

Recommendation Report for Planning Permission

REF NO: Y/35/26/PL

LOCATION: Little Meadow
Bilsham Road
Yapton
BN18 0JY

PROPOSAL: Demolition of existing mobile home and replacement with 1 No. self build dwelling sited at the front of site. This site is a Departure from the Development Plan, may affect the setting of a listed building, is in CIL Zone 3 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Demolition of existing mobile home and replacement with 1 No. self build dwelling sited at the front of site.
SITE CHARACTERISTICS	The site is an area of open grass to the west of the dwelling known as Little Meadow. There are mature trees to the south of the site, fronting Bilsham Road.
CHARACTER OF LOCALITY	The site is a semi-rural location within a small cluster of houses along Bilsham Road.

RELEVANT SITE HISTORY

Y/28/25/CLE	Lawful development certificate for the existing use of 1 No. caravan adjacent to Little Meadows as a single dwelling house.	Approve 03-06-25
Y/31/23/PL	Construction of 6 No new dwellings with new access from Bilsham Road, sustainable drainage and landscaping. This application is a Departure from the Development Plan, may affect the setting of listed buildings and is in CIL Zone 3 and is CIL Liable as new dwellings.	Refused 11-08-23 Appeal: Dismissed 19-11-24
Y/71/21/OUT	Outline application with access for up to 73 No. new dwellings (but retaining Oak Trees & Little Meadow dwellings), 405 sqm of new light industrial buildings as part of an enlarged employment site & Public Open Space. The existing junction of Grevatts Lane West & Bilsham Road will be closed & Grevatts Lane West diverted to a new access point to the South. This	Refused 01-09-21

application may affect the setting of Grade II Listed Buildings & is a Departure from the Development Plan.

Appeal: Dismissed
16-06-22

Y/70/20/OUT	Outline application with access for 81 No. new dwellings including 18 self-build plots (but retaining Oak Trees & Little Meadow dwellings), 3 No. new light industrial buildings as part of an enlarged employment site, Public Open Space & a new Village Hall. The existing junction of Grevatts Lane West & Bilsham Road will be closed & Grevatts Lane West diverted to a new access point to the South. This application may affect the setting of Grade II Listed Buildings & is a Departure from the Development Plan.	Refused 11-11-20
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Planning history noted.

REPRESENTATIONS

Yapton Parish Council - No objection

- Request that appropriate materials are used and that decision conditions reflect this.

One objection was received from a nearby occupier raising concerns regarding:

- The location of the proposed dwelling, which differs from the location of the existing mobile home.
- Previous proposals for the site have been refused.
- Foul and surface water drainage, including discharge into watercourse.
- Impact of construction on wildlife and lack of Construction Environment Management Plan.
- Lack of biodiversity net gain.
- Inconsistencies in highways information.
- Lack of information regarding ownership of the land.
- Location outside the built up area boundary.
- CIL information.
- Inclusion of personal reason for development.
- Design of the dwelling, including orientation and materials.
- Impact on listed buildings and area of character.
- Potential for approval to lead to further development in the area.

COMMENTS ON REPRESENTATIONS RECEIVED:

The location of the dwelling outside of the built up area, its position, design and impact on nearby heritage assets and biodiversity are addressed below.

The planning history of the site has been assessed as part of the application. The Local Planning Authority must consider the current proposal on its merits, and cannot consider development that may take place in the future as part of its decision.

The applicant has completed the ownership certificate within the application form. The ownership of land is not a material planning consideration, and applicants are not required to provide further information regarding land ownership for the purposes of planning.

The application is for a single dwelling which is not located within an area where surface water drainage is a particular concern. Due to its scale and nature, the Local Planning Authority consider that this aspect of the development will be sufficiently addressed as part of the Building Regulations process.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - Advice

- The demonstrated visibility from the access is acceptable and inspection of collision data reveals no accidents in the vicinity which were attributed to the use of the existing access.
- The proposals are not anticipated to result in a significant material intensification of the use of the access point, and there is no evidence that this has been operating unsafely.
- Off street parking is in accordance with the Arun Parking Standards.
- The site is to the south of Yapton which provides local services.
- The lack of footway along Bilsham Road may encourage use of the private car. Cycling would be viable for more confident cyclists.

The proposals would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

- Conditions requested regarding provision of car and cycle parking spaces.

