

Recommendation Report for Planning Permission

REF NO: WA/101/21/PL

LOCATION: Goose Green
Hoe Lane
Walberton
BN18 0LQ

PROPOSAL: Replacement Farmhouse with Farm Office and Garage, extension of existing stable building, replacement Sand School and associated hard and soft Landscaping and replacement mixed use barn and internal trackway. This application affects the setting of a listed building and the site is in CIL Zone 3 and is CIL Liable as replacement dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application includes:

- Replacement Farmhouse, including farm office and garage. The proposed dwelling would be detached, two-storey, and have 3 bedrooms and an attached 2 bed annexe. It would be constructed of handmade clay tiles with bonnet hip tiles and lime mortar and leadwork detailing including flashings and parapet cappings. Walls and cladding in Fittleworth stone incorporated as decorative panels to the main house with brick dressings and quoins used to window and corners with knapped flintwork feature to the plinth of the entrance porch and to the rear single storey garden room. Natural timber cladding will also be utilised.

The residential curtilage of the site is approximately 3000m². The proposed dwelling footprint including the attached annexe is 332.5m². This represents an increase of 26% compared to the existing dwelling. The proposed footprint equates to an 11% coverage of the residential area of the site.

The proposed double garage with car port provides covered space for 3 vehicles, storage of 6 cycles and a covered area for the storage of refuse and recycling.

- Replacement Barn.

The proposed barn has a simple, open plan layout and a footprint of 96m². The barn will be served by doors opening onto the proposed turning area in front of the building. The barn will provide space for up to 4 larger vehicles and equipment associated with the management of the land. It will also provide space for storage of materials and an area which may be used as a workshop space as and when required.

- Extension of the existing stable building.

The extended stable building will provide five standard sized stable stalls (3.8m x 3.6m) and two larger units for foaling or larger horses (3.8m x 5.2m). The proposed footprint of the stable building is 232m² which represents an increase of 24.5m² or 12% compared to the existing stable complex. The stable extensions are of traditional design and will provide a suitable environment for the applicant's horses as well as storage space and welfare facilities. Two central walkways will also allow for ease of handling and regular maintenance operations such as mucking out, cleaning down and re-bedding of the stables. The larger stables which may be used for foaling are located towards the main dwelling house and with additional access to the main courtyard.

- Replacement and relocation of the existing equestrian sand school. The proposed replacement sand school measures 60 x 40m and will be 1 ½ times larger than the existing facility.
- Associated equestrian facilities including horse walker,
- Replacement of an internal vehicle track and new parking / turning area,
- Soft landscaping and screening including 120m of native hedge and restoration of a further 150m to the perimeter of the site.

SITE AREA	0.9 acres.
TOPOGRAPHY	Predominantly flat.
TREES	Existing mature trees and substantial conifer hedgerows to the North and West of the site.
BOUNDARY TREATMENT	Fencing and hedging.
SITE CHARACTERISTICS	The site comprises the existing empty farmhouse, various associated outbuildings and a sand school (generally in poor condition). Several paddocks and 3 existing buildings are associated with equestrian use. An existing hard surfaced vehicular drive provides direct access onto Hoe Lane. An internal concrete track then links this to the existing stable complex. This main entrance facilitates access to a wide network of bridleways and public rights of way in Binsted and the surrounding area.
CHARACTER OF LOCALITY	The site lies to the south end of Binsted and is located on the east side of Hoe Lane in a predominantly rural area. Several small holdings are located close to the application site.

RELEVANT SITE HISTORY

TR/4/85	Conservatory Bathroom Lounge And 2 Bedroom Extension	ApproveConditionally 13-03-85
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TR/5/56/E	Outline For Bungalow For Kennelmaids	ApproveConditionally 15-06-60
TR/8/76	Alterations And Singel Storey Extensions To Existing Property Comprising Sun Lounge Kitchen And Double Garage	ApproveConditionally 21-07-76

REPRESENTATIONS

Walberton Parish Council - Support.

The ecological impact results in an increase in biodiversity and hedgerow provision, consistent with Arun Policy ENV DM5, and Walberton Neighbourhood Plan Policies VE3 and VE10.

