

Recommendation Report for Planning Permission

REF NO:	Y/32/25/PL
LOCATION:	Land West of Bilsham Road Yapton BN18 0LA
PROPOSAL:	Erection of 170 No. residential dwellings (30% affordable), parking spaces, internal site roads, public open space, children's play space, pumping station, surface water drainage features, landscaping and associated works. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>This application seeks 170 homes consisting of detached, semi-detached, and terraced dwellings. Unlike Y/3/22/OUT, no apartments are proposed and unlike with Y/52/23/PL, there are no instances of three storey dwellings.</p> <p>The mix consists of 5 x 1 bed (terraced houses), 65 x 2 beds, 84 x 3 beds, 10 x 4 beds, and 6 x 5 beds. Fifty-one homes will be affordable comprising 32 x 2 bed, 17 x 3 bed, and 2 x 4 bed. Eighty-one homes will be M4(2) compliant with eight (plots 8, 9, 14, 15, 21, 22, 26, 27) being M4(3).</p> <p>Parking provision is in the form of open-air parking spaces, detached and integral garages. The scheme includes 17 accessible visitor parking spaces and 8 such spaces allocated to the M4(3) homes. Cycles will be stored in garages or in sheds in the curtilage of the dwellings. No elevations are provided of such sheds so a condition will be required.</p> <p>The access will be approximately 30m north of the Bilsham Road/Taylor's Close junction. It will be a 6m wide bellmouth arrangement with 10m junction radii to enable a car to pass an HGV or refuse vehicle. There will be visibility splays of 2.4m by 64.9m to the north and 2.4m by 61.3m to the south. It is proposed to provide 2m wide footway on Bilsham Road between the new access and the existing footway/bus stop to the north. The adjoining strategic development to the North has provided a footway southward towards the bus stops. There would then be a continuous pedestrian route on the western side of Bilsham Road towards the village centre from the new site access. New tactile paved crossing points will be provided immediately north and south of the access.</p> <p>The site layout includes a new footpath down the eastern side</p>
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of the site towards the play areas and open space. All off-site works would be secured under a s278 agreement and enforced through a condition. Internally the primary street features a 2m footway on both sides of the carriageway throughout the development. Other internal roads generally have a 2m footway on at least one side or are designed as a shared surface.

Boundary treatments are a mix of 1.8m timber close boarded fencing, 1.8m high brick walls, 1m high black bow top metal fencing and 0.5m timber knee rail fencing. Materials are to be a mix of soft light red, dark red, buff, and brown multi bricks, roughcast white chalk render, red tile hanging, feature Waney Edge boarding, and feature Tudor boarding. Roofs will be Peat Brown, Slate Grey, or Burnt Orange coloured. Some houses include GRP based chimneys.

Street trees and other landscaping are shown across the site. The layout also shows an electric substation, a foul pumping station, areas of Public Open Space (POS), 4 separate play areas, drainage features, and a potential pedestrian link into the strategic site to the North. Buffer planting is shown to the western and southern boundaries.

SITE AREA

10 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

17 dwellings per hectare (gross density).

TOPOGRAPHY

The submission indicates a high point on the northern boundary with levels falling predominantly south-west towards the watercourse along the western boundary.

TREES

A total of 18 individual trees have been surveyed in addition to 3 groups of trees, 1 hedgerow and 2 areas of scrub vegetation. The proposal requires the partial removal of one section of group G1 and one section of scrub S1 (both Category C). In addition, an incursion into the Root Protection Area (RPA) of a Category A tree (ref T2) and a Category B tree (ref T3), to construct a proposed footpath.

A Tree Preservation Order has now been served, and this covers two Pedunculate Oak trees within the site in addition to a further 8 such trees outside the site. Neither of the affected Oaks are proposed for removal however the afore mentioned T2 is one of the TPO Oak trees and will have a footpath running through its RPA. The applicant proposes a no-dig methodology to minimise harm to this tree.

BOUNDARY TREATMENT

- Part 2m heras fencing with some 1.3m high post and rail along the northern boundary.
- Part watercourse with some scrub vegetation and small trees on western/southern boundaries; and
- Part hedge (including brambles) with some sections of 0.8m high post and wire and 1.3m high post and rail fencing along

the eastern boundary.

SITE CHARACTERISTICS

The site consists of a large agricultural field with an open field access from Bilsham Road opposite to Taylors Close.

CHARACTER OF LOCALITY

The character is mixed between built up and semi-rural. The site adjoins the edge of the settlement on its northern boundary and there are existing dwellings and allotments to the east on the opposite side of Bilsham Road. To the west and south are further open agricultural fields with the hamlet of Bilsham distant to the south. Dwellings along Bilsham Road are mixed in design and there is no clear character.

<b>RELEVANT SITE HISTORY</b>
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Y/80/25/S73	Variation of conditions 2, 14, 15, 22 and 23 imposed under Y/52/23/PL relating to approved plans condition, proposed boundary treatments, proposed cycle storage, proposed ecological mitigation/enhancement measures and proposed energy/sustainability measures.	
Y/43/25/TPO	Tree Preservation Order for 8 No. individual Pedunculate Oak and 1 (T1, T2, T3, T4, T5, T6, T7, T8) and 1 No. Group (G1 2 No. Pedunculate Oak).	
Y/15/24/NMA	Non material amendment following the grant of Y/3/22/OUT (Phase 1 full planning permission only) concerning the material palette, roof design, porch and bay design, window design, footprint and floor plans, accommodation schedule, M4(2) units and parking.	Approve 08-03-24
Y/52/23/PL	Full Planning Application for the erection of 170 residential dwellings; with access and parking, the provision of open space, play space and ecology areas with associated vehicular and pedestrian access, attenuation ponds and landscaping and associated works. This application is a Departure from the Development plan and affects a Public Right of Way.	Refused 16-11-23  <b>Appeal: Allowed+Conditions 24-01-25</b>
Y/3/22/OUT	Hybrid Application comprising of Full application for Phase 1 for 30 No residential dwellings, new access from Bilsham Road, public open space, landscaping, sustainable urban drainage and associated works; and Outline planning application for further phases of up to 110 No dwellings and associated infrastructure (with all matters reserved). This application is a Departure from	App Cond with S106 09-01-23

the Development Plan and is in CIL Zone 3 and is CIL  
 Liable as new dwellings.

Y/127/21/RES	Approval of reserved matters (appearance, landscaping, layout and scale) following the grant of Y/91/17/OUT for 250 No dwellings with associated parking, road/footway/cycleway provision, open space, landscaping, surface water attenuation & ancillary works (resubmission following Y/152/20/RES). This site is not CIL Liable as in Yapton Strategic Site.	ApproveConditionally 29-04-22
Y/116/21/ESO	Screening opinion request for proposed hybrid application for 200 dwellings (Phase 1 approximately 30 dwellings in detail) with access roads, pedestrian paths, open space, landscaping and sustainable urban drainage.	ES Not Required 24-08-21

Application Y/3/22/OUT was a hybrid application which allowed full permission for 30 dwellings on the site with outline permission for a further 110. No part of this has been implemented but changes to the designs of the 30-dwelling part were approved via a s96a NMA application (Y/15/24/NMA). Y/3/22/OUT expired in August 2025.

Application Y/116/21/ESO was a request for an Environmental Impact Assessment (EIA) Screening Opinion for up to 200 dwellings and the Local Planning Authority confirmed in August 2021 that an EIA would not be required for this amount of homes. Y/127/21/RES is referred to as it represents the approval of detailed matters on the adjacent strategic site to the North.

Y/52/23/PL was an application by Boklok for 170 homes and was refused on grounds of character/appearance but was then allowed on appeal following a hearing. The Inspector found no harm to character or appearance and determined that the Boklok house design would not be inappropriate in this location. The Inspector did find policy conflicts concerning the loss of agricultural land, flood risk, insufficient parking provision, and housing mix but only afforded these issues moderate weight. The Inspector agreed that para 14 of the NPPF applies to conflicts with the Yapton Neighbourhood Plan but found that the significant benefits outweighed the moderate harm. The Inspector also stated it was not reasonable to apply the school transport contribution to the full 170 dwellings therefore agreed it on the basis of 30 homes only (30 representing the difference between the approved 140 and proposed 170 homes).

Y/80/25/S73 was submitted in late December 2025. It is for an identical proposal to this application and has simply been submitted as a way of 'speeding up' planning permission as if granted, the s106 agreement from Y/52/23/PL would transfer meaning there would be no need to draw up and negotiate a new agreement (as is the case with Y/32/25/PL).

<b>REPRESENTATIONS</b>
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Yapton Parish Council (YPC) object and request the following be resolved before any approval is given:

- Most of the affordable housing is in one area of the site which will create a perceived 'ghetto'.
- Need open pedestrian links onto Bittern Avenue within the strategic development to the North.
- Need a pedestrian access onto Bilsham Road to the south opposite the allotments/the start of footpath 148.
- The proposed footways and footpaths within the site must all be suitable for wheelchair use and access.
- A safe crossing must be implemented on Bilsham Road linking the eastern footway with the new development.
- Concerned with the lack of active frontages and presence of hard boundaries onto Bilsham Road (from plot 129 to plot 170).
- Request that only native planting be used along the Bilsham Road frontage (not ornamental planting); and
- The large SuDS feature at the southern end must be landscaped in such a manner to reflect a natural reed bed or equivalent.