CONSERVATION OFFICER -Advice

- The site is within the setting of Hobbs Farmhouse which is a Grade II listed building and within the Bilsham Area of Character, which is considered a non-designated heritage asset.
- The proposals would introduce a domestic building into an area which is currently open, and contributes to the understanding and appreciation of the listed building as a former agricultural holding. The proposals reduce the sense of openness around the farmhouse.
- The siting of the dwelling appears arbitrary and does not appear to have been informed by the historic layout of the farmstead. The dwelling would sit within what is currently open pasture and would appear as a separate domestic building rather than forming part of the historic farmstead group.
- Although described as a barn-inspired design, the proposed dwelling appears primarily as a domestic dwelling rather than a traditional agricultural building. Whilst the use of brick and flint reflects materials found within the adjoining farmstead, the overall composition lacks the simplicity and functional character typically associated with traditional agricultural buildings.
- The proposal takes only limited cues from the historic farmstead and would not sit comfortably within that context.
- The proposed hedge on the western boundary would take a considerable period to become established and would not screen the dwelling at full height. A hedge may soften visual impacts but cannot mitigate the principal heritage concern, namely the introduction of a permanent domestic building into presently open land that contributes to the rural agricultural character and setting of the listed building.
- Bilsham is characterised by a dispersed pattern of historic development interspersed with open agricultural land and verdant spaces. The site currently helps maintain the loose-knit rural character of the settlement and provides separation between historic farmstead groupings and later development including Little Meadow to the east.
- The proposals would diminish the contribution that the open land currently makes to the significance of the Area of Character, and would have a harmful effect upon the Bilsham Area of Character.
- The proposal would result in harm to the significance of Hobbs Farmhouse through development within land that contributes to its historic rural setting and through the introduction of a dwelling whose form, appearance and materials do not successfully reflect the character of the historic farmstead. The proposed landscaping would not sufficiently mitigate these impacts.
- The proposal would also result in harm to the significance of the Bilsham Area of Character, as a non-

designated heritage asset, through the erosion of an open green space that contributes to the hamlet's rural and dispersed historic character.

- The proposal therefore conflicts with Policies HE4, HE6 & HE7 of the National Planning Policy Framework.

ECOLOGY - No objection subject to conditions.

- The PEA identified no impacts to protected species and makes recommendations for measures to provide biodiversity net gains.

- A condition is recommended to secure these measures.

ENVIRONMENTAL HEALTH - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

Area of Character

Setting of Listed Buildings

Future Flood Zone 2 and 3 (2070-2125)

Surface Water Flood Risk (1 in 100 and 1 in 1000)

Surface Water Flood Risk plus Climate Change (1 in 30)

Area of Special Control (Adverts)

CIL Zone 3

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
QESP1	QE SP1 Quality of the Environment
HERDM1	HER DM1 Listed Buildings
HERDM4	HER DM4 Areas of Character
HERSP1	HER SP1 The Historic Environment
ENVDM5	ENV DM5 Development and biodiversity
TSP1	T SP1 Transport and Development
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation

[Yapton Neighbourhood Development Plan 2011-2031 Policy E4](#)

Minimising the environmental impact of development

[Yapton Neighbourhood Development Plan 2011-2031 Policy E5](#)

Retention and enhancement of biodiversity

[Yapton Neighbourhood Development Plan 2011-2031 Policy E8](#)

Conservation Areas and Areas of Character

[Yapton Neighbourhood Development Plan 2011-](#)

Housing Requirement

2031 Policy H1

Yapton Neighbourhood Development Plan 2011-2031 Policy H4 Quality and Design

Yapton Neighbourhood Development Plan 2011-2031 Policy H5 Energy Efficiency/Environmental Sustainability

Yapton Neighbourhood Development Plan 2011-2031 Policy PK1 Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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 & 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 is considered to conflict with relevant Development Plan policies in that the proposal results in harm to the significance of designated and non-designated heritage assets and to the character of the area.

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 no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site is located outside of the built up area boundary as defined by the Arun Local Plan (ALP). ALP policy SD SP2 seeks to concentrate new development within the built up area. ALP policy C SP1 sets out the circumstances where development will be permitted outside of the built up area, including where development is for the purposes of agriculture and forestry. The proposal is for a single dwelling, and does not fit any of these exceptions. The principle of residential development is not supported by the Development Plan.

Policy S5 of the NPPF relates to development outside settlements and states that only certain forms of development should be approved in these locations. Policy S5(1)(h) states that one of the types of development which should be approved is residential development within close proximity of a station. The site does not meet this exemption. Policy S5(1)(j) states that development which would address an evidenced unmet need should also be approved where the development would be physically well-related to an existing settlement and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure. The site is not physically well related to the settlement of Yapton, being separated from its southernmost extent by agricultural land. The site is located 500m from the settlement, and the road connecting the site to Yapton is unlit with no footway. The site lies outside of the settlement boundary and is not physically well related to Yapton village. The site is located within a cluster of houses along Bilsham Road, however, the definition of settlement at Annex B explicitly excludes hamlets and scattered groups of houses. The proposal does not address an unmet need as no additional dwellings are created (it replaces one) so there is no housing land supply (HLS) improvement.