The improvement of an equine business is consistent with Walberton Policy CL1 and the principle of supporting the equine in the Neighbourhood Plan. This is also reflected in Arun Policy EQU DM1.

It is suggested that conditions may be considered regarding the application including no significant increase in horse box traffic generated along Binsted Lane and the commercial use of the development should be limited to the equine business.

One Support.

- This is an excellent addition to the area.

- Having a house looked after and back up and running as a real equestrian property is lovely to see.

COMMENTS ON REPRESENTATIONS RECEIVED:

The conditions requested by the Parish Council are not reasonable.

Horse box traffic along Binsted Lane is not only impacted by the proposed development, but also by other dwellings/farms along the road. Any restriction via a condition would not be precise or enforceable.

The use relates to the provision of a farmhouse and restricting the commercial use to equine uses only would not accord with the potential agricultural use of the land and would remove a use that can be undertaken from the site without planning permission. Other uses from the site which are not ancillary are likely to require planning permission in their own right so a condition in respect of uses is unnecessary.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

West Sussex Fire and Rescue - requirement of an additional fire hydrant. Currently the nearest Hydrant to the proposed replacement Farmhouse with Farm Office and Garage and extension of existing stable building is 230 metres away. The supply of water for firefighting for a commercial premises should be within 90 metres and domestic premises should be within 175 metres.

County Highways - No Objection.

Whilst the driveway will be upgraded, no access changes with Hoe Lane are proposed. Sufficient parking and turning will be provided within the site. The increase in stable space and sand school size is not

anticipated to result in a 'severe' increase in vehicle movements to and from the site.

Ecology Officer - No Objection.

Following submission of Ecological Impact Assessment (Oct 2021), the mitigation proposed would be suitable and should be conditioned. The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place. Suitable alternative roosting provision should be installed on the new dwelling or a tree onsite facing south/south westerly positioned 3-5m above ground. As per the EIA (Oct 2021) new feeding/perching opportunities should be included in the new extended stable and conditioned. Nesting provision should be installed on site for little owls, swallows, house sparrows and hedgehogs. Conditions should also be imposed relating to provision for reptiles, great crested newts and biodiversity enhancements.

Drainage Engineer - No Objection.

Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside 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
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
EQU DM1	EQU DM1 Equine Development
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
TSP1	T SP1 Transport and Development
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
WDM1	W DM1 Water supply and quality
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

EMPDM1 EMP DM1 Employment Land: Development Management
 EMPSP1 EMP SP1 Strategic Economic Growth

[Walberton Neighbourhood Plan Policy 2019-2031 7](#) Biodiversity Corridors
[VE10](#)

Walberton Neighbourhood Plan Policy 2019-2031 VE3 Protection of Trees and Hedgerows

Walberton Neighbourhood Plan Policy 2019-2031 VE7 Surface Water Management

Walberton Neighbourhood Plan Policy 2019-2031 VE8 'Unlit village' status

Walberton Neighbourhood Plan Policy 2019-2031 VE9 Rural Buildings

Walberton Neighbourhood Plan Policy 2019-2031 HP1 Built up boundary (BUAB)

Walberton Neighbourhood Plan Policy 2019-2031 HP13 Design Guidance

Walberton Neighbourhood Plan Policy 2019-2031 GA5 Traffic Management

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 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 policies contained within the Walberton Neighbourhood Plan (made 2021) are relevant in the determination of this application.

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 conflict with Arun Local Plan policies SD SP2 and C SP1 and Walberton Neighbourhood Plan policy HP1, which state that development should be focussed within the Built-Up

Area Boundaries, and will not be permitted in the Countryside, unless it meets certain tests which would justify countryside development. The proposals would not meet any of these policy tests.

However, in this case, there are material considerations to be weighed in the balance in terms of the conflict with the Development Plan and which indicate that a determination can be made otherwise than in accordance with the Development Plan. These material considerations are as follows:

- The existence of a dwelling on the site already and the fact that this proposal is for a replacement dwelling which would be in keeping with the character and appearance of the area.

