

Recommendation Report for Planning Permission

REF NO: WA/86/17/PL

LOCATION: Pippins
Yapton Lane
Walberton
BN18 0AS

PROPOSAL: Continuation of use of land for the stationing of 3 No. residential mobile homes.
This application is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The application relates to the provision of 3 mobile homes on the site which have already been installed. The application relates to homes which are not restricted to agricultural workers. Each unit has parking provided to the side. The application site only includes the existing residential curtilage to Pippins. The nursery land to the north is not included within the red edge.
SITE AREA	0.2 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	15 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is enclosed by 3m high evergreen hedging and 2m high close boarded fencing.
SITE CHARACTERISTICS	The mobile homes are located within the garden area of Pippins. There are 4 units. The most westerly is occupied by the nursery owner's son who is employed at the site. The site has been gravel surfaced. Each unit has dark brown clad elevations.
CHARACTER OF LOCALITY	The site is in a rural area on the main road, B 2132 Yapton Lane between Yapton and Walberton. There is linear development particularly on the west side of the road where the application site is located. Formerly the area on the west side of Yapton Lane was dominated by nursery developments and greenhouses. There are detached dwellinghouses mostly associated with nurseries and B1 office uses fronting onto the Lane in this area. On the east side of Yapton Lane are open agricultural fields beyond boundary hedges.

RELEVANT SITE HISTORY

29-01-75

WA/2/70	Outline - Horticultural Dwelling	ApproveConditionally 18-02-70
WA/20/72	Erection Of 2 Dutch Light Structures To Give Usual Glasshouse Crops	ApproveConditionally 19-03-72
WA/6/16/PL	Application for removal of condition 3 imposed under WA/2/70 relating to restriction of occupation of the dwelling for persons employed locally in agriculture.	Refused 14-03-16
WA/62/05/	Removal of condition no.3 imposed on WA/2/70 (Agricultural occupancy restriction)	Refused 15-09-05
WA/36/89	Removal of agricultural occupancy condition imposed on previous approval WA/2/70	Refused 31-07-89 Appeal: Dismissed 09-07-90

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Objection - the Parish Council notes that the application is for agricultural workers only, but considers the site is too small to warrant the provision of 3 mobile homes for such use.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application mobile homes are not for occupation by agricultural workers. The description of the application was amended and the application was re-advertised after the agent advised that the original description of the application was incorrect.

The issue of overdevelopment will be discussed in the Conclusion section of this report.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Southern Water - No Objection - Informative requested

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary;
Class B road

DEVELOPMENT PLAN POLICES[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN11	Inland Flooding
GEN12	Parking in New Development

[Publication Version of the Local Plan \(October 2014\):](#)

C SP1 Countryside
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design
SD SP1 Sustainable Development
SD SP2 Built -Up Area Boundary
SO DM1 Soils
T SP1 Transport and Development
QE SP1 Quality of the Environment
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems
WM DM1 Waste Management

[Main Modifications of the Local Plan \(April 2017\):](#)

SD SP1a Strategic Approach

<u>Walberton Neighbourhood Plan Policy 2017 HP1</u>	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP10	Affordable Housing
Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE8	'Unlit village' status

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Main Modifications to the Arun Local Plan (2011-2031) are presently out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Walberton Neighbourhood Plan policies that apply include;

Policy HP 1 - Spatial Plan of the Parish
Policy HP 11 - Housing Density
Policy HP 13 - Design Guidance
Policy VE 8 - 'Unlit village' status

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 considered to conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and an adverse impact upon the established character of the surrounding area. It would also result in the development of dwellings in an unsustainable location.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The site lies in a countryside location outside the built-up boundary where the principle of development is considered to be unacceptable other than for certain types of development. Development Plan policies seek to exert a strict control over new development in the countryside to protect it for its own sake. Development will only be permitted if the criteria set out are met or where there is a strong justification for a countryside location. The Government's planning advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected, and where possible enhanced.