Middleton-on-Sea Parish Council object on the basis of the increased traffic putting pressure on the Comet Corner junction. They state this application should be refused until the new roundabout scheme has been implemented.

As of 16 February 2026, 104 No. objections raising the following concerns:

- Too many houses built/being built in the area.
- Insufficient infrastructure/facilities.
- No need for new houses as existing homes are still unoccupied.
- The housing need is for all of the district not just Yapton.
- Loss of an existing green space land presently used by residents for dog walking/leisure.
- Loss of prime agricultural land.
- In conflict with the Development Plan.
- Increased risk that Yapton will merge with Middleton.
- Increase in local crime.
- The previous application was refused.
- Need for a thorough Environmental Impact Assessment.
- Increased safety risk and congestion at Comet Corner and the Oystercatcher.
- Car sharing schemes are not viable.
- No nearby railway station or reliable bus routes.
- Need for facilities designed for young people to discourage anti-social behaviour.
- Travel Plan is too generic in nature.
- The developer should be made to provide a financial contribution towards the proposed active travel route down Bilsham road from Graham road to the A259 cycle route.
- Need a pedestrian access onto Bilsham Road to the south opposite the allotments/the start of footpath 148.
- Not acceptable to just provide cycle storage sheds to promote cycling.
- Need the provision of an Active Travel Document.
- Land is at risk of flooding.
- Increased runoff of surface water onto local roads.
- Inadequate foul sewage to cope with extra demand.
- Insufficient supply of fresh water to cope with extra demand.
- The previous concerns of ADC Drainage Engineers have not been resolved as there has not been any attempt to discharge the conditions requested to be imposed on Y/52/23/PL.
- Support the objection of ADC Drainage.
- The drainage calculations do not consider the cumulative impact of the adjacent strategic development (250 homes)

- Several concerns with the now superseded Drainage Strategy.
- The decision to allow Y/52/23/PL on appeal does not automatically approve this new application.
- EA Flood maps should not be relied upon as they do not show surface water flooding.
- Borehole testing undertaken at the wrong time of the year.
- Harm to wildlife (Bats, Birds, Deer, Reptiles).
- Where is ADC's designated local Bat Survey.
- Loss of trees and mature hedgerow.
- Overshadowing/overlooking/noise disturbance to adjacent residential properties.
- Harm to residents' amenities during construction.
- Proposed homes are not in character and dominate the streetscene.
- Need a landscaped buffer at the southern end of the site.
- Insufficient proposed landscaping on Bilsham Road.
- Houses should be set well back from Bilsham Road.
- Even after amendment there are still houses side on to Bilsham Road.
- Erosion of Village Character and Identity.
- Redrow Homes are not of an acceptable quality.
- Clustering of affordable housing.
- No current details on who will manage the affordable housing.
- Affordable housing is not always provided as developers can instead make viability arguments.
- Need a greater than policy compliant amount of affordable housing to satisfy need.
- No updated response from the Council's Affordable Housing officer.
- No CIL financial details have been published by ADC to confirm the required contribution.
- The requested revised CIL form has still not been submitted.
- No current indication of whether there will be a s106 in relation to 'Affordable Housing' and travel payments for schoolchildren.
- The CIL forms need to be updated to reflect changes in house types and floor areas.
- Not acceptable to include a mechanism in the s106 to allow payment of a commuted sum instead of providing affordable housing.
- Need further archaeology surveys as the current survey is from the last application.
- Loss of extensive archaeological finds.
- Presence of unresolved contamination/geo-technical concerns with the site.
- Air Source Heat Pumps (ASHP's) should not be used until ADC has carried out an investigation on their noise impacts (this could be conditioned).
- Electric Boilers are preferable to ASHP's.
- Certain application drawings do not show the hamlet of Bilsham or Hobbs Court.
- Certain drawings in the submission are at variance with each other in terms of how adjoining or adjacent land is displayed.
- Permission is required to take and publish photos of existing houses.
- Now unclear who owns the land as names of the owners in the application form have been redacted.
- Inappropriate of ADC to not re-consult the Public following the changes to the application.
- Applicants should not be allowed to make amendments after submission; and
- Re-consultation should not take place in the summer holiday period.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

The majority of the representations are discussed in the conclusions with the exception of the following:

Parish Council:

- One potential link location is indicated on the plan and there are other potential links for instance where proposed landscaped spaces meet existing landscaped spaces. A condition will be imposed to secure a link between the sites.

- A pedestrian access onto Bilsham Road opposite the allotments/the start of footpath 148 was included with application Y/52/23/PL but has been omitted from this proposal due to safety concerns as the path had been shown exiting onto the carriageway without a formal crossing.
- WSCC Highways have not determined the need for a crossing point on Bilsham Road in any of the two previous applications on the site or in respect of the adjacent strategic development. It is material that there is already an extant permission for 170 dwellings with no formal crossing point. Future residents can use the footway on the western side of the road to reach facilities in the centre of Yapton.
- A landscaping condition will be imposed which will then control the species of planting along Bilsham Road and the planting associated with the SuDS ponds; and
- WSCC Highways continue to raise no concerns with the impact on Comet Corner (as per the previous two applications), but the proposal will secure a contribution of £45,220 towards the new roundabout scheme.

### Residents:

- It is acknowledged that the Yapton area has seen significant house building and that some new homes are still available to buy however there remains a shortage of housing within the district and this site has already been agreed as a suitable residential site.
- Whilst the land may well be used for recreation, it is privately owned farmland and there are no public access rights.
- The existing edge of Yapton (Built-Up Area Boundary) is around 1,520m from Middleton-On-Sea's BUAB. The proposals will reduce that by only around 110m. There is no risk that the two settlements will merge.
- There is no evidence to suggest these new homes will automatically result in a noticeable increase in local crime.
- Residents are correct that application Y/52/23/PL was refused but it was then allowed on appeal.
- A development of this scale and characteristics does not require an Environmental Impact Assessment, and this has been formally confirmed by application Y/116/21/ESO.
- The proposed scheme includes a Neighbourhood Equipped Play Area (NEAP) which will be designed for older age children and will be inclusive of all genders.
- No financial contribution has been requested on this or the previous applications in respect of the proposed active travel route.
- There is no current validation requirement for an Active Travel Document, but the submitted Transport Statement does analyse and discuss active travel measures.
- There is no evidence of a lack of potable drinking water in the area however a condition can be imposed to restrict water consumption.
- It is not necessary to discharge conditions associated with a planning permission that is not intended to be implemented.
- The EA Flood mapping has recently been updated to show surface water flooding.
- No drainage consultees have raised concerns with when groundwater testing took place.
- ADC does not have its own Bat survey.
- The impacts of construction will be managed through a construction management plan.
- A landscaped buffer is shown along the southern boundary.
- Concerns with insufficient landscaping to Bilsham Road are noted however it is also important that the homes be seen to front onto Bilsham Road and not hidden from view.
- The build quality of a housebuilder is not a material planning consideration.
- The Affordable Housing Registered Provider will not be known until after permission has been granted as they will then be invited to bid for the homes.
- It is not appropriate to require a greater than policy compliant amount of affordable housing even if there is a need.
- It is ADC's policy to allow a reduction in the amount of affordable housing on sites, but this is normally only allowed in very exceptional circumstances and if supported by robust evidence including, where

appropriate, viability evidence. There is no suggestion, at this time, that this will be the case with this proposal.

- It is also standard to include mechanisms in s106s to allow payment of a commuted sum instead of providing affordable housing. However, developers must demonstrate with robust evidence that there have been no interest from any affordable providers. The alternative would be homes or land sitting empty and developments unfinished.
- CIL is finalised after planning permission is given and is paid on commencement. However, this report will give an estimation of the likely payment.
- The CIL form was provided on 13 February 2026.
- The Council's Archaeologist had advised no need for further surveys.
- Any contamination identified will be remediated in order to make the site safe for human habitation.
- The concerns with the noise and energy efficiency implications of Air Source Heat Pumps are noted however it is material that these can currently be installed under permitted development rights. Also, that the Council's Environmental Health Officer raises no objections to the use of these.
- There is no planning validation requirement to plot nearby buildings on drawings. There is also no requirement to ensure that all drawings show the same things outside of the site area.
- It is understood that no permission is required to take photos of existing houses provided they are taken from public land. Using such photos for commercial purposes may require homeowner permission however this is not a breach of planning law.
- The application form is clear that Redrow Ltd (now part of Barratt Redrow) are the applicant and that they have only served notice on WSCC Highways. Therefore, they are the landowner.
- The re-advertisement of applications is only undertaken when there had been a material change to the application. In this case, the changes undertaken to the layout and supporting documents are minor in the context of the whole proposal.
- It is at the discretion of the Local Planning Authority whether to allow amendments; and
- There are no rules preventing re-consultation from taking place during holidays.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

ACTIVE TRAVEL ENGLAND - no comment and refer to their standard guidance.

