

Recommendation Report for Planning Permission

**REF NO:** WA/79/20/PL

**LOCATION:** Spindlewood  
Yapton Lane  
Walberton  
BN18 0AS

**PROPOSAL:** Demolition of existing dwelling & erections of 8 No. new dwellinghouses with associated landscaping & parking (resubmission following WA/30/20/PL). This application is a Departure from the Development Plan & is in CIL Zone 3 and is CIL Liable.

**SITE AND SURROUNDINGS**

|                                       |                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | The demolition of the existing dwelling and the construction of 8 x 3 bed semi detached houses with associated parking, landscaping and amenity space.                                                                                                                                                                      |
| SITE AREA                             | 3613 sq.m.                                                                                                                                                                                                                                                                                                                  |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | 22 dwellings per hectare.                                                                                                                                                                                                                                                                                                   |
| TOPOGRAPHY                            | Predominantly flat.                                                                                                                                                                                                                                                                                                         |
| TREES                                 | Trees affected by the proposed development have been identified on a tree survey and are the subject of a tree protection plan.                                                                                                                                                                                             |
| BOUNDARY TREATMENT                    | 2m high fencing along north and south boundaries. Low walling to front boundary.                                                                                                                                                                                                                                            |
| SITE CHARACTERISTICS                  | The application site comprises a detached bungalow with gardens predominantly to the south side. The site is flat and there are trees mainly along the site boundary with Yapton Lane and within the southern side of the site.                                                                                             |
| CHARACTER OF LOCALITY                 | The area is rural in character on the main road, B 2132 Yapton Lane, between Yapton and Walberton. There is linear development particularly on the west side of the road with sporadic neighbouring properties and some plant nurseries. On the east side of Yapton Lane are open agricultural fields beyond border hedges. |

**RELEVANT SITE HISTORY**

|             |                                                                                                                                                                        |                     |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| WA/30/20/PL | Demolition of existing dwelling & erection of 8 No. dwellings with associated landscaping, parking & works. This application is a Departure from the Development Plan. | Refused<br>04-08-20 |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|

|              |                                                                                                                                                                                  |                            |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| WA/33/18/OUT | Outline application with some matters reserved for the demolition of existing dwelling & erection of 5 No. dwellings. This application is a Departure from the Development Plan. | Refused<br>04-09-18        |
| PAA/166/17/  | Erection of 5No. Dwellings with creation of vehicular access following demolition of existing dwelling.                                                                          | Refuse Pre App<br>05-10-17 |

Planning permission ref WA/30/20/PL was refused for an almost identical development on the grounds of inappropriate development in the countryside and being out of character with the existing area and 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. Two further reasons for refusal have been addressed in this application in that an acceptable tree survey has been provided and the full length windows in the south elevation gable end of barn no.2 have been removed from the scheme.

## REPRESENTATIONS

Walberton Parish Council - Objection

- 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.
- 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.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

ADC Drainage - No objection subject to conditions.

Southern Water - No objection subject to informatives.

ADC Greenspace - No objection subject to a landscaping condition.

ADC Tree Officer - No objection subject to conditions. A reasonable number of low value trees are to be removed which will not incur undue detriment to visual amenity. Effective tree protection measures and sensitive working methods in proximity to retained trees is proposed subject to adequate site supervision

at key stages by the project arboriculturalist.

WSSC Highways - No objection subject to conditions.

Fire Service - No objection subject to fire hydrant condition.

ADC Environmental Health - No objection subject to conditions.

CDC Ecology - No objection subject to conditions.

## COMMENTS ON CONSULTATION RESPONSES:

Noted.

### POLICY CONTEXT

Designation applicable to site:

OUTS BUILT AREA

### 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                             |
| ENVDM4 | ENV DM4 Protection of trees              |
| QEDM1  | QE DM1 Noise Pollution                   |
| TSP1   | T SP1 Transport and Development          |
| WDM3   | W DM3 Sustainable Urban Drainage Systems |

|                                                              |                                   |
|--------------------------------------------------------------|-----------------------------------|
| <a href="#">Walberton Neighbourhood Plan Policy 2017 HP1</a> | Spatial Plan of the Parish        |
| Walberton Neighbourhood Plan Policy 2017 HP11                | Housing Density                   |
| Walberton Neighbourhood Plan Policy 2017 HP13                | Design Guidance                   |
| Walberton Neighbourhood Plan Policy 2017 VE3                 | Protection of Trees and Hedgerows |

### PLANNING POLICY GUIDANCE:

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

### SUPPLEMENTARY POLICY GUIDANCE:

|       |                             |
|-------|-----------------------------|
| SPD11 | Arun Parking Standards 2020 |
|-------|-----------------------------|

### 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 Neighbourhood Development Plan

Policies in the Walberton Parish Neighbourhood Plan have been taken into account 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 not considered to comply with relevant Development Plan policies in that it would be out of character in the local area and would result in greater car travel.

## **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

## **CONCLUSIONS**

### **PRINCIPLE**

The site lies outside the Built-Up Area Boundary in the Countryside, where the principle of development is considered unacceptable if it does not meet specific tests. Development Plan policies seek to exert a strict control over new development in the countryside to protect its intrinsic character and beauty.

Policy C SP1 of the Arun Local Plan states that outside the Built-Up Area boundaries land will be defined as Countryside and development will only be permitted in the countryside where the criteria set out in policy C SP1 is met, or there is a strong justification for a countryside location.

