

Recommendation Report for Planning Permission

REF NO: WA/44/25/PL

LOCATION: Longacres
Eastergate Lane
Walberton
BN18 0BA

PROPOSAL: Erection of 1 No. self build dwelling with associated parking and landscaping (resubmission following WA/101/24/PL). This application is a departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	0.236 ha.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	4.3 dwellings per ha.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
SITE CHARACTERISTICS	The site is on land previously used for horticultural purposes as part of Longacres Nursery. This operated from the mid 1960s to 2004. This site comprises a number of buildings utilised as part of this horticultural business.
CHARACTER OF LOCALITY	The character of the locality is mainly semi-rural, with a number of residential properties within the immediate vicinity, mixed with sites used for agricultural purposes.

RELEVANT SITE HISTORY

WA/101/24/PL	Erection of 1 No. self-build dwelling with associated parking and landscaping. This application is in CIL zone 3 and is CIL liable as a new dwelling. This is a departure from the development plan.	Withdrawn 07-05-25
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Relevant planning history noted.

REPRESENTATIONS

Walberton Parish Council - No objection (21/07/25).
Walberton Parish Council (22/12/25):
- The Parish Council would want attention drawn to the Engineers Comments regarding surface water

drainage of 11th Sept to ensure this document is adhered to.

1 letter of support received from nearby occupier. General comments include:

- Support for the family to use the site as residential accommodation.

1 No Objection letter received from nearby occupier:

- Fully supportive of a young couple building a family home on site of derelict former horticultural nursery.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The revised surface water drainage details submitted in support of the application have resulted in no objections being received from the ADC drainage engineers, subject to conditions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Ecologist (03/07/25):

- No objection subject to conditions.
- Given the scale and nature of the development an appropriate assessment is not required.

ADC Ecologist (04/12/25):

- No objection subject to conditions.
- The revised Preliminary Ecological Appraisal and Ecological Maintenance Proposals include a commitment to produce a detailed Landscape and Ecological Management Plan (LEMP) to maximise the ecology potential of the site including orchard planting, native species hedge, biodiversity enhancement through swale and lawn management sympathetic to nature conservation.
- The LEMP will be secured by condition.
- The drainage swale outfall into the ditch would benefit from complementary planting of reeds or marginals because the ditch is in fact a chalk stream and therefore a sensitive habitat.
- The swale is serving a residential roof so the impact will be quite low.
- The LEMP could incorporate the planting of the swale with suitable marginal species as only grass is identified in the PEA.
- This can be secured through condition with bespoke wording to include details of the species to be planted in the swale.

ADC Drainage Engineers - Objection (10/09/25).

ADC Drainage Engineers - No objection subject to conditions (14/01/26):

- Infiltration is unviable, therefore, the proposal seeks to discharge to an existing watercourse on the eastern boundary at a restricted rate.
- The use of permeable paving and a swale ensures that the first 5mm of rainfall for the majority of rainfall events does not result in any runoff from the site.
- Given that the calculations that include a surcharged outfall show flows do not exceed 0.5l/s, this can be considered at a later stage under a discharge of condition application.
- A water quality assessment has been provided. The proposals meet the requirements.
- An assessment of amenity benefit has been submitted to the assess the drainage design in terms of placemaking and environmental enhancement. Opportunities within a development of this scale are limited. The proposals are acceptable.

- Whilst the opportunity to provide biodiversity benefits directly related to the drainage system are limited in the context, there are net biodiversity gains on the development as a whole. The proposals are acceptable.
- Root protection zones have been shown on the drainage strategy drawing and the drainage does not encroach on them. Given the proximity of the proposed cellular tank to tree T6, an assessment should be made regarding the need for a root barrier. Flotation calculations have not been submitted in respect of the cellular tank. Both of these matters can be considered later by way of condition.
- Two conditions suggested.

WSCC Highways (07/07/25) and (22/12/25):

- No objection subject to conditions.

ADC Environmental Health (30/06/25) and (08/12/25):

- No objection subject to conditions.

South Downs National Park (SNDPA):

- No comment.

WSCC Lead Local Flood Authority (LLFA):

- No comment.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Requested conditions applied as appropriate.