ENVIRONMENT AGENCY - no objection provided an 8m easement is provided from the top of the bank of the main river as shown on drawing 24-217-256, and that all surface water basins are located outside the design flood + climate change extent as shown in drawing 24-217-256. Request a condition to secure these mitigation measures. State there will be a requirement for a Flood Risk Activity Permit (FRAP) for any works in 8m of the Rife, including in respect of any proposed outfalls.

NATIONAL HIGHWAYS - no objection subject to conditions regarding construction management and no occupation until the proposed A27 Yapton Lane right turn improvements have been carried out. State that the A27/Yapton Lane junction works will commence in September 2025 and will be completed and open to traffic by late November 2025.

SOUTHERN WATER - no response. However, in response to Y/52/23/PL, they stated no objection subject to a condition and informative. At that time, they stated they would endeavour to provide network reinforcement (i.e., sewer improvements) in 24 months of the planning consent being granted.

SUSSEX POLICE - no objection but list a number of advisory notes regarding improving security. Separately requested a contribution of £7500 to be secured towards the provision of one Automatic Number Plate Recognition (ANPR) camera on Burndell Road. State this contribution should be provided

prior to commencement.

WSSC DRAINAGE - no objection subject to certain conditions. State the submission is in accordance with the NPPF and local planning policy.

WSSC HIGHWAYS - no objection subject to conditions to secure the access, a construction management plan, a final Travel Plan and a s278 agreement concerning the off-site highway works. Also request a contribution towards Comet Corner improvements. State:

- New footpaths to the North (along Bilsham Road) and south (to allow access to footpath 144) are positive.
- No concerns in principle are raised with the layout which is revised from the 2023 application.
- The access strategy (including RSA), network capacity (continued committed developments as 2023), parking and all other comments would be the same as 2023.
- Confirm no additional comments following the internal layout changes made in September 2025.

WSSC EDUCATION - objection due to it not being possible to expand secondary school provision for pupils arising from the development, and the lack of an allocated or secured site for a new secondary school. Until such time as the secondary school has been built and opened, they require a contribution towards home to school transport in order to enable pupils to access schools outside the district. As per the previous appeal decision, WSSC confirm that a contribution will only be sought for 30 dwellings (which represents the uplift in dwellings between Y/3/22/OUT and Y/52/23/PL).

ADC CONSERVATION OFFICER - no objection. States no harm to the setting or significance of the affected designated heritage assets. Request detailed landscape proposals including mature planting be secured by a condition. State:

- The proposal has the potential to affect the following Grade II Listed Buildings: Old Bilsham Farmhouse, The Chapel, Bilsham Manor and Manor Cottage, and Hobbs Farmhouse.
- In addition, there is potential for impact upon the recently identified Bilsham Area of Character (Non-Designated Heritage Asset - NDHA).
- The layout plans shows development would be concentrated over approximately 3/4 of the site leaving the 1/4, the most southern element (that which is closest to the listed buildings) as an area of green open space, with planting.
- As the development would not directly affect any built historic fabric, the consideration lies with whether the significance of the heritage assets could be harmed by changes within their settings.
- The principal changes to the wider settings of the listed buildings would be from the transformation of agricultural land to the north as a modern housing estate with potential views of the new housing from the assets.
- Boundary planting could soften the appearance of new housing as part of the wider, semi-rural surroundings of Yapton.
- This would limit any inter-visibility with the listed buildings in Bilsham/hamlet of Bilsham; and
- The minor visual changes which could arise to the wider settings of the listed buildings would have a neutral effect on the settings of the listed buildings.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions re unexpected contamination, noise assessment of any proposed plant/machinery/ground or air source heat pumps, construction management, construction hours, lighting, and electric vehicle charging points.

ADC LANDSCAPE OFFICER - initially raised objection due to compromised layout/green infrastructure provision versus the previous scheme, the lack of a LEAP (Local Equipped Area of Play), inadequate design/quality of play area proposals, and insufficient street tree planting. Following receipt of

amendments and re-consultation, has advised that the LEAP has now been included but the play areas are still not acceptable and require further revision. All other concerns remain.

ADC ECONOMIC DEVELOPMENT - request that the permission secures an Employment and Skills Plan.

ADC AFFORDABLE HOUSING - requires the applicant agree a s106 legal agreement to secure 51 affordable dwellings across the whole site comprising 34 Affordable Rented, 4 Shared Ownership and 13 First Homes. States that the affordable housing mix (by house size) is not policy compliant as the increased number of 2 bedrooomed units over 3 bedrooomed units is too far apart from the Policy requirements in the Yapton Neighbourhood Development Plan.

ADC DRAINAGE ENGINEERS - raise objection due to the following (summarised) concerns:

- No formal assessment of interception drainage has been considered or submitted. This is required to endure that the first 5mm of rainfall for the majority of rainfall events does not result in any runoff from the site.
- The proposed discharge rates from the site have not been justified for the positively drained areas or evidenced by detailed calculation.
- The water quality assessment (treatment of surface water) is currently inadequate.
- No assessment of amenity benefit (from SuDS) has been submitted; and
- There is the potential for conflict between proposed trees and drainage infrastructure on the site.

ADC ECOLOGIST - no objection subject to various conditions. States the following:

- The revised BNG Metric dated 01/05/25 has reduced the net gains but still exceeds the mandatory BNG requirement.
- Habitat enhancement includes the creation of scrub, neutral grassland, other broadleaved woodland, and urban trees.
- Native and non-native hedgerow will be planted and the ditch along the western boundary will be enhanced.
- The BNG proposals are significant and will need to be secured by a s106 legal agreement.
- The Preliminary Ecological Appraisal (PEA) recorded no bat roosts and whilst there are trees with roost potential, these are being retained.
- 8 species of bat were recorded commuting and foraging along the boundaries therefore a bat sensitive lighting scheme is recommended.
- Two species of reptile were recorded during the surveys - Slow Worms and Common Lizard. A reptile mitigation strategy is required.
- No evidence of Great Crested Newts was recorded during the eDNA assessment of applicable waterbodies; and
- Mitigation measures will include Swift bricks, bat boxes, bat tubes, and reptile hibernacula.

COUNCIL's ARCHAEOLOGIST - no objection. States the archaeological investigation of this site has already been completed satisfactorily therefore no further intervention is warranted.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted and will be addressed in conclusions section except as discussed below.

SUSSEX POLICE - the requested contribution can be secured through CIL therefore will not be included in the s106.

WSSC EDUCATION - this objection is due to the current inability to expand secondary school provision to accommodate pupils arising from the development (and other developments in the district) and the lack of an allocated or secured site for the delivery of the new secondary school. This development does not itself generate the need for a new secondary school and there is no policy requirement for the development to provide a school on site or to fund the whole cost of one elsewhere.

It is material that CIL contributions can be used to fund new school facilities, and the developer will be liable for such. WSSC raised similar concerns in respect of the "Land South of Barnham Station" appeal, but the Inspector dismissed this stating "if allowed, the appeal proposal would be subject to a CIL liability in terms of contributing to wider infrastructure needs such as health and education". It is important to ensure consistency of decision making."

It has been agreed with WSSC that ADC will revisit looking at potential secondary school sites, but it is unreasonable to reject this application solely on the absence of a secured school site when an appropriate contribution through CIL will be secured towards its delivery. The requested school transport contribution can be secured through a section 106 agreement however it is not possible to secure a contribution towards the actual school as this application is liable for CIL.

ADC LANDSCAPE OFFICER - conditions can be imposed to seek approval of the play areas at a later date and therefore it is not necessary to agree these details through this decision. The applicant has advised that some parts of the layout (street frontages) cannot have street trees due to the location of necessary services (i.e. pipes and cables).

ADC AFFORDABLE HOUSING - the objection is noted but it is material that the proposed affordable housing mix is exactly the same as the one agreed by the Inspector through the decision on Y/52/23/PL.

ADC DRAINAGE ENGINEERS - the applicant responded to the objection in September 2025, but further comments were received from Engineers on 24 October 2025 maintaining an objection with the following issues (in summary):

- Insufficient opportunities for interception drainage.
- Consideration required of the use of "at source" SuDS features, such as rain gardens, roadside bio-retention features.
- No clear consideration of the surcharged level in the drainage modelling and therefore unclear whether longer storm events can be accommodated without causing flooding and/or the site layout provides sufficient allowance for attenuation storage.
- No assessment of amenity benefit to drainage features has been submitted.
- Insufficient assessment of biodiversity benefits.
- The proposed attenuation basin 1 appears over 2m deep and will likely encounter groundwater.
- The ability of constructing and operating these basins whilst including adequate measures to counter the buoyancy effect of the high groundwater without impacting the current proposals results in a risk that the size and layout of the basins may need to change in plan area during the detailed design stage; and
- This could result in an increase in plan area to account for reduced depth, impacting the layout and deliverable public open space area.

## POLICY CONTEXT

Designations applicable to site:

- Outside the Built-Up Area Boundary (BUAB).
- Grades 1/2 Agricultural Land.
- Flood Zone 1 but with Zone 2/3 risk along the line of the Rife.

