

Recommendation Report for Permission in Principle

REF NO: WA/9/25/PIP

LOCATION: Land at Stoney Brook Farm
 Eastergate Lane
 Walberton
 BN18 0BA

PROPOSAL: Application for permission in principle for the maximum erection of 2 No self build dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is accompanied by an indicative site layout plan which shows two large detached dwellings sited broadly centrally in the site with parking areas to the front and extensive gardens to the rear. Access is shown to reflect the existing access point. Unlike the first application (WA/79/23/PIP), visibility splays are not indicated (but were previously stated to be 2.4m by 47m in both directions).
SITE AREA	0.49 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	4.1 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None appear to be affected by the development but there are mature trees to the frontage and the eastern boundary.
BOUNDARY TREATMENT	Existing timber fence to the road frontage.
SITE CHARACTERISTICS	Existing grassed field associated with Stoney Brook Farm. An access road runs down the western side leading to the farm buildings.
CHARACTER OF LOCALITY	The site is outside the village centre of Walberton in a rural area comprising sporadic dwellings and nurseries.

RELEVANT SITE HISTORY

WA/114/23/PIP	Application for permission in principle for the erection of 2 No detached dwellings.	Refused 26-01-24
WA/79/23/PIP	Application for permission in principle for the erection of a maximum net gain of 1 No detached dwelling.	Approve 05-10-23

WA/87/20/CLE Lawful development certificate for the existing use of first floor of southern end of building as a single dwelling house. Refused 13-01-21

WA/61/19/PD Notification for Prior Approval under Part 3, Class O for change of use from an office (Class B1) to 1 No. dwelling (Class C3). No Objection 19-08-19

The planning history is noted. The CLE and PD applications relate to the existing buildings which are outside the site area. Besides the increase in dwellings, it is noted that the site area associated with this application is larger (extends further south) than the first PIP application.

REPRESENTATIONS

Walberton Parish Council object for several reasons:

- The site is in the countryside and is not allocated by the Walberton Neighbourhood Development Plan (W NDP).
- Loss of grade 3 agricultural land.
- Development of a greenfield site would conflict with Arun's statutory biodiversity duty as introduced by the Environment Act 2021.
- Harm to the character of Eastergate Lane and adds to urban sprawl.
- Harm to the designated biodiversity corridor (Chalk Stream) adjacent to the site's western and part southern boundaries.
- No wildlife surveys have been provided.
- Eastergate Lane is subject to surface water flooding and the development will exacerbate this.
- The current drainage strategy is dated October 2022 and does not include winter testing results. This was stated to be a requirement on application WA/73/22/PL.
- There is no public footpath or cycle path on this 40mph section of Eastergate Lane which means access to nearby facilities is not safe for all persons and so journeys will be made by car.
- National Highways forecast a significant increase in car movements on Eastergate Lane as a result of proposed A27 works.
- A condition must be imposed to prevent occupation until a sewer connection has been agreed; and
- A condition needs to be imposed to request bat emergence surveys.

COMMENTS ON REPRESENTATIONS RECEIVED:

Where not covered in the report conclusions, the following comments are made in response to the objections:

- As per the main proposals map in the W NDP, the biodiversity corridor actually runs between Haven Nursery and Brookview Nursery to the west of the site. As such, no part of it touches the application red edge.
- The site lies in an area of low flood risk from rivers/sea. Whilst the road is subject to surface water flooding, this is outside of the site. A drainage solution (to be agreed at the appropriate time) would seek to either direct runoff away from the road or attenuate it to reduce the discharge rate.
- The application is not accompanied by a drainage strategy, and it is unclear where this comment has come from. WA/73/22 relates to a site some 124m to the north-west.
- It is not possible to determine issues relating to access and highway safety at the Permission in

Principle (PIP) stage; and

- It is also not possible to impose conditions on PIP's.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - no objection subject to a foul drainage condition.

SOUTH DOWNS NATIONAL PARK AUTHORITY - state no comment.