POLICY CONTEXT

Outside Built-Up Area Boundary (Countryside)
 Potential susceptibility Groundwater Flooding (Medium to high)
 Source Protection Zone
 Lidsey Treatment Catchment Area
 Lidsey Local Flood Risk Zone
 WSCC Mineral Consultation Area
 HRA Buffer (SD10) Singleton and Cocking Tunnels SAC
 CIL Charging Zone 3

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
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM5	ENV DM5 Development and biodiversity
ENVDM4	ENV DM4 Protection of trees
ENVSP1	ENV SP1 Natural Environment
QESP1	QE SP1 Quality of the Environment

QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

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

Walberton Neighbourhood Plan Policy 2019-2031 HP11 Housing Density

Walberton Neighbourhood Plan Policy 2019-2031 HP13 Design Guidance

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 7 VE10 Biodiversity Corridors

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 adverse harm to residential or visual amenity, biodiversity, highways, or flood risk. There is conflict with the Development Plan in that the site is outside defined built up areas.

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 other material considerations to be weighed in the balance with the Development Plan, these are discussed below..

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) under the self-build exemption set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act.

CONCLUSIONS

PRINCIPLE

The development is outside the Built-up Area Boundary (BUAB) and, therefore, in conflict with Arun Local Plan (ALP) policy SD SP2, and Walberton Neighbourhood Development Plan (WNDP) policy HP1. Development outside the BUAB is permitted by ALP policy C SP1 subject to specified criteria. The proposal does not meet any of the criteria specified within this policy and it is also, therefore, in conflict with policy C SP1.

The NPPF is an important material consideration in determining applications. As the council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered. Paragraph 11(d) of the NPPF states 'where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless... (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 14 of the NPPF states where the presumption in favour of sustainable development applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the Plan is less than 5 years old and contains policies and allocations to meet its identified housing requirement. The WNDP was made in 2021 and includes policies/allocations for new housing in line with the indicative requirement at the time the NP was examined. On this basis where there is conflict with the plan, the NPPF directs that this will likely outweigh the benefits.

The principle of development on this site conflicts with both the ALP and the WNDP in respect of development in the countryside. However, in accordance with Paragraphs 11 and 14 of the NPPF, the

benefits of the scheme must be balanced against the impacts. This tilted balance is engaged within the summary at the end of this conclusion.

DESIGN AND VISUAL AMENITY

The proposal seeks the construction of 1 No. detached dwelling to the rear of Longacres; an existing detached dwelling positioned north of Eastergate Lane. The proposed dwelling will be set approximately 120m from the street scene and will have limited visibility from the public realm.

The dwelling will be of two storeys; measuring 7.95m in height, with a footprint of approximately 150sqm. It will encompass a fairly traditional, rural barn conversion style, with some modern additions and features. This style of dwelling is appropriate for the rural setting and reflects the countryside character of the street scene and surrounding land. The southern elevation, which will have the greatest public visibility, will comprise a clipped barn style roof, with cat slide to the east and north elevations. Projecting from the main structure will be a single storey, gable roofed garden room. This southern facade will comprise the rear elevation of the property; with the front access through a porch to the north elevation. Two small, hipped roof dormers are proposed at first floor; one to the north elevation, and the other to the east.

Eastergate Lane features a variety of differing style and scale properties; generally detached and set on large plots of land. The overarching design character is traditional in appearance, with limited examples of more modern architectural design. As such, the traditional barn style design of the development is acceptable, and of a high architectural quality that reflects and contributes to the local character of the area. This is in accordance with ALP policies D SP1 & D DM1, and WNDP policies HP 11 and HP 13.

In respect of layout and composition, Eastergate Lane does not have a strict or highly structured building line, featuring a number of examples where built form is set back at varying distances to the north of the highway. In this case, the dwelling would be situated within a cluster of buildings; comprising the properties at Freeman Close, and a caravan park to the west. The introduction of another building within this cluster would not appear unduly out of character with the composition or appearance of this locality; especially given the building line would not protrude further north of the existing built form and that its design is in keeping with the area. The scale and density are well-balanced against Longacres to the south, and would not unduly detract, dominate, or obtrude on this building. The dwelling will not appear as an overdevelopment of the site and will integrate well with the spatial composition and character of the area.

