

**Recommendation Report for Listed Building Consent for Alterations, Extension or Demolition of a
Listed Building**

REF NO: WA/108/25/L

LOCATION: Tennis court, Avisford Park Hotel
Yapton Lane
Walberton
BN18 0LS

PROPOSAL: Listed building consent for the installation and operation of ground mounted solar array, with 308 panels, associated batteries and inverters and connection into existing building including extension of wire mesh fence.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to install ground based solar panels and associated works within an existing unused tennis court.
TOPOGRAPHY	Predominantly flat.
TREES	No trees will be affected by the proposal.
BOUNDARY TREATMENT	There is a large hedge that runs adjacent to to the tennis court and car park/hotel.
SITE CHARACTERISTICS	The site is occupied by a detached two storey building which is currently a hotel, with a long driveway. It is on large grounds which has a 18 hole golf course, indoor pool, spa facilities etc.
CHARACTER OF LOCALITY	The character of the area is predominately semi-rural residential.

RELEVANT SITE HISTORY

WA/107/25/PL	Installation and operation of ground mounted solar array with 308 panels, associated batteries and inverters and connection into existing building including extension of wire mesh fence. This application is a Departure from the Development Plan, may affect the setting of a listed building and is in CIL Zone 3 (Zero Rated) as other development.	ApproveConditionally 18-03-26
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A corresponding planning application has already been approved.

REPRESENTATIONS

Walberton Parish Council stated objection:

- This application will reduce such local recreational and sports amenities.

- A solar farm is out of character in the locality and is not harmonious or pleasant.
- The solar farm will ruin the local views from the golf course and from a heritage asset.
- Noise and disturbance resulting from use.
- Detrimental effect on a listed building and its setting.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

The tennis court is not available for public use and is a private tennis court for use of by hotel occupiers only. The proposal would not result in a loss of local facilities.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - The development will not impact the setting of both of the listed buildings (Avisford Park Hotel and The Lodge), and as a consequence, there is no harm to the overall significance of the heritage asset.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Outside built up area boundary.
Grade II Listed Building.
Area of Special Advert Control.

DEVELOPMENT PLAN POLICIES

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

HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

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, 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 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 complies with these criteria in that will not materially affect the character or the setting of the Grade II Listed Building or 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

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 panels would be positioned behind a fence and mature planting, ensuring that they would not be visible in views towards the listed building. However, this relies on the existing hedging being retained. The hedging is outside of the red edge and therefore is not something that could be retained by condition.

The cable route has been designed to avoid impact on historic fabric, being located to the rear of the building and routed through the covered walkway which was constructed in the 1990s. The cable would enter the building via what appears to be a small, fixed point at the rear, leading into a plant room. Both the route and the entry point are acceptable in this instance.

The tennis courts upon which the proposed solar array are to be situated are also later addition to the hotel, being constructed in 1976. The proposal therefore utilises previously developed areas. Both the panels and the cabling could be removed with ease and without affecting historic fabric or causing harm.

The Conservation Officer has assessed the proposal and considers the development will not impact the setting of both of the listed buildings, and as a consequence, there is no harm to the overall significance of the heritage asset.

SUMMARY
The proposal would not result in harm to the setting of the Listed Building, therefore the proposal would be in accordance with Arun Local Plan policies HER SP1 and HER DM1 and the relevant sections of the NPPF.

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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The works for which Listed Building Consent is hereby granted must be begun not later than the expiration of 3 years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

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

- Location Plan - 2025/99/207/01
- Proposed South and East Elevation - SL505-PV-DD2
- Trench to above Ground Section - NSL505-PV-DD3
- Proposed Cable Route - NSL505-PV-SL1 01
- Trench Section - NSL505-PV-DD1

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D SP1.

- 3 Upon completion of the work for which Listed Building Consent is hereby granted any damage caused to the fabric of the building shall be made good to the satisfaction of the Local Planning Authority.

Reason: To preserve the special character and appearance of the building for the future in accordance with Arun Local Plan policy HER DM1 and the NPPF.