WSCC HIGHWAYS - no objection with the following comments:

- The indicative plans suggest that the existing vehicular access will be utilised to serve the site.
- Visibility at the access point onto the public highway appears sufficient for the anticipated road speeds in this location.
- The addition of a single dwelling is not anticipated to give rise to a material intensification of use of the existing access point.
- An inspection of collision data from a period of the last five years reveals no recorded injury accidents within the vicinity of the site; and
- At Technical Details Consent stage, would expect details to be provided demonstrating proposed vehicular access arrangements to the site, sufficient space for parking and turning of vehicles and sufficient secure and covered cycle storage.

ADC DRAINAGE - no comments received but in response to the first application (WA/79/23/PIP), they stated no objection subject to conditions being applied at the technical details consent stage with the following comments:

- There is a culverted watercourse to the north of this site on Eastergate Lane.
- If connection of surface water is required to this culvert, then land drainage consent will be required.
- It is acknowledged that there is an existing surface water flooding issue on Eastergate Lane north of Brookview and Ashogle, (west of this site).
- However, the main sources of this are overland surface water flow routes from the north and west, therefore, it is not expected that a connection of surface water to this culvert would increase flood risk off-site.
- Would expect infiltration to be fully investigated and ruled out before the option of connecting to the culverted ordinary watercourse is explored further; and
- Would expect to see surface water drainage considered in the technical details consent application.

ADC ECOLOGY - advises no objections. States that the development will need to provide ecological surveys, enhancements, and a bat friendly lighting scheme. Also states that as the site is within the Singleton and Cocking tunnels Special Area of Conservation 12km buffer zone, an appropriate assessment will be required.

COMMENTS ON CONSULTATION RESPONSES:

Noted. It is not possible to impose conditions on PIP's.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built-Up Area Boundary (BUAB).
- Within the Singleton and Cocking Tunnels Special Area of Conservation (SAC) 2km Buffer.
- Area of Special Advert Control.
- Lidsey Treatment Catchment Area.
- Sharp Sand & Gravel Minerals Safeguarding Zone.
- Current/Future Flood Zone 1; and
- Agricultural Land Grades 2 or 3.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
SODM1	SO DM1 Soils

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

Walberton Neighbourhood Plan Policy 2019-2031 7 Biodiversity Corridors
 VE10

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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. The current Walberton Neighbourhood Development Plan was made on 14/07/21 and its policies are referred to in this report.

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 conflicts with the development plan in that it would result in development outside of the defined settlement boundary and on potentially high grade agricultural land.

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

Material considerations are considered in the conclusions.

CONCLUSIONS

INTRODUCTION:

This is a Permission in Principle application, and the Local Planning Authority can only assess whether the site is suitable in principle. The National Planning Practice Guidance (NPPG) states at paragraph 012 (Reference ID_ 58-012-20180615) that: "The scope of permission in principle is limited to location, land use and the amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage."

The NPPG confirms at paragraph 020 (Reference ID: 58-020-20180615) that conditions cannot be imposed. The following report solely analyses the proposal in terms of Location, Land Use and Amount in respect of the principle of development.

LOCATION/LAND USE:

This section covers the location/use of the site with reference to countryside, agricultural land, and wildlife designations.

Countryside:

Arun Local Plan (ALP) policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal and so the proposal conflicts with the ALP. However, it is material that the council cannot demonstrate a 5-year Housing Land Supply (HLS) (being 3.41 years) and so the presumption in favour of sustainable development is engaged. This is also engaged by the most up-to-date Housing Delivery Test results (as published in December 2024) which show that Arun delivered 70% of its housing requirements between 2020 and 2023.

The Walberton Neighbourhood Development Plan (WNDP) was made in July 2021 and shows the site outside the BUAB. Policy HP1 maintains that development in the countryside is inappropriate unless for a form of development in accordance with ALP policy C SP1 and so there is conflict with the WNDP policy.

The NPPF is an important material consideration in determining planning 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.

The site is well outside of the BUAB (342m in a straight line). It is possible to access local shops and services such as those in Walberton by cycle, on foot or by bus. Eastergate Lane is not lit at night and there is no segregated pedestrian path, but vehicle speeds are not excessive and there is plenty of visibility for pedestrians. There will be some localised harm to the natural environment, but this can be mitigated by biodiversity net gain. Meanwhile, conditions (to be applied at the technical details stage) can be imposed to secure electric vehicle charging points, cycle storage, energy efficiency measures and superfast broadband which will all help to reduce emissions and the need to travel by car.