The materials proposed comprise clay tiles, zinc cladding, weatherboarding, and brick. Being of traditional nature, the use of these materials is acceptable and appropriate in principle. However, a condition has been applied requiring a schedule of materials and finishes to be provided for approval, including the material colours, to ensure and clarify that the materials proposed are suitable.

The proposal would not result in harm to the character and visual amenity of the area and is compliant with ALP policies D DM1 and D SP1, WNDP policies HP 11 and HP 13, relevant paragraphs of the NPPF, and the Arun Design Guide (SPD).

RESIDENTIAL AMENITY

The dwelling would be of two storeys and measure 7.95m in height. It would retain a distance of 41.8m to the southern boundary, 5.97m to the east, 8.94m to the north, and 5.65m to the west. Whilst generally acceptable, it is noted the property would have a fairly close side to back/front relationship with the mobile homes to the west. The separation distance between the closest elevations would be approximately 8.2m.

The ADG includes guidance and criteria on several relevant matters including distances between

dwelling, gardens, defensible space, and sunlight & daylight levels. Part J states new development should generally reflect the scale of existing buildings and avoid overshadowing of neighbouring properties. Part H.04 sets out the following guidance on interface distances between dwellings:

- Back-to-Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Rear gardens to be at least 10.5m deep and front gardens 2m deep.

The proposed dwelling would have a marginal separation distance between the mobile home to the west, falling approx. 6m short of the minimum 14m set out above. It is acknowledged this would result in some overbearing and overshadowing, due to the height of the property in comparison to the mobile home. However, whilst this would have some impact, the harm would not be detrimental, and not to a degree sufficient to result in a justifiable reason for refusal. Particularly considering the existing boundary treatment and trees which, due to their height, would already result in a level of overbearing and overshadowing. The dwelling would not result in any additional, demonstrably harmful impact.

In terms of overlooking, there are only two windows of significant concern; this being the master en-suite window and master bedroom window at first floor on the western elevation. The family bathroom at first-floor on the west elevation also provides a direct line of sight toward the neighbouring caravans, albeit at a greater distance. In order to prevent unacceptable overlooking and harm to residential amenity and privacy, a condition has been applied requiring these windows to be obscure glazed and non-opening up to 1.7m. All other openings will not be unduly harmful to residential amenity.

The proposal would result in some increase in noise and light pollution on the site, which would create additional disruption to the nearby residents; especially those to the west. The internal floorspace provides sufficient accommodation for up to seven family members. Whilst this would cause an increase in noise, it would not be substantial, of a commensurate residential nature, and would not be detrimental to the amenity or quality of the environment for nearby occupiers.

Paragraph H.04 of the Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

The proposal is in accordance with this aspect of the Arun Design Guide.

With respect to residential amenity, the proposal would not result in unacceptably adverse overbearing, overshadowing, or overlooking and is in accordance with ALP policies D DM1 and QE SP1, and the Arun Design Guide.

INTERNAL SPACE STANDARDS

The Nationally Described Space Standards requires a 4-bedroom, 7-person two-storey property to have a minimum internal floor area of 115sqm. The proposal meets this minimum. All bedrooms exceed 7.5m², with three qualifying as a double / twin bedroom for the occupancy of up to two bed spaces.

The proposal is in accordance with ALP policy D DM2 and the Arun Design Guide.

HIGHWAYS, PARKING AND ACCESS

The proposal would utilise an existing access off Eastergate Lane; currently established to provide access to the land and buildings to the rear of Longacres. A new gated driveway is to be extended from this existing driveway and will run along the eastern boundary of the site. It is noted that this driveway is fairly narrow; measuring approximately 2.5m wide. Whilst wider access would be preferable, Arun does

not impose minimum widths for driveways, and as such this is not a reason for refusal.

