

Recommendation Report for Planning Permission

REF NO: R/37/26/PL

LOCATION: Church of St Peter and St Paul
The Street
Rustington
BN16 3NL

PROPOSAL: Installation of photo-voltaic panels on the roof on south aisle and adjacent vestries. This application may affect the setting of a listed building and may affect the character and appearance of the Rustington Conservation Area and is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	The church is relatively unrestored, and the listing description helpfully identifies the development including the fact that the south arcade of the nave and the tower are late C12, (the battlements of the tower added in 1661). The chancel, transept and north aisle are C13, the north porch originally C13, but rebuilt in 1860. The west porch C14. It has a "Very good tower". It is considered to derive its significance from its architectural, historical, archaeological and communal interest.
CHARACTER OF LOCALITY	The conservation area covers the western end of The Street. This area contains the main concentration of Listed Buildings in the village. There are traces of a 16th Century building in Old Orchard House although the building is 18th Century. The walls of the village pound still survive in front of Pound Cottage. The Church of St. Peter and St Paul dates back to the 12th Century and part of it is constructed of Caen stone from Normandy. Rustington remained a small agricultural community until the end of the 19th Century when some development took place, but the most Intense period of development has been since the end of the First World War. 20th Century development now surrounds the original part of the village centre. Within the conservation area are both listed and locally listed buildings which contribute towards the significance of the conservation area.

REPRESENTATIONS

Rustington Parish Council - No objection.

Arun Conservation Area Advisory Panel - No objection.

1 letter of objection received:

- Solar array inappropriate for listed church.
- Viewable from taller buildings in the area.

20 letters of support received:

- Support for installing solar panels on suitable roof spaces.
- Generation of renewable energy.
- Panels are largely not visible and therefore do not harm the appearance, heritage value, or conservation status of the church or village.
- Proposal is sensitive, well-designed, and non-invasive, avoiding historic or prominent roof areas.
- Helps the church reduce energy costs, improve financial sustainability, and remain viable as a community asset.
- Adaptation of historic building.
- Aligns with net zero commitments including the Church of England's 2030 target.
- Positive example for other organisations to follow.
- Supports energy self-sufficiency.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER

The proposal is for the introduction of solar panels on the southern side of the church. The area covered by the proposal includes a parapet which restricts views of the roof and, as a result, the panels would be substantially, or potentially completely, hidden from view. They would be invisible from the public path to the south of the church, as well as from the path to the west.

The churchyard wall to the south, together with the mature tree belt to the west and south, reduces views of the church from these directions and ensures there are no long distance views that would reveal the uppermost parts of the aisle roof or the proposed panels.

I am therefore of the opinion that the proposed development would have a neutral effect on the significance of the church and the conservation area. The application is considered to not cause harm to the significance of the heritage assets or its/their setting.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Grade II Listed Building.

Conservation Area.

Archaeological Notification Area.

Tree Preservation Order.

Within Built-Up Area Boundary.

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

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 is considered to comply with relevant Development Plan policies in that the proposal does not result in harm the significance of designated heritage assets.

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.

Where the building is located in a Conservation Area, Section 71(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 of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

DESIGN AND VISUAL AMENITY

The proposal seeks the installation of a photovoltaic (PV) array consisting of 39 No. panels to the roof of the south aisle and adjacent vestries.

The PV panels would be 1762mm by 1134mm and 30mm thick. They will be sited on the gently sloping flat roof to the south aisle and the flat roof of the WC and vestry adjacent. The panels will sit on rails approximately 130mm above the existing lead roofs. Due to the high parapets, existing roof profiles, churchyard walls, and mature trees, the PV panels will be substantially or completely screened from public views.

Whilst solar panels are not a common feature in the vicinity, the introduction of the panels would not appear out of character or harmful due to their siting behind parapet walls. Arun Local Plan (ALP) policy ECC SP2 outlines that where planning permission is required to retrofit energy efficiency measures into existing development, schemes will be permitted, subject to the Design and Built Heritage policies. ALP policy ECC SP1 states that the Council will support development which is located and appropriately designed to adapt to impacts arising from climate change. The PV panels would reduce the Church's reliance on non-renewable energy sources. The orientation of the proposed siting of the panels on the roof would mean that sunlight can be optimally harvested.

Given the scale and nature of the proposal, the proposed solar panels would not result in harm to visual amenity and as such, are in accordance with Arun Local Plan policies D DM1, ECC DM1, ECC SP1 and ECC SP2 in regard to design and visual amenity.

NEIGHBOURING RESIDENTIAL AMENITY

By nature of their siting and unobtrusive appearance within the roof slopes and behind the parapet, the proposal would not have any impact by way of overbearing, overshadowing or overlooking to neighbouring occupiers.

The proposal is in accordance with Arun Local Plan policy D DM1 in regard to neighbouring residential amenity.

HERITAGE

The NPPF (2024) sets out several steps when considering impacts on heritage assets. Paragraph 207 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Paragraph 208 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal.

Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'. The applicant has provided a Heritage Statement which contains information in accordance with paragraph

207.

The proposed PV panels would be installed on the gently sloping flat roof of the south aisle and the flat roof of the adjoining WC and vestry. They would be mounted on rails approximately 130mm above the existing lead roofs. Owing to the presence of parapet walls, the established roof form, surrounding churchyard walls and mature landscaping, the installation would be substantially or entirely concealed from public viewpoints. They would not be visible from the pathways throughout the Churchyard.

The Conservation Officer has assessed the proposal and considers the development will not impact the setting of the listed building or conservation area, and as a consequence, there is no harm to the overall significance of the heritage asset. The proposal is therefore in accordance with Arun Local Plan policies HER DM1 and HER DM3 and the NPPF.

SUMMARY

The proposal is in accordance with relevant Arun Local Plan policies and is therefore recommended for approval, subject to the following 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 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

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 is not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted 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 and Block Plans 4385/2/01
Proposed Elevations, Roof Plan, Section 4385/2/03

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1, D DM4, HER DM1 and HER DM3.

- 3 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).

- 4 **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.