The existing dwelling at Pippins has an agricultural tie imposed on planning permission WA/2/70 which states 'The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, locally in agriculture as defined in section 221(i) of the Town and Country Planning Act 1962, or in forestry and dependants of such a person residing with him (but including a widow or widower of such a person).' Removal of the condition has previously been refused and dismissed at appeal.

The site is in a location that is not allocated for housing. In the Publication Version of the Local Plan (2014), policy H SP1 establishes strategic housing, parish and town allocations.

The Walberton Neighbourhood Development Plan (NDP) allocates land elsewhere within the area for residential development and Policy HP1 states 'development for new dwellings outside the built up area boundary will be resisted unless the Plan has made specific provision for those proposals.

The Council is currently unable to demonstrate an adequate 5 year supply of housing land as required by paragraph 49 of the National Planning Policy Framework (NPPF). Furthermore, the Examination into the emerging Local Plan was suspended by the Planning Inspector on the grounds that the Council's Objectively Assessed Housing Need (OAN) should be reviewed higher than that proposed in the Local Plan (580 units p.a). The Council will therefore need to identify an adequate land supply to meet the

additional housing requirements. The OAN figure has now been increased to 919 units p.a as of October 2016. Additional strategic sites are being assessed and allocated to meet this higher figure.

The National Planning Practice Guidance (NPPG) has provided clear guidance on the issue of the weight that can be given to both the adopted local plan and emerging or made Neighbourhood Plans where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. It is considered that the adopted development plan policies relating to housing supply are out of date and the emerging Local Plan policies carry limited weight at this time.

The weight that can be afforded to Neighbourhood Plans has recently been clarified by a written Ministerial Statement (13/12/16) which confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise:

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old;
- The NDP allocates sites for housing; and
- The Council can demonstrate a three-year supply of deliverable housing sites.

Only one of the above circumstances arises as the Walberton Neighbourhood Plan is more than 2 years old and although it allocates sites for housing, Arun District Council can only currently demonstrate a 2.15 year supply of deliverable housing sites.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

NPPF TEST ON SUSTAINABILITY:

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system

Environmental Role-

Paragraph 55 of the NPPF advises that new isolated homes in the countryside should be avoided, unless there are special circumstances. It also states that housing in rural areas should be located where they will enhance or maintain the vitality of rural communities.

The site is located within defined countryside outside of the settlement of Walberton. The nearest pub is considered to be the The Holly Tree in the village centre. The nearest shops and school are in the village which cannot be accessed safely on foot given the lack of footpath provision along Yapton Lane and its unlit nature. The village is approximately 1.3km (half a mile) away on foot. There is also no designated Cycle lane along Yapton Lane. Barnham and Ford railway stations are not easily and safely accessible on foot or bicycle. The village of Barnham is also only accessible along Lake Lane which is unlit with no pavements at its southern end.

The nearest bus stops are in the village in a northerly direction. Furthermore, it is noted that the bus service, the 66 (Bognor Regis - Barnham - Yapton - Walberton - Bognor Regis) only runs between 7am and 6pm and is relatively infrequent (with pick ups every 1-2 hours).

Given the above it is considered that movements to and from the site would favour the use of the private motor car. Whilst there are other houses in the vicinity of the site, it is considered that the proposal would result in three new dwellings in a relatively isolated location in the countryside and in an unsustainable location. In the absence of evidence to demonstrate any of the special circumstances set out in Paragraph 55 of the Framework, it would be contrary to its requirements.

Social Role-

It is considered that the proposal will support the local community by providing three small dwellings to help meet future needs. This factor weighs in the scheme's favour.

Economic Role-

It is considered that the proposal will (1) lead to a small increase in Council Tax receipts. This would provide a small benefit to the local economy. This economic factor weighs in the scheme's favour.

Assessment-

The proposal would provide the social benefit of three new homes which would nominally contribute to the district's housing needs and would result in limited economic benefits. These limited economic and social benefits weigh in the scheme's favour. However, it is not considered the location of the site would contribute to the achievement of the environmental dimension of sustainable development.

