
Appeal Decision

Site visit made on 26 June 2018

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 16th July 2018

Appeal Ref: APP/C3810/W/18/3196233

Lake Barn, Maypole Lane, Yapton BN18 0DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jim Payne against the decision of Arun District Council.
 - The application Ref Y/77/17/OUT, dated 13 November 2017, was refused by notice dated 31 January 2018.
 - The development proposed is outline planning application for the erection of detached single storey dwelling house with vehicular access from Maypole Lane (all matters reserved except for means of access).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of detached single storey dwelling house with vehicular access from Maypole Lane (all matters reserved except for means of access) at Lake Barn, Maypole Lane, Yapton, BN18 0DR in accordance with the terms of the application, Ref Y/77/17/OUT, dated 13 November 2017, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council's emerging local plan is progressing. At the time of my decision the development plan is the Arun District Local Plan 2003 (LP), and I have determined this appeal in accordance with the LP.
3. The application was submitted in outline form with access to be determined at this stage. Plans have been provided suggesting possible design and layout and I have treated these as indicative only.

Main Issues

4. The main issues are;
 - (i) The effect of the proposal on the character and appearance of the area, and
 - (ii) Whether or not the site is suitable for residential development having regard to its accessibility to local services and facilities.

Reasons

Character and appearance

5. The dwelling would be sited on a plot of land towards the end of Maypole Lane. For the purposes of the LP the site is within the countryside. The broad character of the area is characterised as large scale, arable farmland.
6. The appeal site is largely shielded from view, and surrounded on three sides by development of some sort. To one side is the residential dwelling known as Lake Barn, on the other is a caravan park. Beyond the site planning permission has been granted for an above ground reservoir which is in the process of being constructed. To the front of the site is Maypole Lane, on the other side of the Lane is a parcel of land which has been granted lawful use for the siting of two caravans, and beyond that is a railway line. Accordingly the appeal site does not in any functional or visual way contribute to the open and rural character of the countryside.
7. Development of the site for one dwelling would be a continuation of the linear form of development along Maypole Lane. Given the siting and likely scale of the dwelling, which the indicative drawings suggest would be single storey, and having regard to the existing mature planting along the boundary and the surrounding built form, I consider that this development would not have a significant effect on the character and appearance of the countryside at this point.
8. Whilst matters concerning appearance, layout and scale have been reserved for future consideration, I see no reason why a dwelling compatible with its surrounding could not be designed for this site.
9. For the reasons above I find that that the proposal would not be harmful to the character and appearance of the area, and would therefore comply with Policy GEN7 of the LP which requires good design. The proposal would conflict with Policy GEN3 due to its location outside of the settlement boundary. However, this carries limited weight in view of the lack of housing land supply.

Location of development

10. The appeal site is approximately 1200 metres from the centre of Yapton. There are some facilities and services within the village, accessible via Maypole Lane and North End Road. It would be possible to walk or cycle into the village, however taking into account the relative distance, and in places lack of lighting, along with a varying quality of footpath, it is likely that future occupiers would use a private vehicle to access the village.
11. Inspectors have taken account of the location of Yapton with regards to allowing development, one scheme was less than 700 metres from the appeal site (APP/C3810/W/17/3170059) and I have carefully considered this appeal. The decision referred to permitted a larger number of homes, and therefore contributed more houses to the current shortfall than the scheme before me. However, it was generally accepted that the area was accessible and a suitable location for additional housing, having regard to the particular considerations of that appeal.
12. Taking into account the previous appeal on land in close proximity, I find that the site's accessibility to local services and facilities would not be a reason to

withhold planning permission, despite the site being outside of the defined settlement boundary.

13. Paragraph 55 of the National Planning Policy Framework (the Framework) advises that for rural areas housing should be located where it will enhance or maintain the vitality of rural communities, and that isolated new homes in the countryside should be avoided. The site's proximity to Yapton, and its relationship to other development, means that it cannot be considered to be a physically isolated location for a dwelling. I have found that there would be access to services and facilities by means other than the private vehicle, although it is likely that a private vehicle would be used. I do not consider that the appeal site is any less sustainable than those sites within close proximity that have been referred to by the appellant. This approach to the consideration of this issue is consistent with the Braintree judgement of 15 November 2017¹, which has provided clarification in respect of the interpretation of 'isolated homes' for the purposes of paragraph 55 of the Framework.
14. The proposal would fail to accord with policies GEN2 and GEN3 of the LP with regards to the settlement hierarchy. However this conflict carries limited weight taking into account the lack of housing land supply. The proposal would comply with Policy GEN 7 of the LP with regards to design however there would be some conflict with regards to use of the private vehicle. That being said, having had regard to the particular circumstances of the site, I find that this would be an appropriate location for a single dwelling in the countryside.

Other Matters

15. I have considered the appeal decision drawn to my attention concerning Sunnyside Barn however I do not consider it to be comparable to the appeal before me. This is because the Inspector in that case concluded that there would be harm to the character and appearance of the area.

Planning Balance

16. The parties agree that the Council is unable to demonstrate a five year supply of housing land. It follows that, for the purposes of paragraph 49 of the Framework, policies for the supply of housing are to be considered out of date. I have therefore determined the appeal in accordance with paragraph 14 of the Framework.
17. I have found that the development would not be harmful to the area's character and appearance and there would be no conflict with Policy GEN7 in this regard. Whilst the siting of the dwelling beyond the settlement boundary would give rise to some conflict with the LP, most particularly Policies GEN2 and GEN3, I consider that conflict, in the absence of other harm, does not weigh significantly against this development.
18. As I have found that the development would not be harmful I consider there to be no adverse impacts that would significantly and demonstrably outweigh the limited social and economic benefits arising from the construction and occupation of one dwelling. I am therefore of the opinion that for the purposes

¹ Braintree District Council v Secretary of State for Communities and Local Government, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin)

of the totality of the development plan and the Framework that this would be a sustainable form of development which weighs greatly in its favour.

Conditions

19. The Council has suggested various conditions and I have considered these having regard to the Framework and, in particular paragraph 206. Apart from the standard outline conditions I have included conditions relating to drainage and water discharge which are necessary to ensure that the site is adequately drained.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout and scale, (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.
- 5) The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.
- 6) The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been

submitted and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

END OF SCHEDULE