

Recommendation Report for Planning Permission

REF NO: Y/33/17/PL

LOCATION: Stakers Farm
North End Road
Yapton

PROPOSAL: 2No. detached dwellings. This application affects the setting of a Listed Building & the Character & Appearance of the Yapton (Main Road) Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The two dwellings will be positioned in a tandem arrangement with a two and a half storey 5 bedroom dwelling fronting North End Road (plot 1) and the smaller one-and-a-half storey 3 bedroom dwelling (plot 2) behind and roughly in the centre of the site. Parking is in the form of an integrated single garage plus at least two off-street spaces for plot 1 and a separate double garage plus at least 1 off-street space for plot 2. Recycling & bin stores are indicated on the drawing. Plot 1 (on the road frontage) will be a total of 8.85m to the ridge/5.45m to the eaves. Plot 2 (to the rear) will be 6m to the ridge/2.85m to the eaves.

SITE AREA

0.1807.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 11 dwellings per hectare.

TOPOGRAPHY

Predominantly flat but the site is approximately 1m higher than the ground level of North End Road and the ground level of Stakers Farmhouse.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Flint walling to the site frontage with North End Road (approx. 2m high on North End Road/1m high within the site). 3m high red brick wall to The Croft. No other boundaries other than those formed by the walls of existing farm buildings.

SITE CHARACTERISTICS

Existing side garden area to Stakers Farmhouse. Grassed with some planted areas, raised timber beds and an outdoor swimming pool. Built features include a single storey pitched roof 'pool house' building in the north eastern corner, a greenhouse and a

small timber shed. There was also a children's trampoline and a large green plastic storage tank on the garden. The site also includes a small area of paddock (at the western end of the site) which is connected to one of the larger fields.

CHARACTER OF LOCALITY

Predominantly residential characterised by a mix of dwelling types and size. The site forms part of the Main Road/Church Road Conservation Area and is adjacent to the Grade II listed Stakers Farmhouse

The site is overlooked to the south by the existing farmhouse (2 ground floor and 3 first floor windows facing the site) and to the north by the Croft residential complex. However, many of the first floor windows in the Croft are velux rooflights. The only first floor windows within a wall elevation are those on the east facing part of no. 19/20 and these do not therefore directly look over the site.

RELEVANT SITE HISTORY

Y/86/86/L	Application for LBC - Demolition of part of wall to provide vehicular access to development of sheltered flats	ApproveConditionally 09-02-1987
Y/80/10/	Erection of 2 detached dwellings and double garage and provision of 4 additional street parking spaces.	Refused 09-12-2010
Y/77/13/PD	Prior Notification for change of use of agricultural building to Use Class B1 (Business)	No Objection 23-12-2013
Y/77/14/PD	Prior notification under Class MB for change of use from agricultural to 2 No.dwellingshouses (Use Class C3)	Objection 03-11-2014
Y/69/14/PL	Construction of outdoor riding arena. This application affects the setting of a Listed Building.	ApproveConditionally 10-11-2014
Y/108/14/PD	Prior notification under Class MB for change of use of agricultural building to 2 No. dwellings (Use Class C3)	Objection 12-02-2015 <i>Appealed</i> Appeal: Dismissed 10 12 2015
Y/27/17/L	Application for Listed Building Consent for re-	ApproveConditionally

rendering & painting front & side elevations,
renewal of rainwater goods with cast iron
gutters & downpipes, replace timber french
doors on south elevation, install ground meter
box on west elevation, re-paint front dormer
windows & installation of internal steel
supports to ground floor living room.

07-07-2017

Planning permission was refused in 2010 for two dwellings on a different parcel of land to the south of the farmhouse. Planning Application Y/44/17/OUT (70 dwellings) relates to land to the west of the farm/the Croft and is currently still being determined.

REPRESENTATIONS

Representations received:

Yapton Parish Council

"Yapton Parish Council considers the proposed development to be inappropriate for the reasons outlined in comments submitted separately to the planning authority.

In short, the proposal ignores the made Yapton Neighbourhood Plan and severely impacts the setting of both the Main Road Conservation Area and its listed buildings - Paragraph 14 NPPF confirms a 'Presumption in Favour of Sustainable development' unless: 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole;' We therefore seek it to be refused planning permission."