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.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the setting of the Grade II Listed Building.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

BACKGROUND

The application seeks to replace and improve the existing accommodation to suit the growing needs of the applicant's family (which comprises 3 generations) and support their rural businesses as part of their working farm and equestrian activities. The existing farmhouse and outbuildings have not been maintained and are in poor condition with some elements failing or requiring renewal in the short term. The house is not considered fit for purpose.

The proposal also seeks to improve the existing equestrian facilities through the extension of the existing stable building and the consolidation of the existing complex of equestrian buildings. A replacement 'fit for purpose' sand school with additional training facilities including a horse walker is also required to ensure that riders and horses are well trained and in a fit and healthy condition.

PRINCIPLE

Having regard to Policy SD SP2 of the adopted Arun Local Plan, and Policy HP1 of the 2021 Walberton Neighbourhood Plan, the site lies outside the Built Up Area Boundary of Walberton (within which development should be focused) and instead is defined as being located in the countryside under the provisions of Policy C SP1 of the adopted Arun Local Plan, where development will only be permitted for a defined list of countryside uses.

Policy HP1 of the Walberton NP relates to the Built Up Area Boundary (BUAB) and states proposals for development outside of the BUAB, that do not accord with the development plan policies in respect of the countryside, will be resisted unless it is for essential utility infrastructure.

The proposed dwelling does not meet any of the exception tests to justify countryside development. According to policies in the Development Plan, the proposal for development in this location is therefore unacceptable in principle and would conflict with ALP policies SD SP2 and C SP1 and WANP policy HP1.

Despite conflict with these Development Plan policies there are material considerations which warrant a determination being made not in accordance with the Development Plan.

As such, the principle of development in this location is on balance accepted, subject to consideration against all other relevant Development Plan policies.

VISUAL AMENITY

Policy D DM1 and D SP1 of Arun Local Plan (ALP) states that planning permission will be granted where development meets amongst other criteria, the highest standards of design, providing a high-quality living environment in keeping with the character of the surrounding area. The Arun Design Guide suggests development in rural areas respects and enhances this distinctive rural character. The replacement dwelling would have a larger footprint and a greater mass at first floor level in comparison to the existing dwelling. The design of the building is very traditional and seeks to retain some design cues of the host dwelling including the use of sloping and hipped roofs, which reduce the visual bulk of the dwelling. Further, the overall height of the building is slightly lower which reduces its visual impact. A new farm office increases the size of the dwelling and is located towards the main entrance of the property. This allows for the office element of the building to operate a separate access for visitors and clients and is reasonable in terms of its overall size to support the business side of the proposal. It appears stepped-down, and subservient to the built form, and use of the host dwelling.

The replacement building is located slightly further into the site and re-orientated and the layout, style and appearance has been designed to emulate a traditional farm complex with a hierarchy of materials used to help provide additional texture and visual interest.

Although the resultant property would be larger and of a different appearance to the existing dwelling, the surrounding area consists of properties of varying scale, form, style and design and, as such, the replacement dwelling would not appear out of character within the local area. There are trees and planting surrounding the property which provide screening and views from in the street scene toward the site and property are largely restricted. The new building would successfully integrate with the surrounding environment. The proposed materials are traditional and in keeping with the rural setting. Given the varied architectural styles, designs and materiality of other properties in the surrounding area, and the limited visibility of the property in the site, it is not considered to adversely impact visual amenity area. It is recommended a condition is applied requiring details of the materials. Whilst the replacement dwelling would be re-positioned further into the site there is no adjoining neighbouring property to indicate an established building line, and given that the new building would still be well set back from the entrance from the Lane and is screened by vegetation, the siting of the new building is considered acceptable and would be less visible when being approached from the access lane than the current building.

The replacement dwelling and garage would have an acceptable impact on the visual amenity and character of the area, and would accord with the NPPF, ALP policies D SP1 and D DM1 and policy HP13 of WANP.

RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

Although larger than the existing, it would not result in any significant loss of outlook or light to neighbouring properties, due to the significant separation distances to the site boundaries. The nearest residential property lies at a distance of 60m from the proposed dwelling. Further, mature boundary foliage screens any potentially harmful views which may result in a harmful loss of privacy.

The development is not considered to harm neighbouring amenity by way of overbearing, overshadowing or overlooking and would accord with the NPPF and ALP policies D SP1, D DM1 and QE SP1.