- The Zone 2/3 area is predicted to enlarge in the future only slightly with all residential areas remaining in Zone 1 by 2111.
- Potential for high groundwater levels.
- Grade II Listed Buildings within Bilsham to the south; and
- CIL Zone 3.

The site is not in a Waste Site Buffer, Mineral Protection Area, nor in an Archaeological Notification Area.

## DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
HWBSP1	HWB SP1 Health and Wellbeing
QESP1	QE SP1 Quality of the Environment
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<a href="#">Yapton neighbourhood plan 2014 Policy BB1</a>	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy BE2	High speed broadband
Yapton neighbourhood plan 2014 Policy H1	Housing requirement

Yapton neighbourhood plan 2014 Policy H2	Dwelling size
Yapton neighbourhood plan 2014 Policy H3	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

**PLANNING POLICY GUIDANCE:**

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021

**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 and 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.

**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 relevant Development Plan policies in that the site is located in the countryside and on best and most versatile agricultural land. There is also a conflict with the housing mix policy in the Neighbourhood Plan and with current drainage policy. No completed s106 has been submitted.

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**

There are other material considerations to be weighed in the balance with the Development Plan and these are set out in the Conclusions section below. Most importantly is the presence of the previous (extant) appeal approval for 170 dwellings.

## BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and will provide the following on the site:

- 4.37 habitat units (21.26%).
- 2.14 hedgerow units (55.16%); and
- 0.20 watercourse units (10.88%).

This exceeds the minimum requirements for BNG.

## CONCLUSIONS

### COMPARISON WITH PREVIOUS SCHEMES:

The previously approved scheme under Y/3/22/OUT obtained full permission for 30 dwellings and outline permission for a further 110 across a site area of 7.97 hectares (ha). A total of 2.97ha of Public Open Space (POS) was proposed. The Illustrative Landscape Master plan suggested that a further area of land owned by the applicant to the south would be set aside for biodiversity improvement. This was outside of the red edge (it was blue edged as adjacent land in the same ownership) and comprised agricultural land, which is in itself valuable, so was not secured as biodiversity land by the Local Planning Authority (LPA).

Application Y/52/23/PL sought permission for 30 more dwellings (170 in total) across a site area of 10 ha. A total of 4.24ha of POS was proposed. The red edge included the aforementioned 'biodiversity land' in the site area. The closest house was approximately 113m from the land ownership boundary (compared to 181m on Y/3/22/OUT).

This new application again seeks permission for 170 dwellings across a site area of 10 ha. The amount of POS has been reduced to 2.12ha but as this report will show, is still greater than as required. The red edge similarly includes the aforementioned 'biodiversity land' within the site area. The closest house is approximately 123m from the extent of the land ownership boundary compared to 113m as per the Boklok scheme and therefore slightly increases the gap to the southern boundary.

### PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For this application, the development plan comprises the Arun Local Plan 2011-2031 (ALP) and the Yapton Neighbourhood Development Plan (YNDP).

Paragraph 11(d) of the NPPF sets out the presumption in favour of sustainable development which is to be applied where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date.

In January 2026, the council published its Authority Monitoring Report (AMR) for 2024/25, and this shows that the Housing Land Supply (HLS) had fallen slightly to 3.23 years (from 3.41). On the basis of the new AMR, the policies most important for the determination in the ALP have reduced weight and are out of date.

Paragraph 14 serves to provide additional weight to Neighbourhood Plans in cases where para 11(d) has been engaged. In this case, paragraph 14 is engaged on the basis that the YNDP is less than 5 years old

and that the Plan includes policies and allocations to meet its identified housing requirement. This has been tested at appeal including on Y/52/23/PL.

The site lies in the countryside outside of but adjoining the Built-up Area Boundary (BUAB). 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. ALP Policy SD SP2 states development should be focused in the BUAB. The application therefore conflicts with ALP Policies C SP1 and SD SP2.

The YNDP also shows the site as being outside of the BUAB. Policy BB1 states development outside the BUAB will not be permitted unless in accordance with 4 listed criteria. Criteria 1-2 and 4 are not relevant to the proposal, but number 3 is where the development relates to additional allocations for housing land in accordance with Policy H1. Policy H1 states "The housing requirement for Yapton over the period 2011 to 2031 will be met through: (a) dwellings which have planning consent as of March 2021, (b) windfall opportunities in accordance with policy BB1, ALP Policy H SP1 and the NPPF, and (c) the proposed housing allocations in the YNDP and ALP. The proposal does not accord with any of these and is therefore in conflict with YNDP policies BB1 and H1.

The Council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It recommended the council consider inviting applications from landowners / developers on 'deliverable' Housing and Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply. The site (ref 18Y2) was stated to be 'deliverable' in the 2024 HELAA and would therefore benefit from support from the Action Plan. The HELAA stated the site is contrary to policy but adjoins the BUAB of Yapton with access to services, employment, leisure, and transport facilities and could form a natural extension to the Yapton settlement structure and the strategic housing allocation.

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy but a guide for developers proposing development on sites outside the BUAB and to inform decisions. The IHS applies to sites adjacent to settlement boundaries and this site meets the criteria, The IHS sets out criteria to help speed up determinations of suitable residential developments. The application states the proposal meets all but one of the criteria (the exception being the site is not in the BUAB).

The site, despite being outside the BUAB, is adjacent to the defined settlement edge and is in a sustainable edge of settlement location. Together with proposed footway improvements on the west side of Bilsham Road arising from this and the adjacent strategic development, it will be possible for residents to walk to access schools, shops. There are bus stops outside the site with a proposed tactile paved crossing point facilitating easier access to the southbound stop on the east side of Bilsham Road. Bus route 700 runs along Bilsham Road and provides connections to Bognor Regis, Chichester, and Littlehampton. A Residential Travel Plan proposes providing new residents with a travel information pack including £50 vouchers towards cycling equipment and information on public transport initiatives.

The principle of this development conflicts with the ALP and YNDP. However, the Council cannot demonstrate an appropriate HLS and that it has invited applications on deliverable HELAA sites and particularly those adjacent to settlements in sustainable locations such as this. Due to the HLS position, the application as a whole, falls to be determined by the NPPF presumption in favour of sustainable development under paragraph 11(d) and this will be concluded upon later in this report. It is also material that the previous appeal for 170 homes was allowed.

#### AGRICULTURAL LAND:

Application Y/3/22/OUT was accompanied by a Soil Resource Survey which stated the on-site soils are

Clay Loam to Silty Clay Loam and are unlikely to perform well in residential back gardens or as landscaping as they will be prone to compaction, at higher risk of waterlogging, surface water ponding, and poor grass growth. This survey recommended measures to make the soils more suitable for such purposes and the report stated that a soil resource plan would need to be prepared (through a condition) to secure the protection and mitigation of the soils.

The previous report did not identify the grading of the on-site soils which are noted in the map in the YNDP to likely be classified as grades 1/2 agricultural land (best and most versatile). 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.

The land was last used for arable crop purposes and is a large tract of land. The Ecological Impact Assessment states that the 2021 survey recorded a monoculture of winter sown cereal, likely wheat, or barley. Although, the land is currently unmanaged, remnants of a self-seeded cereal crop and fodder crop were present growing in some areas.

ALP Policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the ALC for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the proposal outweighs the need to protect such land in the long term.

YNDP Policy E1 states planning permission will be refused for development on grade 1 and grade 2 agricultural land unless: it involves the granting of planning permission for the development of housing allocations identified by the Plan or for any additional housing sites required by Policy H1. The proposals clearly conflict with this Policy. The HLS shortfall is significant, and agricultural land will need to be built on to meet the shortfall. Sites that are close to settlement boundaries such as this would be preferred to meet this need.

In allowing an appeal at Clays Farm, Yapton relating to a refusal on loss of grade 2 agricultural land (Y/62/18/OUT), the Inspector noted the site was not being used for agriculture and there was no evidence the site would be so used in the future. The Inspector stated whilst this does not in justify the loss of agricultural land, it does act to reduce the level of environmental and economic harm caused by its development. The Inspector considered the loss represented only moderate harm and that the benefits of 33 new homes outweighed this harm.

Although this site has until relatively recently been used for crops for the purpose of human food production, the HLS shortfall is significant, and agricultural land will need to be built on to meet the need for more houses. Therefore, on balance, the housing land supply need does serve to outweigh the loss of the agricultural land.

Policy SO DM1 makes it clear that in order to fully justify the loss of the agricultural land, the policy criteria (a) to (b) and (d) to (g) should be met. These require assessment of the land's economic status, the land's environmental and other benefits, and mitigation measures. The applicant has not specifically responded to these criteria. On the previous appeal, the Inspector stated a condition could be imposed to secure a Soil Resource Plan to comply with criteria (g) but that there would be conflict with the remaining criteria. However, low weight was attributed to these issues given the HLS shortfall and that, at the time, Y/3/22/OUT was still capable of implementation. Whilst Y/3/22/OUT has since expired, it is now the case that Y/52/23/PL is capable of implementation.