Yapton Parish Council has also provided a 2 page written statement which expands upon the above. This is available on the Councils website but the key points are considered to be as follows:

- (a) There has been limited community consultation;
- (b) The site is not designated for housing within the Neighbourhood Plan;
- (c) Loss of green gap and impact on the setting of the Conservation Area & Listed Building;
- (d) Impact on the historic character of North End Road;
- (e) Loss of agricultural land; and
- (f) Impact of an additional access onto North End Road.

In addition, 7 letters of objection have been received raising the following issues:

- (1) This section of North End Road is heavily congested and dangerous;
- (2) Elderly people from the Croft and children in connection with the School frequently have to cross the road;
- (3) New residential occupiers and farm machinery do not mix;
- (4) Application is a precursor to a proposed 70 houses on land to the west of Stakers Farm;
- (5) Loss of rural character;
- (6) WSCC Highway comments incorrect in terms of vehicle accidents;
- (7) Loss of agricultural land;
- (8) Shame to no longer have horses on the land;
- (9) Inadequate infrastructure;
- (10) Loss of wildlife;
- (11) Cumulative effect of recent Yapton housing applications - creation of large housing

estate; and

(12) Sewer system won't be able to cope.

Comments on Representations received:

The following comments are made in response to the Parish Council comments:

(a) There is no formal requirement to carry out community consultation;

(b) It is accepted that the site is not designated for housing. However the site is within the Built up Area Boundary where the principle of residential development is considered to be acceptable;

(c) The site is not formally designated formally as a Strategic or Local gap but it does form a natural green gap between the buildings of Stakers Farm and those of the Croft development. Impact on heritage assets will be considered within the report's conclusions;

(d) This will be considered within the report's conclusions;

(e) As according to the map within the Yapton Neighbourhood Plan, the whole of the site is subject to Grade 1 agricultural land classification. However, the majority of the land has been in use as private domestic garden. Only the very western end has been used for the grazing of animals - previously horses and currently by local sheep. Therefore, the only loss of active agricultural land is the very western part of the site and this area is considered too small on its own to be viable for agricultural purposes;

(f) Access issues are considered in the report's conclusions and with reference to the comments of WSCC Highways;

The following comments are offered in respect of the local resident objections:

(1) & (2) Highway safety issues are considered in the report's conclusions and with reference to the comments of WSCC Highways;

(3) Stakers Farm is no longer a working farm and there will be no access between the farm and the proposed dwellings;

(4) The application for 70 has been submitted and is still being determined;

(5) Character will be considered in the report's conclusions;

(6) There is no reason to dispute the comments of WSCC. It should also be noted that the accident data is for recorded incidents only;

(7) As according to the map within the Yapton Neighbourhood Plan, the whole of the site is subject to Grade 1 agricultural land classification. However, the majority of the land has been in use as private domestic garden. Only the very western end has been used for the grazing of animals - previously horses and currently by local sheep. Therefore, the only loss of active agricultural land is the very western part of the site and this area is considered too small on its own to be viable for agricultural purposes;

(8) Noted;

(9) There is no policy requirement to require financial infrastructure contributions for

applications of less than 10 dwellings therefore it is not possible to consider the impact of 2 dwellings on local infrastructure;

(10) The site is not considered to support any protected species. The loss of other wildlife is not a policy consideration;

(11) It is acknowledged that there are a number of residential applications concerning Yapton at present and that if this were approved alongside that to the west for 70 homes then this would result in an increase in the built up area. However, planning applications should be treated on their own merits. Furthermore the 70 dwelling scheme proposes a sizeable area of public open space which would sit between the proposed two residential sites; and

(12) It is not considered that the addition of two dwellings will have a materially detrimental impact on the capacity of the local sewer network. Furthermore, Southern Water have control over new connections and should there be a capacity issue then they may be able to seek solutions.

CONSULTATIONS

Engineers (Drainage)
Engineering Services Manager
Conservation Officer
WSCC Strategic Planning
Listed Building Officer
Engineers (structural)

Consultations responses received:

WSCC HIGHWAYS - Full comments available on the Councils website (dated 04/07/17 but as amended by their emailed comments of 07/09/17) but in short, no objections are raised in respect of highway capacity, safety, parking or sustainability. Conditions are recommended to secure the parking spaces, precise details of the access and correct visibility splays.