QUALITY OF ACCOMMODATION

ALP policy D DM2 requires internal spaces to be of an appropriate size and advises that the Nationally Described Space Standards provide guidance. The national space standards advise that for a 2 storey, 5 bedroom home, the minimum Gross Internal Area (GIA) is between 110-128sqm (with 3.5sqm built-in storage). The floor plans show a GIA of approximately 360sqm (excluding the annexe which is 105sqm) and would include adequate built-in storage. The proposals would exceed the national internal space standards and would provide internal space of an appropriate size, as required by ALP policy D DM2. The accommodation would be well laid-out with good levels of natural light and would provide a good standard of living accommodation for future occupants.

Whilst the Council does not have specific external space standards, the supporting text to ALP policy D DM2 refers to the emerging Arun Design Guide SPD (due to be adopted 2020), which will include guidance on external space standards, and requires that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. Although the built footprint of the replacement dwelling would be larger than the footprint of the existing, much of the garden land would be retained, and it is a spacious plot, with gardens to the front, side and rear. There would be outdoor amenity space of a good size and quality to serve future occupants of the dwelling, in accordance with the NPPF, ALP policy D DM2, the Arun Design SPD.

Bin storage (for refuse/recycling) is shown on the plans in accordance with ALP policy WM DM1 which requires that development is designed to ensure kerbside collection is possible for municipal waste vehicles.

SUSTAINABLE CONSTRUCTION

The proposals strive to achieve high standards in terms of environmental sustainability and adaptability. Policy ECC SP1 of the Arun Local Plan states that the Council will support development where it can be demonstrated to positively respond and appear adaptable to climate change. The proposal aims to support high standards of environmental sustainability across all elements of the scheme, and as such the planning statement refers to inclusion of the following:

- High levels of insulation to the dwelling floors, walls, roof and windows.
- Micro-generation of electricity produced using photovoltaic array mounted on the roof of the dwelling with principal heating for the house via a ground source heat pump.
- Low energy services including all LED lighting internally.
- The proposal will exceed current Building Regulations standards in terms of thermal insulation including triple glazing,

- In addition to the sustainable ground source heating, a wood burning stove and low energy services (including all LED lighting and A+ rated appliances) will be installed.
- An electric car charging point will be located within the garage and storage for 6 cycles.
- Water efficient fittings will be installed throughout the property including low flush W.C's with a max. 110 litres of water use per person per day.
- Drainage of surface water will use a sustainable drainage system ('SuDS') approach notably by any run-off being channelled into a soakaway within the garden area.
- The location of the site is inherently environmentally sustainable when considering its use. The site has good accessibility to the existing fields and network of bridleways which are well suited for the use. The replacement of the sand school with a 'fit for purpose' alternative will also reduce the number and frequency of horsebox and vehicular journeys currently required for training. All of these measures will promote environmental sustainability and reduce carbon emissions in line with National and Local Planning Policy.

The provision of these measures will be controlled by the imposition of a condition requiring 10% on-site generation from renewable or low carbon energy generation, plus the fabric first approach. This will ensure the proposals are sustainable and help to manage climate change, in accordance with the NPPF, policies ECC SP1 and ECC SP2 of the ALP.

HIGHWAYS AND PARKING

T SP1 states proposals must incorporate appropriate levels of parking taking into consideration the impact of development on on-street parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards provision of a joined-up cycle network and Public Rights of Way network.

Policy GA5 of Walberton Neighbourhood Plan requires that proposals that significantly increase the level of traffic within the villages will be resisted particularly in the case of HGV movements to reduce rat-running which diminishes the quality of the housing and the wellbeing of residents.

Given the proposal is for a replacement dwelling, this proposal is not anticipated to result in a material intensification of use to Hoe Lane or the wider road network. A replacement driveway is proposed from the site entrance to the main farmhouse, garage and mixed-use barn. This driveway will be formed of a permeable stone finish. There is sufficient space for vehicles to turn on site and exit in forward gear. WSCC Highways raised no objection in terms of impacts of the proposals on highways safety or the operation of the highway network.