A 4-bedroom property in Parking Behaviour Zone 1 requires a minimum of 3 No. car parking spaces on site to accord with the Arun Parking Standards. The proposed parking area to the north of the property measures 7.5m wide and over 7m deep. The minimum dimensions for parking spaces are set at 2.5m by 5m by the Arun Design Guide; the parking area, therefore, provides sufficient space for 3 No. vehicles. The site is in a fairly sustainable location and there would not be an unacceptable impact on the highway. The Highways Authority have made no objection on this basis.

In addition to vehicle parking and in accordance with the Arun Parking Standards, two secure and covered cycle parking spaces should be provided on site. The proposal includes a cycle storage unit at the front of the proposed porch, covered by the catslide roof which spans this front projection. It appears sufficient to allow 2 No. bicycles to remain covered, though it is not defined how many spaces this storage will provide. As such, a condition has been applied to require provision to be made for 2 No. bicycles to be stored on site.

As set out by ALP policy T SP1 and the Arun Parking Standards, it is a requirement for at least one EV charging point be provided on site for this development. A sustainability statement has been provided within the Design and Access Statement, detailing that provision for EV charging is included within the application proposals. Whilst positive, it is unclear from the documents the specification and location of this EV charger. As such, a condition has been applied to secure this charging point.

Conditions have been imposed to secure the provision of an EV charging point and suitable cycle storage, and the remaining transport and parking matters are acceptable as outlined above. As such the proposal is in accordance with ALP policy T SP1, the Arun Parking Standards.

FLOOD RISK AND DRAINAGE

The site is located within Flood Zone 1 and is not at risk of surface water flooding. The site is, however, within the Lidsey Local Flood Risk Zone, noted as having a medium risk of groundwater flooding. That being said, the data this groundwater flood risk is derived from is not sufficiently accurate enough to make decisions upon, nor is it site specific. The Environment Agency flood mapping identifies the site as having a low risk of Groundwater Flooding and there are no known historic groundwater flooding events on this site.

The site is also located within the Lidsey Treatment Catchment Area, where a surface water management plan is in force due to historic events of foul sewer flooding, suspected to be due to surface water inundation.

The proposal has been supported by a comprehensive surface water drainage scheme which includes a swale with planting and ultimately, discharges to a Chalk Stream to the east of the site. Both the Council's Ecologist and Drainage Engineers have reviewed the submitted scheme and raise no objections subject to conditions. The relevant conditions have been attached, and as such, the proposals will adequately account for surface water on site and will not increase flood risk elsewhere.

The proposal is in accordance with ALP policies W SP1, W DM1, W DM2, and W DM3.

POLLUTION

The site is situated upon London Clay within Source Protection Zone 2c for a principal chalk aquifer. Portsmouth Water have been consulted but have not commented on this application. They did, however, provide comment on the previous iteration of this development (WA/101/24/PL) which was not materially different to the current scheme. Portsmouth Water found previously, that as the development is small in nature, they had no concerns regarding impacts to groundwater quality. It is also acknowledged that

residential development is not defined as a potentially contaminating use.

As the site previously had horticultural use in which fertilizers or other potentially contaminating products may have been used, an unexpected contamination condition has been attached to this decision in line with the recommendations of Environmental Health.

The proposal is in accordance with ALP policy QE DM4.

BIODIVERSITY

The proposal is a self-build development and, therefore, is exempt from the Statutory requirement of a measurable 10% Net Gain in Biodiversity (BNG). This has been secured by way of S.106 agreement. However, the proposal is still required to achieve a net gain in biodiversity in accordance with ALP policy ENV DM5.

The site is in the Singleton & Cocking Tunnels Special Area of Conservation Buffer Zone. A Preliminary Ecological Appraisal (PEA) has been submitted which determines ecological constraints on site. A range of measures which avoid impacts on the identified ecological receptors such as bat friendly lighting were suggested in addition to ecological enhancements through the planting of a native hedge, installing 2 No. nest boxes, 2 No. stag beetle Loggeries and uniting the adjacent orchards through new fruit tree planting.

The Council's Ecologist was consulted on this application, and has raised no objection to the works, with no further surveys being requested.