The development does not fall into one of the categories set out in policy S5(1) and S5(4) states that under these circumstances, development proposals should only be approved in exceptional circumstances where the benefits of a proposal would substantially outweigh the adverse effects, including to the character of the countryside and its relation to promoting sustainable patterns of movement.

DESIGN AND VISUAL AMENITY

The application is for the demolition of a mobile home and its replacement with a dwelling. The mobile home is to the east of Little Meadow, between the main dwellinghouse and the commercial buildings to the east. The replacement dwelling would not occupy the same position as the mobile home, and would be located to the west of Little Meadow within an area of open grassland.

The site is in a semi-rural setting, with clusters of housing interspersed with open areas. Part Q of the Arun Design Guide (ADG) which relates to rural development is relevant to the proposal, in addition to the design criteria set out in ALP policy D DM1 and policy NPPF DP3.

The dwelling would be accessed from the northwest corner of the site, and the access would be where there are currently three mature evergreen trees. The principal elevation would be the north elevation, and the remainder of the open grassed area would form the property's garden. The proposal would result in the loss of the open grassed area, which would be enclosed by a post and rail fence and hedge. ADG Part Q states the landscape should remain the dominant feature and that existing landscape features, including mature trees, should be retained. The open areas to the front of Hobbs Farmhouse and Little Meadow are significant landscape features, and the position of the dwelling within the site means that this entire area would be subsumed into the garden of the new dwelling and enclosed. This conflicts with ADG Part Q and fails to respond to the context and character of the area in conflict with ALP policy D DM1 and policy DP3(1) of the NPPF.

The dwelling has an L-shaped form and would be one and half storeys with a barn-hipped roof. Although the building clearly includes rural influences, the overall design of the building, including the L-shaped form, domestic fenestration lacks the simplicity of traditional rural buildings, which is emphasised by ADG

Part Q. This is particularly reflected in the materials which features a deep brick plinth, flint with brick quoining and black timber weather boarding. Whilst all of these materials are traditional, the overall impact lacks simplicity. The timber weatherboarding, whilst present on traditional agricultural buildings elsewhere in Sussex, is not a feature of rural buildings within the immediate setting and appears incongruous.

The position of the dwelling results in the loss of the open space to the west of Little Meadow, which would be enclosed as part of the proposals. Open spaces such as the pond area to the front of Hobbs Farmhouse and the application site are significant landscape features and contribute positively to the semi-rural character of the area. The design of the dwelling in terms of its form, detailing and materials fails to respond to the character of the area, and would not sit comfortably within its context. The application would result in the loss of the open area, and the introduction of a dwelling whose design does not respond to the established character of the area. This results in harm to the character of the area, in conflict with ALP D DM1, NPPF policy DP3 and the ADG.

HERITAGE

The site is adjacent to a Grade II listed building known as Hobbs Farmhouse, and is located within the Bilsham Area of Character as defined by the YNP.

The listed building is a former farmhouse, and the immediate setting of the building is made up of former farm buildings and existing garden spaces. The neighbouring farm buildings to the west have been converted into residential dwellings, and are curtilage listed buildings. The buildings are constructed from a mixture of brick and flint. The wider setting of the site is made up of rural fields and agricultural uses, including the grassed area which is the site for the current proposal. The listed building can be viewed from a number of places, including from the lane and the neighbouring land, which gives view of the principal elevation, pond and a structure to the front of the property. The site forms part of the setting of the listed building and contributes to the understanding and appreciation of the listed building as a former agricultural holding.

The proposal would introduce a domestic building into the open area to the east of the access road, and would reduce the sense of openness. The dwelling sits towards the west of this open area, away from other buildings associated with Little Meadow, and the Conservation Officer comments note that the position of the dwelling appears arbitrary and does not appear to be informed by the historic layout of the farmstead. Although the Design and Access Statement and Heritage statement state the design is inspired by converted barns, the building still appears primarily as a domestic dwelling. The L-shaped plan form, projecting wing and domestic fenestration and other detailing lacks the simplicity and functional character associated with agricultural buildings. Whilst the use of flint and brick reflects the materials found within the adjoining farmstead, the use of timber weatherboarding does not reflect nearby historic buildings. The comments state that the proposal takes only limited cues from the historic farmstead and would not sit comfortably within this context.