The ADC Parking SPD requires a minimum of 3 car parking spaces on site for a 5 bedroom home in this type of location (Parking Behaviour Zone 2). The forecourt in front of the garage will provide parking for 4 vehicles in connection with the residential dwelling and farm office. In addition, the garage will provide parking for 3 further vehicles and 6 cycles. The Arun Parking SPD states that garages will be counted as 0.5 of a parking space, taking account of the fact they are often used for storage. Notwithstanding this, there is sufficient space for the provision of at least 4 parking spaces as required by the ADC Parking SPD. In accordance with the SPD, Electric Vehicle Charging Point provision should be provided. Details of the EVCP provision are to be secured by conditions.

The ADC Parking SPD requires a minimum of 2 cycle parking spaces on site to serve a 5 bedroom home. Covered and secure cycle parking provision for 6 spaces is provided. A condition will be applied to secure this.

Subject to conditions, the proposals would have an acceptable impact on highways safety and parking provision, in accordance with the NPPF, ALP policies T SP1 and T DM1, WANP policy GA5 and would

accord with the Arun Parking SPD.

EXTENSION OF SAND SCHOOL AND STABLING

The existing equestrian buildings are in a tired condition or reaching the end of their useful life expectancy and will shortly require renewal. The existing facility currently provides 6 stable stalls which are unsuitable and an inefficient configuration. The applicant has stated that a further 2 stables are required to support the existing need. The main applicant is a senior British Show Jumping member operating at high level within the sport and in training towards international competition standard. It is stated that the existing sand school is of a small standard size, unsuitable for show jumping and is wholly inadequate for the required Grand Prix course arrangement (comprising 16 obstacles). In consequence the existing facility is currently holding back personal training and the business growth of MGC Equine. The applicant has also begun breeding horses to improve the quality of the jumping horses over the longer-term future.

Policy C SP1 of the Arun Local Plan supports development in the countryside where it accords with certain criteria. The proposed works to the stable building and the other equestrian facilities are considered to accord with criterion (f) of this policy, as the proposal can be considered to be in accordance with other policies within the plan which relates to a specific use or type of development. In this case, policy EQU DM1, which relates to Equine Development would apply.

The proposal is compliant with policy EQU DM1 of Arun Local Plan in that it will make use of an existing building and ensure that new buildings and structures are of a high standard of design and satisfactorily blend into the landscape in terms of their siting, design and materials. The stable block is being extended, rather than knocked down to be replaced. The extensions have been designed to reduce the potential sprawl of the stable buildings and are of a visual form which seeks to integrate with the existing building. The proposal will not have any significantly harmful impact upon the local landscape character as a result of its siting, design and materials. The stable building is sited over 80m from the street scene of Hoe Lane, and its closest boundary is to the North, which is bordered by large, mature foliage. The sand school, whilst covering a large surface area, is not of a significant built form.

The proposal is also well related to the existing bridleway network which is unaffected by the development proposal and the associated access and parking is acceptable. Taking account of other facilities in the area, the cumulative impact of the development would not have an adverse impact on the character, appearance and amenities of the area. Whilst there is likely to be an increase in the level of activity, when assessed against the existing facilities operating at full capacity, this would not be increased to such a level that would result in harm to amenity or character.

The proposal will not result in any harmful impact upon the water quality of the area and sufficient land is available for grazing and exercise where necessary to prevent overuse of the land. Each horse will have sufficient area to graze, and to prevent overuse of specific areas of the site. The applicant rents adjacent land to ensure adequate paddock space is available.

The proposed extensions and alterations to the stable building are compliant with policies D DM1 and D DM4 of the Arun Local Plan.

The proposed relocation and enlargement of the sand school will not form a significant landscape feature within the locality, as a result of the lack of built form associated with this use.

The proposed replacement barn is of a traditional style, with simple gable ends, and a shallow pitched roof. Whilst the height of the barn is noted, it can be seen to be necessitated by the need for access by large vehicles. Furthermore, as a result of the use of timber framing and other natural materials, and the

significant boundary treatment present at the site, the proposed barn cannot be considered to result in any harmful impact upon the character of the immediate, or wider locality.