1 No. Class U tree (T1) is required to be removed to facilitate the development. The development will have a minor impact on the biodiversity corridor in this location through small disturbance to connectivity of the landscape for commuting bats. However, it will also provide a series of ecological enhancements, a native hedgerow, and 4 No. new fruit trees through the site which will help to flesh out commuting routes.

Conditions have been attached to secure relevant protection, mitigation, and enhancement measures in order to protect protected and priority species on site, mitigate against any potentially adverse impacts on local ecology, and enhance on-site biodiversity and local connectivity.

The proposed surface water drainage strategy seeks to discharge at a restricted rate to the Chalk Stream to the east of the site. The surface water from the development will first pass through a swale with planting and be filtered naturally prior to discharge. The ADC Ecologist has reviewed this and concluded that there would be no unacceptable impacts to the Chalk Stream.

Subject to compliance with the relevant conditions, the proposal is in accordance with the ALP policies ENV SP1, ENV DM1 and ENV DM5, and WNDP policy VE10.

TREES

The proposal has been accompanied by two Tree Survey and Arboricultural Impact Assessments (AIA), one dated November 2024, and one dated September 2025. Collectively, these detail that 1 No. Category U tree is to be felled to facilitate the development (T1), and that surgery is required to T3 (as defined within the September 2025 assessment), a Category C tree. They also show how the existing trees are to be protected, and that new trees will be planted across the site.

The Category U tree to be removed is of minimal arboricultural value and its loss is acceptable. The proposal includes significant ecological enhancement on site, including the provision of 4 No. new fruit trees which would compensate for its loss in time. The surgery to T3 (as defined within the September 2025 assessment) has been identified as required by the applicant qualified arboriculturist and the works

are not directly of relevance to the proposed development. The Council's Arboriculturist has not been able to provide comment on this application but as the development is not contingent on these works and the tree is not under TPO or covered by a Conservation Area, they do not warrant further review consideration under this application.

In the absence of a response from the ADC Tree Officer, it is taken that the tree protection measures outlined within Appendix 2 'Tree Protection Plan' within the AIA, produced by 'ArborTech' are sufficient (notwithstanding the protection measures for T1 which has been identified for removal since the November 2024 AIA in which the protection measures are detailed). A condition requiring the development to be undertaken in accordance with the Tree Protection Plan, notwithstanding T1 (which is to be removed), has been attached, to ensure the existing trees are protected throughout the construction of the development.

The development is in accordance with ALP policies ENV DM4 and WNDP policy VE 3.

SUSTAINABILITY

A sustainability statement has accompanied the application, detailing how the proposal will comply with Building Regulation (Part L, 2023) requirements, using high performance insulation materials. In addition, long life, low maintenance and natural materials are to be used. The incorporation of renewable technology such as solar collectors and sustainable heating systems is also included. These are acceptable for the scale of the development, and no further details are required.

A condition has been attached to secure the use of renewable low carbon energy supply systems such as solar panels/Air-source heat pumps as required by ALP policy ECC SP2.

The proposal is in accordance with ALP policy ECC SP2.

SUMMARY

Paragraph 11d(ii) of the NPPF, requires that where policies relating to residential development are out of date (such as ALP policy C SP1 and WNDP policy HP1 in this case) then applications should be granted permission unless the impacts of doing so demonstrably outweigh the benefits, when assessed against the Framework as a whole. Para 14 states that the adverse impacts of allowing housing that conflicts with the WNDP are likely to significantly and demonstrably outweigh the benefits, provided the neighbourhood plan contains policies and allocations to meet its identified housing requirements.

The benefits of the scheme are the contribution of one additional dwelling in a relatively sustainable location, alongside short-term economic stimulus during construction. Whilst Para 14 of the NPPF offers protection to the WNDP in respect of additional residential development not set out within the Neighbourhood Plan, it is noted that Walberton Parish Council have not objected to this particular development. Therefore, considering that there are no other reasons for refusal to weigh against the benefits of the development, and all other matters are policy compliant other than the site lying outside the BUAB, the contents of paragraph 14 do not form sufficient and justifiable reason for refusal.

As such, in accordance with para 11d (ii), the benefits of the scheme outweigh the harm, and form a positive contribution to the District's Housing Land Supply. The proposal is therefore recommended for approval subject to S.106 agreement and 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

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.