It is also material that the additional requirements of Policy SO DM1 are more onerous than para 187(b) of the NPPF which just requires the economic and other benefits of BMV agricultural land to be recognised. Other appeal decisions concerning residential development in Arun have typically given low

weight to the loss of best and most versatile agricultural land. One notable exception was in respect of land west of at Drove Lane, Yapton (ref Y/68/23/PL). However, this was for a much smaller number of homes (20), and that site did not benefit from a previous permission.

Given that the HLS situation has not changed significantly and that Y/52/23/PL is still extant, the same conclusions can be drawn. Therefore, whilst there is a technical conflict with the agricultural land policy, it would not be sustainable to refuse on this basis.

#### TRAFFIC AND ROAD SAFETY:

ALP Policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes. YNDP Policy PK1 refers to parking.

Para 115 of the NPPF states: "In assessing ... specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 116 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

The application proposes a new access from Bilsham Road which will be 6m wide with visibility splays of 2.4m by 64.9m to the north and 2.4m by 61.3m to the south. The access will be approximately 30m north of Bilsham Road/Taylors Close junction and approx. 94m south of the access into the adjoining strategic development. It is proposed to provide 2m wide footway between the access and the existing footway and bus stop on the B2132 Bilsham Road to the north of the site. The adjoining strategic development to the North has provided a footway southward towards the bus stops. There would then be a continuous pedestrian route on the western side of Bilsham Road towards the village centre from the new site access. New tactile paved crossing points will be provided immediately north and south of the access. These access arrangements are the same as were proposed by Y/52/23/PL.

The site layout includes a new footpath down the eastern side of the site towards the play areas and open space. However, unlike with Y/53/23/PL, this no longer proposes a footpath link onto Bilsham Road at a point opposite the allotment access/start of public footpath 144 as this was not considered to be a safe arrangement. All off-site works would be secured under a s278 agreement and enforced through a condition. The layout also links to the adjoining strategic site.

Internally the primary street features a 2m footway on both sides of the carriageway throughout the development. Other internal roads generally have a 2m footway on at least one side or are designed as a shared surface. Bins will be collected from the kerbside. Where driveways are provided, bin collection points are provided in locations that represent acceptable drag distances for refuse operatives and residents.

WSCC Highways do not object and raise no concerns with access by the traffic movements associated with 170 dwellings, the volume of traffic expected for this development, with the ability of large vehicles to turn into and within the site or the with the proposed parking provision. It is also relevant that National Highways raise no objection.

The Parking Standards SPD sets out a need for 356 allocated spaces to include 18 suitable for disabled

parking and a further 34 spaces for visitors (so a total of 390). On the other hand, the requirement per YNDP Policy PK1 would be 357 spaces. The application proposes 434.5 spaces (the half resulting from the need to count garages as half a space each) including 34 visitor spaces. In addition, 25 disabled spaces are proposed (8 of which are allocated with the rest for visitors) spaces). Cycle storage would be provided in sheds or garages on all plots (1 space per dwelling). The parking provision is therefore in accordance with policy.

Local Transport Note 1/20 sets out minimum standards for local authorities and highway engineers when implementing new cycle infrastructure and includes, but not limited to, cycle crossings and junctions, cycle lanes, cycle tracks, cycle networks, and cycle parking. The applicant has confirmed that this has been taken into account and WSCC Highways have assessed the scheme having regard to this and other documents.

The proposal is compliant with the relevant development plan policies and the guidance on highway safety within the NPPF. As per the National Highways comments, a condition will be imposed to prevent occupation until the A27/Yapton Lane right turn lane mitigation scheme is complete. The scheme will also secure a contribution of £266 per dwelling (so £45,220) to the Comet Corner improvements scheme.

#### HERITAGE:

There are Grade II Listed Buildings to the south of the site in the hamlet of Bilsham. Bilsham Manor is the closest and is over 250m from the closest plot within the layout. The site edge is closer, but the southern area is proposed as Public Open Space (POS) with landscaping, and attenuation pond and play areas.

ALP Policy HER SP1 states development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. The NPPF provides guidance on how to determine impacts on heritage assets. YNDP Policy E8 designates a new Area of Character at Bilsham but the policy only relates to development within or immediately adjacent the defined area.

The NPPF provides guidance on how to determine impacts on heritage assets and para 207 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 208 then requires LPAs to identify and assess the particular significance of the heritage asset that is affected by a proposal. The LPA must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' (LSH) or 'substantial harm'.

Should there be 'less than substantial harm' then this must be counterbalanced with the level of public benefits associated with the proposal (as set out in para 215). The NPPG sets out that such benefits must be public not private and must deliver the economic, social, or environmental objectives as described in the NPPF.

The submission includes a Built Heritage Statement which states there could be minor visual changes to the settings of Old Bilsham Farmhouse, The Chapel, Bilsham Manor, Manor Cottage and Hobbs Farmhouse due to the landscaping and open space. It is stated that this would be a neutral impact with no impact on the significance of the heritage assets. The Conservation Officer agrees with this assessment stating that the proposal will result in no harm to the settings of the nearby heritage assets or to their significance. As no harm is advised, it is not necessary to consider public benefits.

With regard to the Bilsham Area of Character (AoC), the location of green open space to the southern area of the site provides a robust landscape buffer between new housing to the north and the AoC. As such, the proposed development would successfully maintain the rural and verdant surroundings of the

AoC, conserving an understanding of the historic hamlet and its local interest.

The proposal complies with the relevant development plan policies and there is no conflict with the Planning (Listed Buildings and Conservation Areas) Act 1990 as it does not directly affect any heritage assets and preserves the setting of the nearby Listed Buildings. As per the comments of the Conservation Officer, a landscaping scheme condition will be imposed, and this will request that mature species are planted to ensure the impact is mitigated from the start.

#### ARCHAEOLOGY:

ALP Policy HER DM6 states where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated development will not be harmful to the archaeological interest of the sites. The Policy requires a desk based archaeological assessment be submitted.

An archaeological intervention has already been carried out at the site and is recorded in the submitted report ("Phase 3 Archaeological Strip, Map and Record Excavation". This concluded that the various archaeological features excavated comprised the remains of an agricultural field system and part of a former working farmstead site of mid-1st to late-2nd century AD date. The Council's Archaeologist raises no objection and does not request a condition. There is no conflict with the Policy.

#### HOUSING MIX:

ALP Policy H DM1 requires that all housing developments provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. It is important to highlight that the policy does not prescribe a specific housing mix that must be met by individual applications, with it instead stating that each must be considered on its own merits having regard to the most up to date Strategic Housing Market Assessment (SHMA).

The 2012 SHMA was the subject of an update in September 2016 ("Updated Housing Needs Evidence") in which paragraph 6.3 stated that the evidence highlighted a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. Table 29 of the 2016 update identifies a suggested broad mix housing by size and tenure for the District. This comprises 5-10% 1 bed, 40-45% 2 bed, 35-40% 3 bed, and 10-15% 4+ beds.

YNDP Policy H2 also sets out a desired mix. As per section 38(5) of the Planning and Compulsory Purchase Act 2004, where there is conflict between different development plan policies then the conflict is resolved in favour of the most recent plan (in this case, the YNDP). Policy H2 requires the following overall (market and affordable) mix for developments of fifteen or more dwellings:

- 1-bed dwellings: 10-15% of all dwellings.
- 2-bed dwellings: 25-35% of all dwellings.
- 3-bed dwellings: 45-55% of all dwellings; and
- 4+ bed dwellings: 5-10% of all dwellings.

The scheme includes the following mix (expressed as the number and % of market only units (119) and the number and % of market and affordable combined (170) in order to assess against both of the above housing mix ranges):

- 5, 5 x 1 bed dwellings (4.2%, 2.9%).
- 32, 65 x 2 bed dwellings (27.7%, 38.2%).
- 17, 84 x 3 bed dwellings (56.3%, 49.4%); and

- 2, 16 x 4+ bed dwellings (11.7%, 9.4%).

There is conflict with the YNDP in terms of the proportions of 1 and 2 beds. However, it is material that the mix was previously accepted on Y/52/23/PL both by the decision of the Council and that of the Planning Inspector. Indeed, the Inspector stated in respect of housing mix that: "Having regard to the Council's supply and delivery positions, including the extent of the shortfalls, the proposed provision of the market and affordable housing weighs substantially in favour of the scheme".

The mixes are very similar to what was proposed on Y/52/23/PL with the only difference being an increase in the number of 1 bed dwellings. For completeness, these are the proportions of the overall mix from the previous scheme: 0% 1 bed, 41% 2 bed, 49.5% 3 bed, 9.5% 4 bed. The applicant provided a Housing Mix Assessment on application Y/52/23/PL which assessed local needs, trends, and concluded:

- The demographic, market trend, and consumer data analysis supports a development formed primarily of 2, 3 and 4-bedroom houses to support younger working families with school age children.
- None of the evidence points to a need for flats or 1-bed properties; and
- Without development capable of attracting younger working families with school age children, the ALP definition of Yapton as a village and suburban centre will be in jeopardy, as the amenities which the ALP characterises Yapton as sustaining (a range of shops, employment, housing, community facilities, and local services, supported by improved transport links) will become unviable.

The increased use of larger homes results in a reduction in overall site density in an edge of settlement location which is in also in accordance with the ADG. The Council's Affordable Housing Officer has objected to the affordable housing house sizes mix but this part is exactly the same as on Y/52/23/PL and was previously accepted.

