

PLANNING APPLICATION REPORT**REF NO:** Y/51/11/**LOCATION:** Land rear of Eappa Farmhouse
North End Road
Yapton**PROPOSAL:** New dwelling. Resubmission of Y/7/11 (This application is a Departure from the Development plan)**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application is for a new three bedroom house on land outside of the residential curtilage. This is a resubmission following Y/7/11 which was refused.
SITE AREA	0.058 hectares
RESIDENTIAL DEVELOPMENT DENSITY	17 dwellings per hectare
TOPOGRAPHY	Predominantly flat. The land is raised up from the street by approximately 1m.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing to side. Open onto the fields to the rear. Brick wall between access and rear garden of the dwelling.
SITE CHARACTERISTICS	Land to the rear of a large detached house which is rendered and painted white. Shed in the garden. The dwelling has three ground floor side windows and a front porch also on this elevation. Large wooden tool shed at the rear.
CHARACTER OF LOCALITY	Semi-rural area of linear development, built either side of the road. Houses adjacent to the site with hedges along the rear boundary with the field (this has been removed from the existing dwelling).

RELEVANT SITE HISTORY

Y/43/00/	Proposed two storey detached outbuilding	Approve Conditional 10-10-2000
Y/39/08/	New dwelling (Departure from the Development Plan)	Refused 22-08-2008

Y/7/11/

New dwelling. (This application is a Departure Refused from the Development Plan).

18-04-2011

REPRESENTATIONS

Representations received:

Yapton Parish Council

Objection. This appears to be identical to Y/39/08 which was refused. It is a departure from the Local Plan. It conflicts with the revised PPS3. It would be out-of-character and set a precedent. Conflicts with Countryside Policies. It is inappropriate development on garden land which does not comply with the amended Policy in PPS3 in relation to separate development in gardens.

West Sussex Wildlife Protection
Land needs checking for possible wildlife.

Comments on Representations received:

Parish Council - Noted and agreed.

Others - Noted.

CONSULTATIONS

WSCC Local Development Divis.

Consultations responses received:

West Sussex County Highways:

This authority were previously consulted on Y/11/11 for a single dwelling house to which no objections were raised. The proposed dwelling will utilise the existing access which appears to offer an acceptable level of visibility. The dwelling is unlikely to result in any material increase or result in any detrimental impact on highway safety.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:

Outside Built-Up Area Boundary
Class B Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN3](#)
[GEN7](#)
[GEN12](#)

Protection of the Countryside
The Form of New Development
Parking in New Development

PLANNING POLICY GUIDANCE

PPS1
PPS3
PPS7
PPG13

Delivering Sustainable Development
Housing
Sustainable development in rural areas
Transport

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 a new dwelling in the countryside is contrary to Policy GEN3 as it is unrelated to the needs of agriculture.

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 lies outside the Built-Up Area Boundary where development is not permitted unless it is necessary for the needs of agriculture. The proposal is for a new dwelling with no agricultural justification or any other acceptable justification for development outside the built up area boundary.

HISTORY OF THE SITE

Application Y/43/00 was for a single storey structure with room in the roof for an annex and garage.

Application Y/39/08 for a new dwelling was refused. The proposal was the same design and size as this application and was originally submitted as an annex, in an attempt to overcome the previous reason for refusal (a new dwelling in the countryside). Application Y/7/11/ was submitted as a separate curtilage and due to the design and size and scale this was being considered as a separate dwelling house, and subsequently refused.

PPS7 SUSTAINABLE DEVELOPMENT IN RURAL AREAS

This Government Policy is to protect the countryside for its own sake.

Paragraph 9(ii) states that Local Planning Authorities should strictly control new houses in the countryside. The proposal is considered to be contrary to this Policy.

GEN3 PROTECTION OF THE COUNTRYSIDE

Outside the Built-Up Area Boundary as defined on the proposals map will be safeguarded for its own sake. Development will not be permitted unless it meets the operational needs of agriculture.

In this case the proposal is for a new three bedroom two storey house. The Applicant has not provided any agricultural justification, the Application remains the same as previously refused, the applicant has provided a statement that an Application Y/77/10 in Maypole Lane was approved for a new dwelling, his application should also be approved. The circumstances are different. A previous approval was granted at the Maypole Lane site for a residential caravan had been approved on the site Y13/56B use of land as site for two permanent residential caravans and Y/9/63A for the resiting of two caravans. These were being replaced by a permanent dwelling.

In the case of the applicant he states he had a mobile home on site whilst he built the two storey outbuilding approved under Y/43/00 and he removed it when this was built. No caravan was on site at various Site Visits. There is a dwelling on the site, plus the approved outbuilding which is an annex and cannot be used as a separate unit of accommodation. Therefore the two circumstances are not the same. As stated above the site is outside the built up area where development is not acceptable in principle and it is not considered that the statement is an acceptable justification to overcome the countryside policy objections.

PPS3 HOUSING AND CHARACTER

The Government objective is to create mixed sustainable communities. Housing should be developed in sustainable locations which offer a range of community facilities with good access to jobs, key services and infrastructure. The ministerial statement of January 2010 seeks to resist development on existing gardens there is no presumption that previously developed land is necessarily suitable for housing and development will need to be in accordance with Local Plan Policies. Also the change to PPS3 is to prevent garden grabbing, in this case some of the site is within the residential curtilage and some outside.

With regard to the character of the area, development along North End Road is linear in style and no such backland development exists to the rear of adjacent properties. Therefore the proposal is considered to be out of character with the area.

It is therefore considered that the proposal is unacceptable and does not conform to this policy.

INTERIM AFFORDABLE HOUSING POLICY

An Interim Affordable Housing Policy was approved by Full Council on 18th August 2010. The Policy states that the Policy is in accordance with PPS3 Housing and for developments of 1 - 14 units an affordable off site financial contribution for housing provision of 15 per cent will be sought district wide. Therefore as the proposal is for a new dwelling financial contributions will be required via a S106 Agreement. No such agreement has been received.

SUMMARY

The proposal for a new dwelling in the countryside is contrary to Policy. No agricultural justification or any other acceptable justification has been provided. Therefore, it is recommended that the Application is refused for the following reasons.

RECOMMENDATION

REFUSE

- 1 The site lies in a rural area and the proposal, being unrelated to the needs of agriculture, forestry, recreation, the extraction of minerals or disposal of waste, conflicts with policies GEN2, GEN3 of the Arun District Local Plan which seeks to protect the countryside, safeguard agricultural land, and ensure that the amount of land taken for development is kept to a minimum, consistent with the provision of high quality and adequate space within the built environment and to resist the consolidation of linear or sporadic development.
- 2 The proposal dwelling by reason of its siting, size and relationship to neighbouring properties would be out of character with the area in addition to which it would represent a "garden grabbing" form of development which would be contrary to the aims and objectives of PPS1 and PPS3 (June 2010) and associated ministerial statements which seek to avoid residential development where it would result in unacceptable development. The development would therefore be contrary to policy GEN7 of the Arun District Local Plan and PPS3.
- 3 The proposed development fails to make an adequate contribution towards affordable housing provision and is thereby contrary to the aims and objectives of PPS3 and the Council's interim affordable housing policy adopted on 18th August 2010.