There will be a loss of potential agricultural land but in return the proposal will provide two new dwellings which will make a positive, albeit minor, contribution to the current HLS shortfall and help in a small way to meet local housing needs. The development will result in the creation (or retention of) of jobs and wages during the construction phase whilst making a small contribution to the overall long-term prosperity of residents and businesses in the district in perpetuity. The proposal meets the economic, social, and environmental aspects of sustainable development.

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. The NPPF presumption and the impact of paragraph 14 are considered at the end of this report.

Agricultural Land:

As per the national Provisional Agricultural Land Classification Grading system (ALC), the site is either grade 2 or 3 agricultural land. The ALC is not based on site specific surveys but is instead assessed using various criteria including temperature, rainfall, aspect, exposure, frost risk, gradient, micro-relief, flood risk, soil depth, soil structure, soil texture, ground-based chemicals, and stoniness.

The ALC uses a grading system to assess and compare the quality of agricultural land at national, regional, and local levels. It assesses the potential for land to support different agricultural uses, such as growing crops for food but it does not consider the current use or intensity of use. It is not possible to be specific as to the grade due to the mapping scale at which the ALC map data appears.

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the ALC for development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term. There is no information on agricultural uses in the supporting statement and the site is clearly grassland which whilst could be used for the grazing of animals, is not used for either grazing or the growing of crops. Historical aerial photography dating back to 1991 reveals no evidence of arable uses.

There is no certainty as to the agricultural grade (i.e., whether grade 2, 3a or 3b) and no evidence of use for the growing of crops. The site itself is also small, and its loss would not have a material impact on the supply of agricultural land in the district. Whilst the benefits of 2 dwellings are very minor, at the same time ADC cannot demonstrate a 5-year HLS and so, in this case, the need does outweigh the potential economic harm. Therefore, there is no conflict with policy SO DM1.

Material Considerations:

The Council has granted permission for a new dwelling on land 1.1km to the west (planning ref BN/65/22/PL), and outline permission for four dwellings at Eastmere Stables (BN/25/23/OUT) some 900m to the west. Both of these sites are further from a BUAB than the site subject of this PIP application. The Council has granted a PIP for one dwelling on this site. However, in all three cases, the decisions were made in the context of a previous version of the NPPF and so it is correct to carry out a

new assessment against current planning policy at the time of determination.

Full permission was granted in January 2024 for two dwellings at Brookfield Farm (WA/111/23/PL) some 160m west of the site and this decision was made contrary to the development plan and at the time that para 14 of the NPPF was relevant. However, this decision was based on a recent previous appeal decision that was dismissed solely due to the Inspector taking a precautionary approach to agricultural land whereas in the resubmission, robust evidence was provided to demonstrate the site was agricultural land grade 3b. This was a special case and does not, in the view of the Local Planning Authority (LPA), set any kind of precedent for the determination of new residential applications in Walberton or on Eastergate Lane.

Unlike with the previously refused application, this application states that the dwellings will be for self-build and the applicant states this is an important material consideration. The applicant argues that the Council are not meeting the needs of the population of the Arun District (and Walberton as a parish) for self-build housing.

The Council determined a PIP for self-build housing last year and this was then dismissed on appeal in October 2024 (APP/C3810/W/24/3344161). The applicant does not make reference to this. The appeal was dismissed on grounds of the site being in the countryside and harmful to the local character. The Inspector discussed self-build at paragraph 10 stating:

"The appellant argues that the proposal would contribute to the overall number of sites available in the district for self-build homes. The appellant has also brought to my attention that the Council does not have a recognised policy mechanism to deliver such sites, particularly those that are in the ownership of large-scale housebuilders. However, even if the previous government's commitment to at least double the amount of custom and self-build is to remain, of which I cannot be certain, the fact remains that the Council has identified strategic sites including Ford and Nursery Fields that could deliver up to 42 new self-build properties or more. Indeed, whether the appeal site is previously developed land and appropriately connected to services or not, given the relatively low number of households with an interest in self-build registered with the Council, I can only attribute the self-build scheme limited weight in respect of the use of the land."