#### HOMES FOR OLDER PEOPLE:

YNDP Policy H3 requires that a minimum of 25% of the 1, 2 and 3 bed dwellings are delivered to standards set out in Part M4(2) of the Building Regulations or to any update of those standards. In order to comply with the YNDP policy, the application should provide 39 no. M4(2) homes. The scheme exceeds this with 81 homes meeting the M4(2) standard.

Arun has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but has some weight as a material planning consideration and is supported by references in ALP policies D DM1 and D DM2.

It would require 85 M4(2) homes and 8 M4(3) homes. The proposal includes 8 M4(3) and 81 M4(2) and is therefore short of the M4(2) requirement by 4 homes. However, as stated above, where there is a policy conflict, it should be resolved in favour of the newer document, and it is clear there is no conflict with the YNDP Policy. In any case, ADC guidance note does not have policy status. The M4(3) provision is entirely within the affordable tenure but the M4(2) provision is mixed between market and affordable. None of the afore mentioned policies state a requirement for M4(3) housing to be mixed between tenures.

#### LANDSCAPE, CHARACTER, DESIGN AND DENSITY:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. Policy AH SP2 seeks to

ensure affordable housing is visually indistinguishable from market housing and layouts avoid large clusters. YNDP Policy H4 encourages high quality and sympathetic design, appropriate density, and sufficient outdoor space. The National Design Guide (NDG) is a material consideration in the determination of this application, as well as the Arun Design Guide (ADG).

Section G of the ADG suggests, for village locations, a density of 15-25 for detached/semi-detached houses and 20-30 for terraced homes. The ADG states the density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The overall gross density is 17 dwellings per hectare. It is noted that the density of the adjacent strategic development is 21.5 dwellings per hectare however it is appropriate for density to decrease away from the settlement centre or on sites outside of the defined settlement area. The density is therefore in accordance with the guidance in the ADG.

Generally speaking, the ADG states new development must ensure the character and sense of place of an area is respected and enhanced. This can allow for new design forms but only where these take cues from well-designed elements of the area. New development should generally reflect the scale of existing buildings and should avoid overshadowing of neighbouring properties. They should not detract from the character and appearance of the local built form.

The previous application was for modular prefabricated housing in contrast to Y/3/22/OUT for which the 30-dwelling detailed part had proposed traditional 'brick and mortar' type homes. The previous Boklok application was refused by the Planning Committee in part on the grounds of design and character. However, the Inspector found no harm to character or appearance and determined that the Boklok house design would not be inappropriate.

The inspector stated, "The scheme would not therefore contrast negatively with nearby development or appear or feel incongruous on entering or leaving Yapton or from the surrounding countryside". In addition, the Inspector said that the Yapton Contextual Appraisal and Design Guide to the YNDP acknowledges that there is no dominant architectural character or vernacular style to provide a reference for future development. The Inspector saw no strongly prevailing aesthetics, roof forms, or fenestration arrangements in the vicinity, except where housing forms part of a single scheme, such as to the north-east and at Lambs Cottages leading out of the settlement.

The new layout is similar in form to the two previous schemes and has been designed to maximise the use of the space available and to keep development out of the very southern area of the site in order to maintain a gap to the nearby hamlet of Bilsham (now an AoC). The layout features a main road route 6m wide with a secondary 6m road extending southwards and then a connecting 5m wide road looping back west and northwards. There is a further 5m wide road to the north of the main road/access and then a series of connecting shared surface roads.

The vast majority of houses are orientated to front onto the internal site roads that serve them. The exception being those on corners and some of those that front Bilsham Road as they front immediately onto a pedestrian path and are instead serviced from the rear. There are some instances of parking heavy cul-de-sacs on the northern and eastern edges, but these are broken up with street tree planting. There is one instance of a cul-de-sac situated within a housing 'block' (plots 127-128 and 122-123). This results in some relatively close rear-to-side interfaces, but these are nonetheless acceptable.

The layout has evolved through the determination of this application as initially concerns were raised that the homes on the eastern edge (facing Bilsham Road) were largely side-on, and the flank walls of these elevations were relatively bland and featureless. On the Boklok application, all of the houses faced towards Bilsham Road thus reflecting the orientation of existing dwellings in the area including those being developed on the adjacent strategic site to the North. The Boklok scheme attempted to hide all

flank elevations from main public viewpoints such as views from Bilsham Road when approaching the site from the south.

Initially, the layout had 11 homes out of the total 17 shown as side-on to Bilsham Road however there was also a clear difference between the orientation of those at the northern end versus those to the south. The applicant made some changes adding bay windows to four of the homes. However, this did not resolve the concerns of officers and further changes were requested.

The revised plans now show the majority of dwellings on the eastern boundary fronting Bilsham Road. The new layout has a total of 23 dwellings on this boundary, of which only 3 units do not front Bilsham Road. These being plot 170 at the far southern end (which has had additional detail added to its flank wall), plot 139, roughly in the middle and partially obscured by a TPO tree and plot 129 on the entrance road and with a substation building in the foreground. Besides the TPO tree, there will also be additional landscaping along the road frontage. The view of Officers view is that the changes are a significant improvement however, it was requested that all plots front Bilsham Road as per the Boklok scheme and the applicant has not quite achieved this.

The layout includes landscaped soft edges to roads, street trees, and landscape screening to the instances of parking courts. The main area of Public Open Space (POS) is to the south as per the previous schemes but there is also an area broadly central and then a further area in the north-western corner. There is also a linear area of open space and buffer planting along the western edge.

The scheme also includes play areas comprising a Neighbourhood Equipped Play Area (NEAP) in the north-western corner, a Local Equipped Play Area (LEAP) in the southern area and two smaller Local Play Areas (LAPs) with one in the central POS area and the other to the southern end. The NEAP is located adjacent to a proposed biodiversity area but will be separate from it. Initially, the proposal was deficient as no LEAP had been included but this has since been resolved. The Landscape Officer has some remaining concerns with the quality and detail of the play areas, but this will be resolved through the discharge of the appropriate planning conditions.

The layout includes a potential pedestrian access into the adjacent strategic site (between plots 8 and 15). This will need to be agreed with the developers of the adjacent site but there is nothing to suggest it cannot be achieved particularly as the links would access onto amenity grassland in the adjacent scheme. The layout includes numerous paths suitable for pedestrians and cyclists allowing for people to easily move around the site for the purposes of exercise or accessing other places.

The location of the affordable housing is appropriate as although they are in clusters, these are predominantly small and are spread through the site. There is a concentration of affordable homes in the very northern area however, these are reflective of the tenure of the adjacent strategic development which is 100% affordable. However, this area is also broken up somewhat with plots 16-20 being market housing.

The only instances of 4-dwelling terraces arrangements are affordable (plots 28-31 and 147-150). However, there is one instance of a terraced arrangement in the market sector (plots 16-18) and there is no visual/quality difference between the market and affordable terraced arrangements.

The scale of the scheme is entirely two-storey which reflects both the scheme approved by Y/3/22/OUT and the adjacent strategic development. The previous Boklok scheme had 16 No. three-storey dwellings, and these were found to be acceptable however, Barratt Redrow have instead proposed all to be two-storeys.

The Design and Access Statement (DAS) sets out that there will be two separate character areas within

the layout. These being "Park Avenue" (northern area) and "Park View" (southern area). The Park Avenue area adjoins the strategic site and features light and dark red multi brick throughout the area with the strategic use of chalk render to further diversify the street composition, alongside intermittent use of tile hanging and waney edge boarding. Front boundaries are characterised by formal planting, box hedges, and assorted shrub planting.

Meanwhile, the Park View area employs dark red/brown and buff multi brick. Chalk render is again used strategically alongside tile hanging and waney edge boarding. Tudor style timber feature details are also used on select larger units. Front boundaries are slightly different to the northern area with more informal planting, assorted flowers, and low shrubbery.

The proposed materials, house designs, roof forms, and other design features are all appropriate - and it is positive that some chimneys (GRP based) are included in the house designs. The scheme includes frontage landscaping and street trees with the only exception to the latter being along the eastern road (south from the main access) and this is due to presence of underground service connections which prevent the planting of trees above.

The submitted Landscape Visual Impact Assessment (LVIA) concludes the proposals would have a very slight adverse effect on the surrounding landscape character, and that significant effects on visual amenity would be restricted to short to medium term effects from viewpoints in close proximity to the site from, nearby footpaths. The Council's Landscape Officer raises no concerns with these conclusions.

The proposal will result in a change to the character of this edge of settlement location deriving from the loss of the arable field and the development with new homes. However, there is existing residential development to the North and East such that this part of Bilsham Road has a residential character. Further, the site has already seen two planning permissions for residential development.

The scheme is heavy on landscaping to site edges and in the layout, which will help to soften and green the development. The change in character will not be harmful to the settlement as a whole and the proposal is in accordance with all of the relevant development plan policies. The proposal also exceeds the POS requirements for a development of this size.

#### RESIDENTIAL AMENITY:

ALP Policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. Policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The ADG sets out the following guidance on interface distances between houses:

- Back-to-Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- There are no standards for either side to side or front to back.