ADC DRAINAGE ENGINEERS - No objection subject to a sustainable urban drainage condition.

ADC STRUCTURAL ENGINEER - Raise concern as to structural integrity of the existing boundary wall which was not originally built to act as both a boundary and retaining wall and is currently leaning over towards the footpath which is used regularly by school children;

ADC CONSERVATION/DESIGN OFFICER - Full comments available on the Councils website but in short, object to the application and recommend refusal on the grounds that:

(1) The green gap between Stakers Farm and The Croft is essential to understanding the historical function of the site and its importance in the wider landscape. Development in this area will suburbanise the setting, diminish the pre-eminence of the listed building, crowd the existing Listed Building, transform the way in which it is experienced and therefore result in harm to its significance;

(2) Stakers is an important component of the Conservation Area and makes a notable contribution to its special quality. The harm to the farmhouse will diminish the significance of the Conservation Area. Furthermore the introduction of tandem development will result in an alien form of development out of character with the existing character of frontage buildings with ancillary buildings behind. This will further diminish the qualities of the Conservation Area.

The Officer concludes that the proposal is contrary to paragraphs 132 & 137 of the National Planning Policy Framework (NPPF) and to the relevant policies of the adopted and emerging Local Plans.

CONSERVATION AREA ADVISORY COMMITTEE (CAAC) - Object on the grounds that the development would detract from the rural character of the village and the loss of part of the boundary wall would harm the Conservation Area.

Comments on Consultation responses:

In respect of the comments of the Structural Engineer, a suitably worded planning condition could be imposed to require details of how the access will be constructed without harming the structural integrity of the wall and how the wall will be maintained to ensure that it does not result in a safety issue for footpath users.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Listed Building Grade II;
Within the "Main Road/Church Road, Yapton" Conservation Area;
Lidsey Treatment Catchment Area;
No Public Sewer;
Class B Road; and
Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [AREA2](#)
 [GEN2](#)
 [GEN7](#)
 [GEN9](#)
 [GEN12](#)

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

Conservation Areas
Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage
Parking in New Development

D DM1 Aspects of Form and Design
Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design
ECC SP2 Energy and climate change
mitigation
H DM1 Housing Mix
HER DM1 Listed Buildings
HER DM3 Conservation Areas
HER SP1 The Historic Environment
SD SP1 Sustainable Development
SD SP2 Built-Up Area Boundary
T SP1 Transport and Development
W DM3 Sustainable Urban Drainage
Systems

Built-up Area Boundary
Housing requirement
Enhancement of biodiversity
Conservation Areas

[Yapton neighbourhood plan 2014 Policy BB1](#)
[Yapton neighbourhood plan 2014 Policy H1](#)
[Yapton neighbourhood plan 2014 Policy E5](#)
[Yapton neighbourhood plan 2014 Policy E8](#)

Yapton neighbourhood plan 2014 Policy E9
Yapton neighbourhood plan 2014 Policy E11
Yapton neighbourhood plan 2014 Policy PK1

Listed Buildings and Buildings or Structures of Character
Minimising the impact of flooding from development
Parking standards for new residential development

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

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

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

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

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

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

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

The policies of the Yapton NDP will be considered in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is not considered to comply with relevant Development Plan policies in that although there would be no harm to residential amenity or highway safety, it would have a materially adverse effect on the historical character of the area

Furthermore, section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states that:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is not considered to comply with these criteria in that it is considered to detrimentally affect the character and special qualities of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site is located within the built up area boundary where the principle of new development is considered to be acceptable subject to other policies in the development plan. Indeed, paragraph 49 of the National Planning Policy Framework (NPPF) states with regard to housing that: "Housing applications should be considered in the context of the presumption in favour of sustainable development".

Policy BB1 of the Yapton Neighbourhood Plan states that development proposals will be supported within the built up area boundary subject to compliance with other policies in the development plan. Furthermore, Policy H1 (Housing requirement) states that infill development

will be considered acceptable within the built up area, subject to the provisions of policy BB1 and other material planning considerations.