The plans include hedge planting along the western boundary, which would provide only limited mitigation of the impact of the proposals. The hedge would take time to establish, even when fully grown would be insufficient to screen the dwelling. The hedge cannot mitigate the loss of the open area which contributes to the rural character and setting of the listed building.

The Conservation Officer concluded the proposals result in harm to the significance of the Hobbs Farmhouse and the Bilsham Area of Character. This harm would be at the lower level within the spectrum of harm, aligning with the lower level of less than substantial harm identified within the Heritage Statement. NPPF Policy HE6(3) states that any harm to a designated heritage asset will be a matter of considerable importance and weight. NPPF Policy HE6(4) states that any harm to designated heritage assets should be assessed against the public benefits. In this instance the proposal would provide a

single dwelling which would replace an existing mobile home to the east of Little Meadow. Whilst there is an identified need for housing and the proposal would provide some social and economic benefit in this respect, given that the proposal is for a single unit, these benefits can be afforded very limited positive weight. The benefits would not outweigh the harm to the setting and significance of the listed building. The proposals are therefore in conflict with ALP policies HER DM1 and NPPF policy HE 6.

ALP policy HER DM4 states proposals in area of character will be approved where the proposal (a) retains features which make positive contributions to the area, including areas of open space, and (c) preserves and, where possible, enhances the special character of these areas. YNP policy E8 requires that the scale height and form of buildings within areas of character to be sympathetic to the existing built environment, and that proposals affecting farm buildings within the area should be designed to reinforce the area's rural character.

The loss of part of the open area would harm the Bilsham Area of Character, which is characterised by a historic pattern of development which includes open agricultural land and verdant spaces between historic farmstead groupings and later development. Whilst only part of the land would be built on, the remainder would become domestic curtilage, and there would be limited control on the retention of planting and introduction of future domestic structures in the future. The Conservation Officer also identified harmful impact on the Bilsham Area of Character. This harm is not outweighed by public benefits as identified above.

The proposal conflicts with ALP policy HER DM4, YNP policy E8 and NPPF policy HE 7.

AMENITY OF FUTURE OCCUPIERS

The dwelling has an internal area of 150sqm, which exceeds the minimum requirements set out in the Nationally Described Space Standards for dwellings of this type. The property provides sufficient natural light to all habitable rooms. The property has large area of outdoor amenity space to the sides and rear. The proposals would provide a good standard of accommodation for future occupiers in accordance with ALP policy D DM2 and the ADG.

NEIGHBOURING RESIDENTIAL AMENITY

The dwelling would be 20m from the dwelling to the northwest (Hobbs Farmhouse) and 26m from the boundary of Little Meadow. The proposal is located away from neighbouring occupiers and would not result in adverse impacts in terms of overbearing, overshadowing or overlooking. The proposal would not harm neighbouring residential amenity in accordance with ALP policies D DM1 and QE SP1.

HIGHWAYS AND TRANSPORT

ALP policy T SP1 requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport services whilst making provision for safe access to the highway network. Arun District Council has adopted a Parking Standards SPD (Jan 2020) (APS). Principle 1 at para 2.12 stresses that parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimizing adverse effects on road safety, and avoiding increased on street parking demand. The APS state that two parking spaces should be provided for two bedroom dwellings in this area.

The site is outside of the built up area boundary, to the south of Yapton. WSCC Highways note the stretch of Bilsham Road between the site and the settlement has no footway and is unlit, which may encourage use of the private car for some users. However, Yapton would be accessible for confident cyclists. Whilst the occupants would be reliant on the private car to a significant extent, the proposal is for a replacement dwelling as such the location of the development is acceptable.

WSCC Highways raised no objection to access arrangements, and raised no concerns in respect of

highways safety. Three parking spaces are proposed, which exceed the requirements of the APS. Cycle parking spaces are also proposed and the vehicular and cycle parking spaces would be securing via condition as part of any approval.

The application is in accordance with ALP policy T SP1.

FLOOD RISK

The site is at future risk of flooding from rivers and sea according to the EA Flood Risk Map for Planning. The site is in future Flood Zone 2 and 3 accounting for climate change, and as such the application should be accompanied by a site-specific Flood Risk Assessment and a Sequential Test in accordance with the NPPF. The application has been accompanied by an FRA which identifies that a Sequential Test is not required. NPPF policy F5 states clearly that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, and in failing to provide a Sequential Test, the application conflicts with ALP policy W DM2 and NPPF policies F4 and F5. However, as the dwelling replaces an existing mobile home within the same flood risk context, it is not considered that failure to pass the Sequential Test would form a reason for refusal of the proposal in this instance. This has not been included as a reason for refusal of the application.