SECTION 106 DETAILS

This application is exempt from the requirements of Statutory Biodiversity Net Gain under the self-build exemption set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act. Therefore, the statutory BNG requirements apply to the proposed development. The self-build exemption has been secured by way of S.106 legal agreement to ensure the development meets the requirements of the exemption.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

- 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 DRAWING 5a Location Plan (September 2025).
 - EXISTING DRAWING 1b Block and Location Plan (September 2025).
 - PROPOSED DRAWING 2e Site Plan (September 2025).
 - PROPOSED DRAWING 3c Plans and Elevations (October 2024).
 - PROPOSED DRAWING 4b Plans and Elevations (October 2024).

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 Prior to the commencement of development, full details of the proposed surface water drainage scheme must be submitted and approved in writing by the Local Planning Authority. The detailed design must be based upon and build on the surface water information submitted in support of this application. The full details submitted for approval shall include:

1. Detailed drainage plans conforming to Local Planning Authority guidance,
2. Specifications for all surface water drainage components and associated infrastructure or flow control mechanisms,
3. Any relevant permissions relating to the discharge location, works to watercourses or adoption of the SuDS scheme.

The scheme shall then be constructed as per the approved plans. No building shall be occupied until the complete surface water drainage system serving that building has been implemented in accordance with the agreed details. The surface water drainage scheme shall remain for the lifetime of the development unless agreed in writing by the Local Planning Authority. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Arun Local Plan policies W DM1, W DM2 and W DM3, and the NPPF. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 4 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling, or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values and in accordance with current policies. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Arun Local Plan policies W DM1, W DM2 and W DM3, and to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010 can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

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

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

- 6 Demolition/construction works shall only take place between 08:00 hours and 18:00 hours (Monday to Friday) and between 08:00 hours and 13:00 hours on Saturday with no activities taking place on Sundays or recognised public holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE SP1.

- 7 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (PEA) (GPM Ecology, 12/11/25), shall be submitted to and approved in writing by the Local Planning Authority. This shall include, but is not limited to, the following features:

- Native Hedge Planting;
- 4 No. fruit trees (to rejuvenate orchard);
- 2 No. nest boxes (to the northeast elevation)
- 2 No. stag beetle loggeries
- 1 No. bat box or tube (to the west or northwest elevation)
- Details of planting within the Swale.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 8 Prior to any part of the new development being first occupied, a bat friendly Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority.

The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white with a clear view, no UV, a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and Arun Local Plan policy ENV DM5.

- 9 Notwithstanding the provisions for T1 (as identified in 'Tree Survey and Arboricultural Impact Assessment' (Arbortech, November 2024)), which is to be removed, the works hereby approved shall be carried out in accordance with the recommendations and tree protection measures set out within the 'Tree Survey and Arboricultural Impact Assessment' (Arbortech, November 2024) and 'Tree Survey and Arboricultural Impact Assessment' (Arbortech, September 2025).

Reason: To protect the health and amenity of existing trees on site, in accordance with Arun Local Plan policy ENV DM4.

- 10 The bathroom and bedroom windows at first floor on the western elevation of the building shall at all times be glazed with obscured glass and non-opening up to a height of 1.7m from the finished floor levels of the rooms they serve. This arrangement shall be permanently retained thereafter.

Reason: To protect the amenities and privacy of the adjoining property in accordance with

Arun Local Plan policies D DM1 and QE SP1.

- 11 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 12 Prior to occupation of any of the approved dwelling, the applicant or developer shall provide the dwelling with an electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

- 13 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with Arun Local Plan policy T SP1.

- 14 No part of the development shall be first occupied until 2 No. covered and secure cycle parking spaces have been provided on site. The spaces so provided shall be retained in perpetuity.

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

- 15 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 relates to a development which consists of no more than 9 dwellings; is carried out on a site which has an area of no larger than 0.5 hectares; and consists exclusively of dwellings which are self build or custom housebuilding.

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

amended).

- 16 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 National Planning Policy Framework.
- 17 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to BNG self build exemption.