The layout was initially found to be deficient with 13 of the interfaces between dwellings being below the ADG standards. However, changes have been made and there are now only three such deficiencies:

- 43 Front to 11 Side is 13.3m (14m requirement).
- 116 Rear to 114 Side is 13.5m (14m); and
- 112 Rear to 123 Side is 12.8m (14m)

Whilst officers will always strive to ensure complete accordance with the ADG standards, it is important to note that the ADG is guidance not policy and it allows for a flexible approach. A refusal on the basis of three such shortfalls would not be sustainable. On this basis, it is not recommended that any objection is raised. There are no concerns with the relationship of proposed homes to existing ones on Bilsham Road or to those within the adjoining strategic site.

The new access and new use of the site will result in an increase in activity levels on this part of Bilsham Road but existing residents here are already adjacent to a main road where traffic and activity is to be expected. It is material that 170 homes have already been allowed on appeal. The increase in activity levels will contribute to a change in character but will not be detrimental to the amenities of existing residents. The conflicts with the ADG are minor and there is no conflict with the development plan policies.

#### QUALITY OF ACCOMMODATION:

ALP Policy D DM2 states internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance. The application demonstrates all dwellings meet or exceed the internal space standards.

The ADG requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. The front gardens are fine but initially, the layout was found to be deficient in terms of rear gardens. Twenty-six rear gardens were noted to be undersized representing 15% of the scheme. Following changes to the layout, some issues remain, but the number of affected plots has dropped to thirteen, representing just 7.6%. In addition, many of the gardens are only just short (falling within a range of 10-10.5m). Those plots that fall below 10m in depth are 15 (9.7m), 18 (9.9m), 59 (9.9m) and 60 (9.8m).

As with the above, whilst it is important to try and meet the ADG standards, they are guidance, and it is not always appropriate to follow them rigidly. A refusal on the basis of these shortfalls would not be sustainable. There is no conflict with policy.

#### FLOOD RISK:

The site is predominantly in Flood Zone 1 (FZ1) which is low risk but the Ryebank Rife on the western boundary is noted as being in Flood Zones 2/3 and the extent of this is predicted to increase in the future due to the effects of climate change.

ALP Policy W DM2 requires that proposals in areas at risk of flooding provide a Flood Risk Assessment (FRA), meet the sequential and exceptions tests, provide sustainability benefits to the wider community, demonstrate that the development will be safe and do not increase flood risk elsewhere. Policy ECC SP1 requires that development be designed to take account of future flood risk.

The current extent of FZ 2/3 extends at most up to 1m from the edge of the Rife and so would only affect areas of landscaping proposed in this area. The future FZ3a areas (2111-year extent) are limited again to the line of the Rife and with a larger extent in the very southwestern corner of the site but this is in the area indicated to be open space. There will be no harm to the safety of future occupiers of the site and there is no need for a sequential assessment or the exceptions test to be undertaken.

The same view was taken on the two previous applications and the recent NPPG changes do not affect this conclusion. Surface water flood extents are limited to the line of the Rife, Bilsham Road and the southern boundary (beyond the open space) as these are all low points. The one exception is an area broadly west of the boundary that is opposite Taylors Close and is predicted to only be an issue during 1:1000-year rainfall events. This will be resolved by the eventual drainage scheme.

The application is accompanied by an FRA which advises the site is as at low risk of flooding from all sources of flooding and that the drainage strategy will not increase flood risk on or off the site for the lifetime of the development. Neither the Lead Local Flood Authority (LLFA) nor the Environment Agency have raised any objections and there are no conflicts with relevant development plan policies.

#### SURFACE WATER DRAINAGE:

ALP Policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. YNDP Policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide surface water drainage. The new "National Standards for Sustainable Drainage Systems" were published in July 2025.

A drainage strategy forms part of the submitted FRA and proposes storage of surface water runoff in detention basins across the site area with a controlled discharge to the adjacent Rife. It is proposed to incorporate areas of permeable paving and a cellular storage tank to provide additional attenuation storage. The surface water from site would be restricted to greenfield run off rates using control devices. The basins, permeable paving and cellular storage tank are stated to have been designed to accommodate a 1 in 100-year plus 45% climate change storm event which is equivalent to the Qbar rate based on the proposed impermeable area. An additional 10% roof area allowance has been incorporated to account for urban creep.

The LLFA (WSCC) stated no objection subject to conditions. They considered the proposal to be in accordance with planning policy. However, the Council's own drainage engineers raised objection on the basis of non-compliance with the new "National Standards for Sustainable Drainage Systems" which were published in July 2025 (so after the LLFA had responded).

The applicant responded to the concerns of ADC Drainage, but they maintained their objection albeit citing non-compliance with the requirements of the National Standards for Sustainable Drainage Systems (NSfS). It is clear from the comments as summarised elsewhere in this report that the proposed drainage scheme and the layout do not comply with the NSfS standards. The further drainage response was received in late October 2025 but despite the applicant stating they were preparing revisions, none has been received despite almost 4 months passing.

On this basis, there is currently conflict with the relevant drainage policies and the implications of this in respect of on- and off-site flooding this weighs heavily against the current scheme.

#### FOUL DRAINAGE:

The site is not in the Lidsey Wastewater Treatment Catchment Area so there is no policy requirement for a full Drainage Impact Assessment. ALP Policy W DM1 states all major developments must demonstrate, that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. The YNDP is silent on foul drainage matters.

The FRA states there is an existing public foul sewer running adjacent to the eastern site boundary and that taking account of site levels constraints, a combination of gravity and pumped systems are proposed to drain foul effluent from the site with a discharge into the existing public sewer.

Southern Water have not responded to the consultation request. However, it is material that they raised

no concerns to either Y/52/23/PL or to Y/3/22/OUT prior. On both occasions, they stated they would endeavour to provide network reinforcement (i.e., sewer improvements) within 24 months of the planning consent being granted. It is material that, as per Ofwat rules, where a development can communicate directly to an existing public sewer system at no more than the existing pipe diameter, there is no requirement to undertake a capacity survey, and the new connection would be subject to infrastructure charges. There is no conflict with Policy W DM1.

#### CONTAMINATION:

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. The "Phase I Desk Study, Site Reconnaissance & Phase II Site Investigation Report" advises that contamination risk is very low and that no remedial measures are required in respect of contamination. The Council's Environmental Health Officer raises no concerns, and a condition will be imposed in case of any unexpected contamination. There is no policy conflict.

#### TREES:

ALP Policy ENV DM4 states TPO protected trees or trees that contribute to local amenity must not be damaged or felled unless the development meets certain criteria including that the benefits outweigh the loss of trees/woodland. The ADG states that trees should be afforded sufficient space to grow and mature. In addition, they should be considered as focal points in developments and there should not be any incursion into Root Protection Areas (RPAs) with buffer zones being provided around important/retained trees to provide additional protection. Appendix 9 of the Council's Open Space SPD also provides guidance on adequate tree protection areas and buffer zones.

YNDP Policy E4 states development sites should retain well-established features of the landscape, including mature trees and species-rich hedgerows. New tree planting will be required to mitigate any significant loss and should use native tree species.

The application proposes the partial removal of one section of tree group G1 and one section of scrub S1 (both Category C). Neither of the TPO Oak trees are proposed for removal however the afore mentioned T2 will have a footpath running through its RPA. The applicant proposes a no-dig methodology to minimise harm to this tree.

The Council's Tree Officer did request the TPO but has not commented upon the application. The application proposes the retention of existing trees along Bilsham Road and proposes the significant enhancement of all boundaries. A landscaping condition will be imposed, and this will be worded to require native plant and tree species plus mature planting to the southern boundary. There is no conflict with relevant policies.

#### BIODIVERSITY:

ALP Policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. YNDP Policy E5 seeks to prevent loss of natural habitat except where mitigation measures ensure the integrity of the habitat or where the habitat is relocated to a site within 500m of the existing. Policy E5 sets out a requirement for biodiversity net gain.

The application is accompanied by an up-to-date Ecological Impact Assessment which encompasses a UK habitat survey, a ground level tree assessment for bats, a badger walkover survey, an ecological scoping survey, reptile surveys, and Great Crested Newt environmental DNA survey.

This identifies that the modified grassland and scrub habitat on site was common and widespread, and

overall, of low ecological importance. However, the native hedgerows along the eastern and southern boundaries were UK Biodiversity Action Plan priority habitat 'hedgerows'. A small section of the eastern hedge is to be removed for the access, and this is the same situation as with the two previous applications. The remaining sections of hedgerow, mature trees and scrub will be retained and protected during the development. Neither bats, badgers nor reptiles are seen as a constraint to development.

The Council's Ecologist raises no objection subject to conditions. It is noted that no bat roosts were identified but as the site is used for foraging by 8 species, a bat sensitive lighting scheme is recommended. Two species of reptile were also recorded and so a reptile mitigation strategy is required. There was no evidence of Great Crested Newts. Other mitigation measures will include Swift bricks, bat boxes, bat tubes, and reptile hibernacula.