SUMMARY OF SUSTAINABILITY & PRINCIPLE:

There are no footways present along Yapton Lane, and the nearest bus stops are located 0.5 miles from the proposed site. The National Planning Policy Framework (NPPF) states that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. The site is located in an area that is detached from local facilities and although it is anticipated that other residents in the nearby Walberton would rely on the use of a car also to reach shops and amenities this application needs to be compliant with current Development Plan policy. As an alternative the bicycle is not a realistic and safe option. The site and surrounding areas do not benefit from an established local cycle network and Yapton Lane (B2132) is a rural and unlit road, which would appeal more to experienced and confident cyclists.

This site lies in a countryside location outside of the defined built up area boundary. However, relevant local plan policies for the supply of housing should not be considered up-to-date as Arun District Council cannot demonstrate a 5 year supply of deliverable housing sites. Furthermore, the Walberton Neighbourhood Plan does not prevent infill housing development outside the built up area boundary (and as such would support this proposal), as according to the recent Ministerial Statement regarding the status of neighbourhood plans, housing policies within the Neighbourhood Plan should be considered to be out-of-date.

It is then necessary to consider whether the proposal is sustainable development and if so would take advantage of the NPPF presumption in favour of sustainable development. The above analysis shows that the site is not sustainably located and the benefits of the proposal would not outweigh the environmental harm. Therefore, it is not considered that the proposal would be acceptable in principle and conflicts with saved policies GEN2, GEN3 and GEN7 of the Arun District Local Plan, Policies C SP1,

SD SP1, SD SP1a and SD SP2 of the emerging Local Plan, Walberton NP Policy HP1 and the NPPF.

VISUAL AMENITY AND IMPACT ON THE CHARACTER OF THE AREA

The provision of three mobile homes, in an area characterised by fields and horticultural production is not considered to be in character or to respect the visual amenity of the area. It is recognised that there are sporadic properties facing on to Yapton Lane, but the overall character of this area is open rural land with glasshouses. This is evidenced by an agricultural use on the site which is emphasised by the agricultural tie to the host property and reflects the farming uses of the fields adjoining the site.

It can also be argued that as the principle of the development is unacceptable, that development of this size (3 new dwellings) is, by its very nature unacceptable.

The application is considered to harm the established open and rural countryside, character of the area, fails to integrate with its countryside surroundings in conflict with saved policy GEN 7, emerging policies D DM1, D SP1 and Walberton Neighbourhood Plan Policies HP11 & 13.

INTERNAL AND EXTERNAL AMENITY STANDARDS

Each unit has a small external balcony area to the front. No internal layout plans have been submitted with the application which relate to a change of use of the land.

RESIDENTIAL AMENITY

The site is located adjacent to offices associated with horticulture to the south and is 24m from the boundary with Walberton Nursery. It is not considered that the proposal results in an overbearing impact on residential amenity, loss of light or overshadowing or any harmful loss of privacy through overlooking.

The application 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 development by reason of its unsustainable location in the countryside, outside a defined built up area boundary, its lack of lit footpath access to bus stops and local shops will make the proposal car reliant and result in unacceptable environmental harm contrary to saved Arun District Local Plan policies GEN2, GEN3 and GEN7, paragraph 7, 14 and 55 of the National Planning Policy Framework and Policies C SP1, SD SP1, SD SP1a and SD SP2 of the emerging Local Plan and Policy HP1 of the Walberton Neighbourhood Development Plan.
- 2 The development of three dwellings in an area characterised by open fields and horticultural nurseries in the countryside, outside of a defined built up area is considered to be out of character with the open surrounding rural area and fails to integrate with the immediate surroundings contrary to saved policy GEN 7, emerging policies D DM1, D SP1 and Walberton Neighbourhood Plan Policies VE 8 and HP13.
- 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 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 reasons for the refusal, approval has not been possible.