The site includes areas to the south and west which area at risk of surface water flooding, however no development is proposed in these areas. The Flood Risk Assessment identifies the flood risk situation of the site and proposes mitigation measures to address residual risk. The development would not significantly increase the occupancy of the site, and is acceptable in terms of flood risk.

BIODIVERSITY AND TREES

The site is within an area of grassland and the PEA identifies no harmful impacts on protected species. The application is for a self-build dwelling and has claimed exemption from the requirement to provide a Biodiversity Net Gain on this basis. No s106 agreement to secure the dwelling as self-build was received with the application, and this has not been received during the lifetime of the application. The application was made valid on 17 July, and would not be exempt from the requirement to provide 10% BNG. The application has not been accompanied by a BNG metric or other information to indicate whether this can be provided on the site. In the absence of a S106 or BNG information, it has not been demonstrated that the development is exempt from the requirement to provide BNG or that this can be achieved. The application fails to accord with the requirements of the Environment Act 2020 or ALP policy ENV DM5, which requires developments to provide a net gain in biodiversity.

The proposals involve the removal of three trees on site to facilitate the proposed access. These are identified as category C trees within the application. These trees are not easily visible from the public realm, but do contribute to the amenity of the site. On this basis replacement trees should be provided in accordance with ALP policy ENV DM4. This could have been required via condition as part of any approval.

CLIMATE CHANGE AND ENERGY EFFICIENCY

ALP policy ECC SP2 requires all new residential and commercial development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. The inclusion of energy efficient materials such as double glazing is expected and would be controlled at the Building Regulations stage.

In terms of decentralised, renewable, and low carbon energy supply systems no details of these have been provided with the application, however, this could be secured via condition. Subject to this, the proposal is in accordance with ALP policy ECC SP2.

SUMMARY

The site is outside of the settlement boundary and is not physically well-related to the settlement. The proposal would provide a single dwelling which would replace an existing mobile home in this location and there is an identified need for housing within the area. The proposal would not benefit from support from policy NPPF S5(1) of and S5(4) would apply. This states that development proposals should only be approved in exceptional circumstances where the benefits of a proposal would substantially outweigh the adverse effects. In this instance adverse effects to the neighbouring designated heritage assets have been identified, and are given substantial weight in accordance with NPPF policy HE6(3). Adverse impacts have also been identified affecting the Bilsham Area or Character as a non-designated heritage assets, and the character and visual amenity of the area. The benefits of the proposal include the social and economic benefits of the provision of a permanent dwelling structure and the contribution of one dwelling towards the area's identified housing shortfall. These benefits carry limited weight, and do not substantially outweigh the harms associated with the development. The application is therefore recommended for refusal.

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

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.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION**REFUSE**

- 1 The proposal would result in harm to the significance of Hobbs Farmhouse through development within land that contributes to its historic rural setting and through the introduction of a dwelling whose form, appearance and materials do not successfully reflect the character of the historic farmstead. This harm is not outweighed by public benefit arising from the proposals, in conflict with Arun Local Plan policy HER DM2 and policies HE4, HE6 &

HE7 of the National Planning Policy Framework.

- 2 The proposal would also result in harm to the character and significance of the Bilsham Area of Character, as a non-designated heritage asset, through the erosion of an open green space that contributes to the hamlet's rural and dispersed historic character. The application conflicts with Arun Local Plan policies HER DM4 and D DM1, Yapton Neighbourhood Plan policies E8 and H4 and policies HE7 and DP3 of the NPPF.
- 3 The design of the proposed dwelling, in terms of its position, form, appearance and materials, fails to respond to the established character of the area, and would not integrate with its surroundings. The dwelling would appear incongruous within its context, and fails to comply with requirements of Part Q of the Design Guide, Arun Local Plan policy D DM1 and policy DP3 of the NPPF.
- 4 In the absence of a completed planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to legally secure the new dwelling as a self-build house, there is no adequate mechanism in place to ensure it would be self-build dwelling and exempt from achieving a minimum 10% Biodiversity Net Gain. Further to this, in the absence of a statutory biodiversity net gain metric, and pre- and post-development assessments, it is unclear that a 10% biodiversity net gain could be achieved on site or whether it would be appropriate to secure these off site via condition. The proposal does not, therefore, meet the requirements of Schedule 7A of the Town and Country Planning Act 1990.
- 5 **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 reasons for the refusal, approval has not been possible.