

Application for Outline Consent

DECISION NOTICE

Application Ref: WA/80/21/OUT

1 To Addressee

AAH Planning Consultants
1 Bar Lane
York
YO1 6JU

2 Site Address

Land East of Yapton Lane
Walberton
BN18 0LJ

3 Description of Development

Outline application with all matters reserved (except access) for up to 75 No. dwellings. This application affects the setting of a listed building, affects the character & appearance of the Walberton Village Conservation Area & 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 development is located outside of the built up area boundary of Walberton as defined by the Arun Local Plan Policy C SP1 and Walberton Neighbourhood Plan Policy HP1. The development is not in accordance with policy C SP1 as it is not an approved category of development in the countryside. The benefits of the development do not outweigh the harm caused in accordance with advice contained Paragraphs 11 and 14 of the NPPF. This level of harm outweighs the presumption in favour of sustainable development and therefore conflicts with paragraphs 11 and 14 of the NPPF. The proposal would also compromise the objectives of policy HP1 which seeks to retain the community integrity of the three villages.
- 2 In accordance with paragraphs 11d and 14 of the NPPF, the Council concludes that there are significant and demonstrable negative impacts associated with the development that, when assessed against the NPPF as a whole, would outweigh any presumption in favour of sustainable development. The site is within the open countryside and is visually separate from the adjoining residential development with far ranging views across open countryside to the site. The development would significantly and adversely change the character of the open countryside irrevocably and the new development would be urban in character. As such, the proposals fail to accord with policies VE13 of the Walberton Neighbourhood Plan and policies D SP1 and D DM1 of the Arun Local Plan.
- 3 The site comprises Grades 2 and 3 Agricultural Land and it has not been satisfactorily

demonstrated that there is an overriding need for the development in this particular location in conflict with policy SO DM1 of the Arun Local Plan and para 174 of the NPPF.

- 4 In the absence of a completed section 106 agreement to secure on site affordable housing and a mitigation contribution towards the A27 Fontwell Roundabout improvement scheme, the proposals are contrary to Arun Local Plan policy INF SP1.
- 5 Based on the limited information submitted with the application with regard to highway safety, traffic flow and the residual cumulative impacts on the road network it has not been satisfactorily demonstrated that the proposal is compliant with policies TSP1 of Arun Local Plan, GA5 of Walberton Neighbourhood Plan and paragraph 110 of the NPPF.

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 reasons 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.



Neil Crowther
Group Head of Planning

Case Officer: Mrs A Gardner
Decision Issued: 6th December 2021

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).