The Council is currently unable to demonstrate a 5 year housing land supply; the current data confirms that the Council has a 2.7 years housing land supply. Where the development plan is absent, silent or the relevant policies are out of date, Paragraph 11(d) of the NPPF applies and the 'presumption in favour of sustainable development' must be applied and permission granted, unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

The presumption in favour of sustainable development therefore applies.

Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The following is an analysis of the sustainable nature of the site and proposal:

### **Environment**

The site is in walking and cycling distance of a range of local shops and education facilities. It is at a distance of 850 metres from the closest service, a local shop, which is considered to be within walking/cycling distance. In addition the local primary school is within 1400 metres of the site which again is considered within walking/cycling distance. There is however no footpath nor streetlights along the roadside for a substantial distance of the way toward Walberton village centre which makes the location dependant on motorised forms of transport and therefore not a sustainable location.

The pattern/design of development is not in keeping with the character and appearance of the locality.

#### **Social**

The proposal supports the local community by providing 8 new homes.

#### **Economic**

The proposal is likely to result in economic benefits to the local area in the form of (a) an increase in Council Tax receipts; (b) potential 'New Homes Bonus' payments from the Government; (c) the payment of CIL contributions for local infrastructure; (d) the creation of new or maintenance of existing construction jobs; and (e) additional spending by new residents on local goods & services.

#### **Assessment of Sustainable Development**

The proposal has clear social and economic benefits. The impact on the the environment is unacceptable for the reasons set out in full below in the character and design section of this report.

As such the proposal would be socially and economically sustainable but not environmentally sustainable and would not benefit from the NPPF presumption in favour of sustainable development.

#### **Conclusion on Matters of Principle:**

The principle of development is contrary to policies in the development plan. The policies of the Arun Local Plan (ALP) that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land.

However, for the reasons above the NPPF paragraph 11 d) ii applies and the development is considered to be unsustainable and not acceptable in principle.

#### **CHARACTER & DESIGN**

Arun Local Plan policy D DM1 lists a series of 15 criteria that development must comply with - these include character where the policy seeks to improve upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.'

Arun Local Plan Policy D SP1 - Design requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

Policy HP11 of the Walberton Neighbourhood Plan (WNP) seeks to ensure that the density of proposed development is in keeping with its location so as to maintain the local character and appearance of the locality.

Policy HP13 of the WNP builds on policy HP11 by requiring that development 'must contribute to local character by creating a sense of place appropriate to its location.'

It is also necessary to consider the guidance within the National Planning Policy Framework.

Section 12 paragraph 127 states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Paragraph 130 goes on to say that 'Permission should be refused for development of poor design that

fails to take the opportunities available for improving the character and quality of an area and the way it functions,...

The existing character of this section of Yapton Lane is derived from sporadically located, ribbon like pattern of single dwellings fronting Yapton Lane. These are interspersed with plant nurseries. 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 of the area being unacceptably affected.

Aruns Design Guide at section J states that new development should reflect the architectural qualities of the surrounding area which this development fails to do.

It is therefore considered that the proposal would not be in accordance with policy D DM1 (1) and D SP1 of the ALP, policy HP11 & HP13 of the WNP and paragraphs 127 (c) and 130 of the National Planning Policy Framework.

## **RESIDENTIAL AMENITY**

Arun Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the WNP policies specifically refer to residential amenity issues.

In this case the nearest neighbouring residential property is Rosewood some 45m south of the property Spindlewood. To the north are allotment gardens and open countryside beyond that.

The residential amenity of the other dwellings on the site is broadly acceptable. The sole habitable room windows on the south elevation of barn no.2 have been replaced with secondary windows which is considered to be acceptable.

The internal space standards comply with nationally described space standards in that each house has a minimum of 120 sq.m. where the standard minimum for a 3 bedroomed house is 108 sq.m.

The outdoor amenity space complies with the Arun Design Guide in that 6 out of 8 of the dwellings have rear gardens in excess of 10.5 metres in length. In the two cases where garden length is 8.5 metres the gardens are significantly wider than the dwellinghouse which is acceptable.

It is therefore considered that the proposal would be in accordance with policy D DM1 of the Arun Local Plan with respect to residential amenity

## **HIGHWAY SAFETY, & PARKING**

Policy T SP1 of the Arun Local Plan discusses transport issues including safe highway access.

Regard should be had to paragraph 109 of the National Planning Policy Framework which seeks to refuse development only if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application has been assessed by WSCC Highways. Following the submission of supplementary plans WSCC advice that it is satisfied with the proposed access and associated visibility splays.

The scheme provides 3 car parking spaces per dwelling which meets the requirements of the Arun Parking Standards Supplementary Planning Document.

The application site is located well away from Walberton village centre where the local school and other community facilities are to be found. As the local environment of the site is devoid of any public pavements and street lighting the development will result in a greater use of the car as the area does not lend itself to walking and bicycle use. This is contrary to policy T SP1 as it the proposed development fails to give priority to pedestrian and cycle movements and does not create safe and secure layouts for cyclists and pedestrians. For this reason the proposal is considered to be contrary to part f) ii) and iii) of policy T SP1.

## TREES

The application provides a tree survey which indicates that the development proposal will not lead to the loss of valuable trees. As a result the proposal is acceptable on tree grounds and policy ENV DM4 of the ALP and policy VE3 of the Walberton Neighbourhood Development Plan.

## SUMMARY

The proposed development is contrary to Development Plan policy for the reasons stated above and is recommended for refusal for the following reasons:

### 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

#### REFUSE

- 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 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.
- 3 **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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.