Therefore, it is not considered that there should be any objection to the principle of residential development on this site.

DESIGN, CHARACTER & HERITAGE IMPACT:

Concerns have been raised by the Parish Council and by certain local residents that the proposal will result in a loss of rural character, impact on the setting of the Conservation Area & Listed Building and impact on the historic character of North End Road.

Policy GEN7 (ii) of the Arun District Local Plan 2003 requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

Policy AREA2 states that: "Planning permission will be granted for development which preserves or enhances the character or appearance of a Conservation Area or its setting."

Yapton Neighbourhood Plan policy E8 requires that developments either preserve or enhance the character of Conservation Areas. In addition, development proposals will be expected to be suitably designed taking account of the local character/context and use traditional/vernacular building materials.

Yapton Neighbourhood Plan policy E9 refers to Listed Buildings but only concerns the loss of such buildings and does not refer to impacts on setting. Therefore, in respect of harm to the setting of listed buildings, it is necessary to refer to the National Planning Policy Framework (NPPF) and to policy HER DM1 of the emerging Local Plan (Arun Local Plan 2011-2031 Publication Version showing Modifications).

Paragraph 132 of the NPPF states that the significance of a heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Further, that substantial harm to a grade II listed building should be exceptional. Paragraph 133 states that where a proposed development will lead to either 'substantial harm' or 'less than substantial harm' then this should be weighed against the public benefits of the proposal (with a more stringent test for substantial harm). Paragraph 137 is also relevant and states that new development within the setting of Listed Buildings or Conservation Areas should enhance or better reveal their significance.

Emerging Arun Local Plan policy HER DM1 states that proposals affecting Listed Buildings will be required to "protect, and where possible enhance the setting of the building".

The Councils Conservation & Design Officer has assessed the scheme and considers that the proposed development will result in the loss of an important green gap of historical importance, will suburbanise the setting of the Listed Building, diminishing its importance and ultimately crowd the Listed Building transforming the way in which it is experienced. This will result in harm to its significance.

The officer also considers that the harm to Stakers farmhouse will diminish the significance of the

Conservation Area and that the introduction of tandem development will result in an alien form of development out of character with the existing historical character. This is considered to further diminish the qualities of the Conservation Area. It should also be noted that the Conservation/Design Officer does not consider it possible to overcome the stated concerns through amendments to the scheme.

The Conservation/Design Officer does not quantify the level of harm (i.e. substantial or less than substantial) but it is not considered that the contribution of two dwellings to the local housing supply and the economic/social benefits arising from this is sufficient to override the harm to both the Listed Building and the Conservation Area. Accordingly, it is considered that the proposal conflicts with the relevant policies of the adopted & emerging Local Plans and also the Yapton Neighbourhood Plan.

RESIDENTIAL AMENITY:

Arun District local Plan policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. The National Planning Policy Framework (NPPF) states at paragraph 17 that "Planning should .. always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;"

The site is overlooked to the south by the existing farmhouse (2 ground floor and 3 first floor windows facing the site) and to the north by the Croft residential complex. However, those first floor windows within the Croft which face the site are all velux windows within the roof. There are a couple of first floor windows within a vertical wall but these face east towards North End Road and do not directly look over the site.

There will be a gap of 26m between Stakers Farmhouse and the closest wall of the dwelling proposed on the front of the site (plot 1) and this is considered to be more than sufficient to mitigate the harmful effects of overlooking. Furthermore, there are no roof level windows proposed facing Stakers Farmhouse. As the dwellings are to the north of Stakers Farm (and as noted above with a sizeable gap between), there will be no harm in respect of loss of light or overshadowing.

There will be first floor windows in the elevations facing the Croft. However, the interface distance between proposed & existing windows is at least 20m and in some places 25m. This is also sufficient to mitigate the harmful effects of overlooking. Furthermore, as noted above, the first floor windows in the Croft either face away from the site or are within a roof plane and these factors will also make it harder to look into existing windows.

Although the two new dwellings will be to the south of the Croft complex, there will be a good gap between these two built forms such that there is unlikely to be any harm to existing occupiers in respect of loss of light/overshadowing. It is also noted that the existing gardens of the Croft are already shaded as a result of the 3m high boundary wall.

