

DECISION NOTICE

Application Ref: WA/30/20/PL

1 To Addressee

Miss C Carter
31 Somergate
Horsham
RH12 1UJ

2 Site Address

Spindlewood
Yapton Lane
Walberton
BN18 0AS

3 Description of Development

Demolition of existing dwelling & erection of 8 No. dwellings with associated landscaping, parking & works. This application is a Departure from the Development Plan.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **REFUSE** to approve the development as described in the application and plans for the reasons stated.

- 1 The site lies in a rural area outside the village of Walberton where the proposal for unrestricted residential development is contrary to policy C SP1 of the Arun Local Plan in which it is intended that permission for development unrelated to an essential rural activity will not normally be granted.

The amount/density of development on the site and the orientation and layout of the proposed development would not accord with the general pattern of development along Yapton Lane. The proposal would therefore result in the character and appearance of the area being unacceptably affected contrary to policies D DM1, D SP1 and QE SP1 of the Arun Local Plan and policies HP11 & HP13 of the Walberton Neighbourhood Plan.

- 2 The south elevation gable end of barn no.2 would have primary full length windows within 6 metres of the north gable end windows of barn no.3 which, at such close proximity, would cause unacceptable overlooking and an overbearing impact on those windows. The windows on the south elevation gable end of barn no.2 would also overlook the rear garden of barn no.3 causing an unacceptable loss of privacy on the use of that garden contrary to policies D DM1 and QE SP1 of the Arun Local Plan.
- 3 The proposal is not accompanied by an accurate tree survey and may therefore result in the loss of tree/trees important in the local landscape that could be made subject to a Tree Preservation

Order. The proposal would therefore be contrary to policy ENV DM4 of the Arun Local Plan and policy VE3 of the Walberton Neighbourhood Development Plan.

- 4 The proposal would result in the increased use of travel by the motor car as the local area is not safe for pedestrian and cycle movements contrary to policy T SP1 of the Arun Local Plan.

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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.



Neil Crowther
Group Head of Planning

Case Officer: Mr A Wood

Decision Issued: 4th August 2020

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

highway land).