The Ecologist notes the Biodiversity Net Gain proposals are significant and therefore will need to be secured by a s106 legal agreement. It is acknowledged that the development will see the loss of a field however it must be acknowledged that the field itself is of low ecological value and that the valuable habitats (hedges and trees) are being retained. The proposal is in accordance with the relevant development plan policies.

#### CLIMATE CHANGE:

ALP Policy ECC SP2 requires new residential and commercial development to be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires new development be designed to adapt to impacts arising from climate change and all major developments must produce 10% of total predicted energy requirements from renewables unless unviable. YNDP Policy H5 supports development which meets the highest possible standards of environmental and energy efficiency and include measures to minimise water wastage.

The application includes a Sustainability Statement which states that all homes will use a fabric (materials) specification that complies with the "Fabric First Energy Efficiency Standard" and that each home will also be fitted with an Air Source Heat Pump. The design of properties will also maximise the benefits of solar gain. Energy efficient lighting will be used along with high efficiency insulation. Water consumption will also be controlled by technologies to achieve the optional Building Regulations standard of 110 litres per person per day. A condition will be imposed to secure the detail of these measures. On this basis, there would be no conflict with the relevant policies.

#### AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP Policy AH SP2. The Council has adopted an interim affordable housing policy which sets out the need to secure first homes as part of the affordable housing mix.

The Housing Strategy and Enabling Officer states the application should provide 51 Affordable Dwellings consisting of 34 Affordable Rented, 4 Shared Ownership and 13 First Homes. The proposal accords with this requirement, and the affordable housing provision will be secured through a s106 agreement. Providing a legal agreement is completed after the committee meeting, then there would be no conflict with the policy.

#### PUBLIC OPEN SPACE (POS) AND PLAY:

ALP Policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch provision and indoor sport and leisure provision. Policy HWB SP1 seeks to ensure development is designed to maximise the impact it can make to promoting healthy communities and reducing health

inequalities.

The council's SPD sets out an overall requirement of 14,025sqm of POS to include 2,057sqm of play facilities. The play provision should comprise a NEAP, LEAP and two LAPs. The proposal includes a total area of 21,162sqm of POS, exceeding the SPD requirements and covering approximately 21% of the total site area. In addition, the applicant states the attenuation basins have a total area of 4,938sqm and provide further (seasonal) open space not included within these calculations. The Landscape Officer raises no objections to the POS provision which will be secured by conditions.

The scheme also achieves the requisite amounts of play provision however, the applicant and the Council's Landscape Officer have not yet been able to agree the details of the actual provision and so this aspect will be reserved to a condition. As it is not possible to secure off-site contributions through a s106 Agreement due to CIL, contributions to off-site leisure and sports facilities plus allotments would need to be funded through CIL instead. Subject to the subsequent agreement of the play provision, there is no conflict with the relevant ALP policies.

#### SUPPORTING INFRASTRUCTURE:

ALP Policy INF SP1 requires development proposals to provide for or contribute towards the infrastructure and services needed to support development to meet the needs of future occupiers and existing community.

This development would be liable for CIL. Infrastructure providers such as WSCC and the NHS can bid for a portion of the CIL payments collected to spend on their own projects. The Parish council will be provided with a percentage of the CIL receipts (25%) to spend on their own projects. These payments go towards infrastructure the district needs to support existing and future development.

Where CIL is applicable, it is only possible to use s106 agreements to require affordable housing and on-site mitigation and the latter is generally restricted to items in the red edge. In this case the off-site highway works are within the red edge, but they will be secured by a condition instead.

The applicant has proposed a contribution to the Comet Corner junction improvements. WSCC Highways accept this and as it has been calculated to account for CIL, it can be included in the s106. This contribution is the same as was required by Y/3/22/OUT and by Y/52/23/PL. It is also necessary to include a requirement for a Travel Plan and the associated monitoring/auditing fee in the s106.

WSCC Education request a school transport contribution, and this is to be calculated on only 30 dwellings reflecting the difference between the 140 homes approved by Y/3/22/OUT (which was not subject to a contribution) and the 170 now proposed. This matter was covered by the Inspectors decision on Y/52/23/OUT with the Inspector agreeing with the appellant and stating:

"Having regard to the evidence presented and the fallback position (Y/3/22/OUT), a contribution based on the uplift of 30 dwellings is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The Option A (170 dwellings) contribution would thus logically exceed what is necessary to grant permission. As such, the Option B (30 dwellings) contribution would need to be made in the event the appeal is allowed". Note that the items in brackets have been added by Officers to this quote. WSCC Infrastructure accepted the previous ruling and thus only now request a contribution based on 30 dwellings.

Subject to the applicant entering into a s106 Agreement to secure the school transport contribution, the Comet Corner contribution, and implementation of the travel plan (plus associated monitoring/auditing fee) then there would be no conflict with Policy INF SP1. WSCC Education previously advised the school

transport contributions are CIL compliant, so securable under s106, but cannot be secured through CIL. Recent appeal decisions have agreed this approach.

**SUMMARY AND TILTED BALANCE:**

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. In terms of decision making, this states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (as is the case for Arun due to the HLS situation) then permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and providing affordable homes, individually or in combination.

In addition, paragraph 14 of the NPPF is relevant and states that the adverse impact of allowing development that conflict with the neighbourhood plan are likely to significantly and demonstrably outweigh the benefits.

This report identifies some major policy conflicts in terms of development in the countryside and the loss of high-grade agricultural land as well as a more minor conflict with the YNDP housing mix policy. There are also some conflicts with the ADG guidance. It is material that the previous application generated the same policy conflicts and that the Appeal Inspector whilst agreeing that para 14 was relevant, concluded that the significant benefits of 170 homes outweighed the moderate harm that had been identified.

However, this proposal has generated a new policy conflict regarding surface water drainage and in part due to the application of the new drainage standards (NSfS) which were not in place at the time of Y/52/23/PL. There is currently no confidence in the scheme in terms of the risk of on and off-site flooding from rainwater. There are also issues with the related aspects of the SuDS scheme such as the need for amenity and biodiversity benefits.

Whilst it would not be sustainable to take a different view to that of the previous Inspector in terms of countryside, agricultural land and housing mix, the policy conflicts with drainage are new and it is vital that such conflicts are resolved. The applicant has had almost 4 months to respond with further information but has not done so.

Whilst the benefits of the proposal are significant in many respects, the harm generated in respect of flood risk outweighs these benefits. It is also clear that no section 106 agreement has been signed and therefore it is recommended that this application be refused for the following reasons.

<b>HUMAN RIGHTS ACT</b>
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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.

**SECTION 106 DETAILS**

Approval of this application would be subject to a s106 legal agreement to secure the following obligations:

- (1) The provision of 51 Affordable Dwellings across the whole scheme consisting of 34 Affordable Rented, 4 Shared Ownership and 13 First Homes.
- (2) A Travel Plan and its associated fee of £3,950 (at the time of writing) for monitoring and auditing the Travel Plan.
- (3) A contribution of £266 per dwelling to the Comet Corner Improvements Scheme (total of £38,420).
- (4) A Secondary School Transport Contribution based on the uplift in dwellings between this and Y/3/22/OUT (30) as agreed with WSCC. This will include a mechanism to enable a review of the remaining contribution with ADC and WSCC after the first and second payments; and
- (5) The significant on-site BNG proposals and future monitoring.

**CIL DETAILS**

This is a CIL Liable development. It is in Zone 3 and a CIL amount would be payable unless the applicant applies for an exemption subject to the requirements of the CIL Regulations 2010 (as amended). For example, if Social Housing relief was claimed then the CIL payment would reduce. A proportion of the total (25%) would go direct to the Parish Council.

The exact CIL sum has not yet been calculated but members may wish to note that the previous approval would have resulted in a maximum payment of £1,773,674.60 with a maximum of £443,418.65 directed to the Parish.

**RECOMMENDATION**

REFUSE

- 1 Insufficient information has been submitted to demonstrate that an acceptable SuDS scheme can be achieved and that there will be no on- or off-site flooding as a result of the development. The proposal conflicts with Arun Local Plan Policies W DM1, W DM2 and W DM3, the National Standards for SuDS, the SuDS Manual, the associated Planning Practice Guidance on Flood Risk and Drainage and the National Standards for Sustainable Drainage Systems.

- 2 In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the NPPF and Arun Local Plan policy AH SP2.
- 3 In the absence of a signed Section 106 agreement, the development will not provide the highway improvements necessary to deliver the development & mitigate any residual harm to the local and strategic road network and is thereby contrary to Arun Local Plan policies T SP1 and T DM1, and the NPPF.
- 4 In the absence of a signed Section 106 agreement, the development will not provide the contribution required to mitigate the additional cost of transporting to secondary school pupils to the nearest school and is thereby contrary to Arun Local Plan policy INF SP1 and the NPPF.
- 5 In the absence of a signed Section 106 legal agreement, the development is unable to secure the provision of on and off site Biodiversity Net Gain and the future monitoring of the on-site proposals in conflict with Arun Local Plan policy ENV DM5, the NPPF and the associated Planning Practice Guidance on Biodiversity.
- 6 **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 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 reason(s) for the refusal, approval has not been possible.
- 7 If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.