EMPLOYMENT

The proposals will reflect the local aspirations for employment as outlined in the Walberton Neighbourhood Plan and support sustainable employment opportunities in a rural area (Local Plan EMP SP1 - Strategic Economic Growth). The applicant's family also farm the adjacent 200 acres as a working farm and the proposals will contribute to Local Plan Policy EMP DM1 which requires protection and enhancement of existing employment sites and premises and supports proposals for rural enterprises within established agricultural holdings. The proposal will provide for the sustainable diversification of the farming activities and re-use of existing buildings to the wider benefit of the rural economy.

HERITAGE CONSIDERATIONS

Policy HER SP1 seeks to conserve the historic environment through protecting designated and non-designated heritage assets. It states that developments that prejudice the conservation of the assets or their setting will be refused. Policy HER DM2 outlines how the Council will seek to protect and enhance the setting of listed buildings.

Paragraph 197 of the NPPF requires decision taking to take account of the desirability of preserving the significance of a heritage asset and the positive contribution that the conservation of the asset can make to sustainable communities. Paras 199 - 200 set out how the significance of an asset will be assessed and para 201-202 confirm how harm to assets will be quantified.

The neighbouring property to the west, Thatched Cottage is Grade 2 Listed. The application is supported by a Heritage Statement as required by paragraph 194 of the NPPF. Although the bulk of the building is increasing, its height is not being altered and the building will be set deeper within the site when compared to the existing dwelling. This will reduce any potentially harmful impact of the dwelling upon the nearby designated heritage asset, in accordance with HER DM1 of the Arun Local Plan. A gap of 55m is provided between the properties (an increase of 16m) and the new dwelling is angled in relation to the listed dwelling rather than facing it. The replacement is located the same distance as the existing barn, 36m from the listed property. Established evergreen trees and vegetation also separate the site on its west side from 'The Thatched Cottage' which is located on the other side of Hoe Lane. These features provide a natural buffer.

Overall, the proposal will preserve the significance of the identified Heritage Asset and causes no harm in accordance with paragraph 197 of the NPPF. Through the proposed repositioning of the dwelling the proposal enhances the setting of the Heritage Asset when compared to the existing development on the site.

DRAINAGE

The site is in Flood Zone 1 (low risk of flooding). The proposal is on the edge of Lisdsey catchment area but is not connected to foul mains. The proposal will incorporate use of SUDS and there would be no net increase in surface water runoff in accordance with policy W DM3 of Arun Local Plan and Neighbourhood Plan Policy VE7. The drainage of the site will be controlled by Building Regulations and there is no need for control by planning conditions. The Council's Drainage Engineers have no objection to the proposal.

The proposals would have an acceptable impact on flood risk and surface water drainage, in accordance with the NPPF, ALP policies W DM2 and W DM3, and WANP policy VE7.

TREES

There is hedging to the perimeter of the site. Tree retention should be indicated within the conditioned landscaping details. Any agreed removed trees should be mitigated for allowing for inclusion of native species for biodiversity purposes and fitting to the setting. Subject to planning conditions, the proposals would adequately protect trees and vegetation, in accordance with policy ENV DM4 of the ALP and policy VE3 of WANP.

ECOLOGY

Policy VE10 of the Walberton NP relates to biodiversity corridors which states proposals that have a positive impact on the local ecology will be encouraged, subject to other policy constraints. Policy ENV SP1 of Arun Local Plan confirms that Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species. Policy ENV DM5 of the Arun Local Plan seeks a net gain in biodiversity.

An Ecological Impact Assessment and a Bat Roost and Ecological Appraisal have been submitted. The Council's Ecology Advisor has been consulted. They recommend a number of conditions to secure details of any external lighting scheme (to protect bats), require gaps in hedges to be infilled and a buffer strip around hedges during construction (to protect bats and other wildlife), site works to take place outside the wild bird breeding season or if they are required during this time for an ecologist to undertake checks 24 hours before site works commence, for bat brick/bird box to be installed, and for the biodiversity enhancements set out in the Ecological Impact Assessment to be undertaken.

Subject to conditions, the proposals would adequately protect ecology and result in net biodiversity gains, in accordance with the Environment Bill, the Wildlife and Countryside Act, policy ENV DM5 of the ALP, and policy VE10 of the WANP.