The Council's current Self Build Register contains 54 individuals and 1 association, and it seems clear that this demand can be satisfied through the strategic developments coming forward. The Council has secured units at Nursery Fields, Land North of Chalcraft Lane (12 units) and the recent application to remove these from the scheme has been refused (BE/129/23/S73). The council has secured custom-build plots on the Ford strategic site (30 units) and is hoping to secure self-build plots at the BEW and West Bersted strategic sites. Since August last year, the Council has approved 3 separate single dwelling applications for self-build housing (K/23/24/PL, LU/139/24/PL, K/32/24/PL).

On this basis, it is clear that the council is taking steps to fulfil its requirements in respect of self- and custom-build plots. The LPA do not agree with the applicant that it is failing in its duty to provide for self-build housing.

Impact on the Special Area of Conservation (SAC):

WNDP policy VE10 states development within the 12km buffer of the SAC should evaluate the potential loss of suitable foraging habitat and/or severance of commuting flight-lines such as semi-natural meadows, mature treelines, hedgerows, and watercourses. The policy states such features should be preserved unless it is demonstrated that they are not used by barbastelle bats.

The NPPG (para 005, Reference ID: 58-005-20190315) states permission in principle must not be

granted for development which is likely to have a significant effect (either alone or in combination) on a qualifying European site. Where development is likely to have a significant effect on a qualifying European site without any mitigating measures in place, the local planning authority should ensure an appropriate assessment has been undertaken before consideration of the grant of permission in principle.

This is a grassland site with trees to some boundaries. It does not form part of one of the WNDP designated biodiversity corridors and the council's ecologist has raised no objection to the proposal. The dwellings would be sited centrally well away from the boundary vegetation. At the technical details stage, there would be a consideration of biodiversity net gain, mitigation, and enhancement. It is the LPA's view that the siting of two dwellings will not have a significant impact on the SAC.

AMOUNT OF NEW DEVELOPMENT:

Previously, it was judged that one dwelling was appropriate in character terms as it represented the lowest amount of residential development and if residential development was appropriate in principle on the site, then one dwelling would also be appropriate. This proposal seeks permission for two dwellings and would, inevitably have a greater impact on the character of the area.

The site density remains within the limits set by the Arun Design Guide and there are other examples of dwellings in pairs in the immediate area such as Ashogle & Brookview House to the west (30m) and Strathmore & Stoneycroft Nursery to the east (150m). The surrounding area features other dwellings and horticultural development so new buildings would not necessarily be out of character in the general sense.

Provided the dwellings are set back from the road as per the indicative plan then they will have limited visibility from public viewpoints (and additional landscaping could be secured at the technical details stage). The size and shape of the suggested plots would be in character with the local context of large dwellings in medium or large sized plots. The amount is deemed acceptable.

SUMMARY:

This report identifies that the proposal is in conflict with the development plan policies in respect of development in the countryside. This is by definition an unsuitable location for new residential development having regard to the spatial characteristics of the area. The application is for two dwellings and so the benefits would be limited in scope.

The NPPF presumption in favour of sustainable development 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 granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Given the minor nature of the benefits, the clear policy conflicts and the weight given to those conflicts which relate to the WNDP (given the effect of para 14 of the NPPF), it is concluded that the adverse impacts would clearly outweigh the benefits and so a refusal is justified. The self-build nature of the proposal is noted but has low weight due to the fact that the Council is actively securing such housing elsewhere in the district. Therefore, it is recommended that this PIP be refused for the following reason.

RECOMMENDATION

REFUSE

- 1 The site lies in the designated countryside and is an unsuitable location for new residential development having regard to the spatial characteristics of the area in conflict with Arun Local Plan policy C SP1, Walberton Neighbourhood Development Plan policy HP1 and with reference to the weight to be afforded to Neighbourhood Plans by virtue of paragraph 14 of the NPPF.
- 2 **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 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 provide pre-application advice in respect of any future application for a revised development.