The new road access will run adjacent to the northern boundary and noise from cars could potentially impact on the amenity of existing occupiers. However, the existing 3m high wall will offer acoustic protection and this can be supplemented by planting within the 1.5m gap between the road and wall. Furthermore, the amount of vehicle movements and traffic speeds are likely to

be low. It is not therefore considered that there will be any harm to residential amenity from car noise.

It is therefore considered that the proposal is in accordance with Local Plan policy GEN7 (iv) and the guidance within the NPPF.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Government's new Technical Housing Standards (Nationally Described Space Standard). The following is a breakdown of the proposal versus the standards:

Unit No. - No. of beds - No. of People - Required Floor Space - Actual Floor Space

Plot 1	5	8	134m ²	166m ²
Plot 2	3	4	84m ²	112m ²

The scheme therefore complies with these requirements.

In respect of external standards, it is necessary to have regard to policy D DM3 of the emerging local plan (publication version) which has been approved by the Council for development management purposes and subject to testing at appeal.

There are two requirements to the policy. Firstly, a minimum rear garden depth of 10m. The rear garden depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20m back to back distance between dwellings. This depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement.

The second requirement concerns the area of the private rear garden which in this case should be 85m² for plot 2 and 100m² for plot 1. Both garden spaces have been checked and both exceed the required standard such that no objection is raised. The existing dwelling, Stakers Farmhouse will retain a large garden area to its north, west and south.

HIGHWAYS & PARKING:

Concerns have been raised by certain local residents that this section of North End Road is heavily congested & dangerous and that elderly people from the Croft and children in connection with the School frequently have to cross the road. The concern therefore is with regard to highway safety and that the proposed two dwellings will exacerbate an existing dangerous situation.

In respect of highway safety, Arun District local Plan policy GEN7 (vii) indicates that development will be permitted if it allows for the safe movement of pedestrians and vehicles, giving priority to pedestrians. The National Planning Policy Framework is also relevant in so far as it states at paragraph 32 that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

West Sussex Highways are the Council's technical experts on highway safety and it is noted that they raise no objections and ultimately conclude that the impacts of the proposal would not be severe so as to refuse the development.

In terms of parking, Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. The standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator and this indicates a total parking demand of 7 spaces based on 3 allocated spaces per dwelling.

Yapton Neighbourhood Plan Policy PK1 sets out a requirement for parking provision in the form of 2 off-road spaces for 3 bedroom houses and 4 off-road parking spaces for 5 bedroom houses. The total standard would therefore be 6 spaces and the proposal therefore complies.

On this basis, it is considered that the proposal complies with the Local and Neighbourhood Plan policies.

FLOODING & DRAINAGE:

Yapton Neighbourhood Plan Policy E11 requires that new development should not be located in flood attenuation areas, provides appropriate surface water drainage, is designed to minimise the overall risk of flooding, does not open new culverts and does not affect existing watercourses.

The proposed scheme is considered to comply with this policy. It is not located within a high risk flood zone and Council drainage engineers do not raise any objections. At approval would be subject to a surface water drainage condition.

SUMMARY:

There is no in principle objection to the residential development of this built up area site and it is considered that the proposal complies with normal development control criteria concerning residential amenity, highway safety, parking, space standards and drainage. However, the development of this existing green area between Stakers Farmhouse and the built up form of The Croft will diminish the significance of both the listed building and the surrounding conservation area. It is not considered that the economic & social benefits of the proposal are such that more weight can be attributed to these public benefits than the harm to the heritage assets. Accordingly, it is recommended that permission be refused for the following reason.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of

property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

REFUSE

- 1 The proposal, introduces an alien pattern of development which diminishes the significance of both the listed building and the surrounding conservation area. It is not possible to mitigate the harmful effects of development on the site through amendments to the site layout or design treatment. The proposal conflicts with paragraphs 132 & 137 of the National Planning Policy Framework, policy AREA2 of the Arun District Local Plan (2003), policies E8 & E9 of the Yapton Neighbourhood Development Plan and policies HER-SP1, HER-DM1 & HER-DM3 of the Arun Local Plan 2011-2031 Publication Version showing Modifications.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.