SUMMARY

Due to the location in the Countryside and failure to meet any of the exception tests, the proposal is in conflict with ALP policies SD SP2 and C SP1 and ANP policy EH1. However there are material considerations, in this case the fact that the dwelling replaces an existing dwelling of a similar siting and scale, and the 'fall-back' position of the existing permission to extend the property which, despite the conflict with policies SD SP2, C SP1 and EH1, would warrant a decision otherwise than in accordance with the Development Plan. The proposals accord with all other relevant Development Plan policies having an acceptable impact on visual and residential amenity, highways and parking, drainage, minerals, archaeology, trees, ecology, and would provide a good quality of living accommodation for future occupants.

The application is approved subject to the following conditions.

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

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 CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

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:

- Existing Site and Location Plan - GG.1098-00 rev C
- Proposed Site Layout Plan - GG.1098-01 rev C
- Existing House Ground Floor Plan - GG.1098-02H
- Existing House First Floor and Roof Plan - GG.1098-03H
- Existing House Front and Rear Elevations - GG.1098-04H
- Existing House Side Elevations - GG.1098-05H
- Proposed Farmhouse Ground Floor Plan - GG.1098-06H rev C
- Proposed Farmhouse First Floor Plan - GG.1098-07H rev C
- Proposed Farmhouse Second Floor Plan - GG.1098-08H rev B
- Proposed Farmhouse Roof Plan - GG.1098-09H rev B
- Proposed Farmhouse Front and Rear Elevation - GG.1098-10H rev C
- Proposed Farmhouse Side Elevations - GG.1098-11H rev C
- Proposed Garage Plans and Side Elevations - GG.1098-12H rev A
- Existing Stable Plans and Section - GG.1098-02S rev A
- Existing Stable Elevations - GG.1098-03S
- Existing Stable Plans and Elevations - GG.1098-04S

- Existing Stable Store Plans and Elevations - GG.1098-05S
- Proposed Stable Plans and Sections - GG.1098-06S rev C
- Proposed Stable Elevations - GG.1098-07S rev C
- Existing and Proposed Stable Rear Elevation - GG.1098-08S rev B
- Existing Mixed Use Barn - GG.1098-09S
- Proposed Mixed Use Barn - GG.1098-10S
- Proposed Landscaping Plan - GG.1098-02L

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

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and character of the area and by endeavouring to achieve a building of visual quality in accordance with policies D SP1 and D DM1 of the Arun Local Plan.

- 4 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable in the form of an Energy Statement of how this is to be achieved (including details of physical works on site, sustainable construction methods, energy conservation and energy efficiency measures and renewable energy sources), shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy, reduce energy use, and ensure the development is sustainable, in accordance with national planning policy, and in accordance with Policies ECC SP1 and ECC SP2 of the Arun Local Plan.

- 5 No part of the development shall be first occupied, until the provision of facilities to enable the charging of electric vehicles has been installed for the car parking spaces. The charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and there is a requirement to mitigate against any potential adverse impact of the development on local air quality, and to encourage sustainable transport options, in accordance with policies QE DM3 (c), T SP1 and T DM1 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 6 No part of the development shall be first occupied until the covered and secure cycle parking spaces have been provided. The spaces so provided shall be maintained in perpetuity.

Reason: To provide alternative travel options to the use of the car, in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 7 No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed and maintained thereafter in accordance with the approved scheme.

Reason: To protect the character of the countryside and its dark skies and for the protection of the amenity of neighbours and local wildlife including bats, in accordance with policies D DM1, LAN DM1, QE DM2 and ENV DM5 of the Arun Local Plan.

- 8 The development shall proceed in accordance with the mitigation detailed in the Ecological Impact Assessment (Oct 2021). All post construction mitigation shall be provided within 3 months of occupation of the dwelling.

Reason: To protect local wildlife, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 9 Prior to first occupation, nesting provision shall be installed on site for little owls, swallows, house sparrows and bats in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To enhance the environment for local wildlife and result in net biodiversity gain, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 10 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 11 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 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 National Planning Policy Framework.

- 12 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.