the nature of the works and the proximity of the fencing to neighbouring properties, the development would not result in harm to neighbouring amenity by way of overshadowing, overbearing or overlooking impacts.

The site is used as a driveway serving Nyetimber Forge, and given the low key ancillary nature of the use, the proposal would not result in demonstrable harm by way of noise/disturbance to neighbours.

The proposal is therefore in accordance with ALP policy D DM1.

FLOOD RISK AND DRAINAGE

The site is in an area prone to groundwater flooding. It is not within a national flood zone.

Objections have been received relating to works to a watercourse. This does not form part of the application. The Council has no evidence to suggest a watercourse runs through the site. There are ditches and a watercourse adjacent to the site.

The resurfacing works utilised gravel, and the further extension would be finished in gravel. The materials are porous, and would not result in harm due to flood risk or drainage.

The proposal is in accordance with ALP policies W DM1 and W DM3.

HERITAGE

The site is in the Barton Close, Pagham Area of Character, a non-designated heritage asset. It is to the north of Nyetimber Forge, a Grade II Listed Building and a designated heritage asset.

The Area of Character has a semi-rural character with a single track lane bordered by grass verges, established hedges and cleft oak fencing. The approach to Barton Close is enhanced by The Lamb Inn which contributes greatly to the area. The Smithy and Nyetimber Forge form attractive entrance buildings to the Close. The pond in part of the grounds to Barton Granary (originating circa 1700) is an attractive focal point for the area. The area includes the historically important Barton Manor and related converted farm buildings, and other attractive buildings at the western end which contribute to the special character of the area.

NPPF paragraph 212 outlines that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater the weight). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

NPPF paragraph 216 states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The use of gravel and low, open post and rail fencing is appropriate and the native hedging to screen the higher areas of fencing to the rear is a benefit. The Conservation Officer has noted an overall improvement when compared to the pre-existing situation.

Given the use of appropriate materials and fencing, the proposal would not result in harm to the setting of the adjacent Grade II Listed Building or the Area of Character. The proposal is acceptable in this regard, in accordance with ALP policies HER DM1 and HER DM4 and the NPPF.

PARKING

The site would provide off street car parking for approximately three vehicles. Objections have been received in relation to highway safety and the use of the site for parking.

Whilst these concerns are noted, there are a number of driveways serving residential properties along Barton Close, in addition to the adjacent carparks serving the public house. The use of the site for parking serving Nyetimber Forge would not result in demonstrable harm to highway safety and the proposal is acceptable in this regard in accordance with the Arun Parking Standards.

SUMMARY

The proposal is in accordance with relevant ALP policies and is recommended for approval, subject to conditions and informatives.

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 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 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 Those parts of the development hereby permitted that have not commenced shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

- Location Plan.
- Amended Block Plan.
- Fencing Elevations.
- Additional Fencing Elevations.
- Heritage Statement.

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

- 3 The resurfaced area hereby permitted shall be used for the parking of private vehicles by the occupiers of Nyetimber Forge and visitors to the site, and for no other purpose.

Reason: To ensure the use of the land does not result in an increase in noise and disturbance to neighbouring residential properties, in accordance with Arun Local Plan policy D DM1.

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the NPPF.