

Recommendation Report for Planning Permission

REF NO: Y/57/25/PL

LOCATION: Sunnymead
North End Road
Yapton
BN18 0DL

PROPOSAL: Retention of fence at west of site on North End Road (but lowered to 1m with new hedge behind), hardstanding and access track and the creation of a residential caravan site with 3 No plots with associated parking, landscaping and facilities. This application is a Departure from the Development Plan and is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for the siting of three residential mobile homes within hedged curtilages as well as a new 6 space parking area, and a further visitor space. These mobile homes are to be rented or sold as market housing and are not proposed as Gypsy or Traveller accommodation. The ground levels will be raised and flattened out to create the parking area and so a compensatory depression will be created in the north-western corner to ensure no loss of flood storage. A new acoustic fence will be sited along the northern boundary. The front (western boundary) will see the existing 2m high fence lowered to 1m but with a new 2m high hedge planted behind. The mobile homes will each have 2 bedrooms. They will measure 12m long by 3.6m wide with a height to eaves of 2.5m and a ridge height of 3.5m. There will also be a timber communal bin store for the mobile homes, and each plot will have its own shed for cycles and other storage.
SITE AREA	0.2123 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	14.1 dwellings per hectare.
TOPOGRAPHY	The site of the mobile homes is predominantly flat and on a similar level to the existing bungalow. Westwards from the proposed mobile homes, the site falls from approximately 4m AOD down to 3.03m AOD (at the base of the depression) and then back up again to the road level.
TREES	All previous trees have been removed. A TPO (TPO/Y/1/21) protects two trees lying just north of the existing bungalow which are outside the site.
BOUNDARY TREATMENT	The western (front) boundary is formed by a 2m timber fence with new metal (black painted) reinforced timber gates. It is

proposed to lower this boundary to 1m and plant a hedge behind. The southern boundary has a similar fence set part behind a low flint wall. The eastern boundary to the bungalow has seen a new timber fence. The northern boundary to the railway line is formed of a wire fence with low hedging and trees behind.

SITE CHARACTERISTICS

Formerly extensive front garden to a detached bungalow but the land has recently been cleared and is now a grassed area with a gravel driveway running along the southern edge. The bungalow remains and has been subdivided from this site (although retains access via the driveway).

CHARACTER OF LOCALITY

Semi-rural character, with fragmented residential ribbon development on this part of North End Road, broken up by undeveloped/agricultural fields, and the railway line directly to the north of the site. Beyond this to the north is open countryside. Immediate properties are mainly 2 storey, detached, semi-detached and terrace, with mix of brick, brick and flint and render elevations, tile, and thatch roof. No prevailing uniform character, but this part of the road is mainly character cottages in a semi-rural setting. The land part opposite (The Old Coal Yard) is used for open storage and has a similar height timber fence to the road. It has permission for 4 no. detached, 2.5-storey dwellings.

RELEVANT SITE HISTORY

Y/55/25/HH	Roof extension to facilitate conversion of loft to habitable use, including an increase in ridge height and the installation of front and rear dormers.	ApproveConditionally 14-10-25
Y/41/23/PL	Erection of 4 No dwellings with associated landscaping, access and parking. This application is a Departure from the Development Plan and is in CIL zone 3 and is CIL Liable as new dwellings.	Refused 20-06-23 Appeal: Allowed+Conditions 22-04-24
Y/57/21/PL	Demolition of existing dwelling and outbuildings and erection of 5 dwellings comprising 2 No 4 bed houses & 3 No 3 bed house (resubmission following Y/33/20/PL). This site is in CIL Zone 3 & is CIL Liable as new dwellings. This application is a Departure from the Development Plan.	Refused 29-07-21
Y/33/20/PL	Demolition of existing dwelling & outbuildings & erection of 7 No. dwellings comprising 3 No. 4 bed houses, 1 No. 3 bed house & 3 No 2 bed houses. This application is a	Refused 20-05-20

Departure from the Development Plan.

Planning permission was refused for a development of 5 dwellings on the site (including demolition of the bungalow) under Y/57/21/PL. The reasons were as follows:

(1) The site lies in a countryside location outside the defined Built-Up Area Boundary of Yapton and the proposal, which would reinforce existing ribbon development and due to its layout would appear prominent and incongruous with the streetscene, would erode the existing intrinsic character of the countryside and harm the visual amenity of this semi-rural area. The proposal is contrary to the National Planning Policy Framework, Policies SD SP2, C SP1, D SP1, D DM1 and LAN DM1 of the Arun Local Plan and Policies H1 and BB1 of the Yapton Neighbourhood Plan.

(2) There has been a failure to demonstrate the development would not suffer flood risk or increase flood risk elsewhere thus resulting in harm to human health, contrary to the requirements of the National Planning Policy Framework, Policies W DM2 and W DM3 of the Arun Local Plan and Policy E11 of the Yapton Neighbourhood Plan.

(3) There has been a failure to sufficiently survey for bat roosts in the trees shown to be removed by the development and as such there is insufficient information to determine the impact on protected species contrary to Policy ENV DM5 of the Arun Local Plan and the National Planning Policy Framework.

Y/55/25/HH has recently been approved and concerns alterations to the existing bungalow. Y/41/23/PL is referred to as it concerns the site part opposite which was refused by the Council due to concerns over character and harm to the streetscene but then allowed on appeal. The permission is valid until 22/04/27.

REPRESENTATIONS

Yapton Parish Council object for the following reasons:

- this is an important gateway site into the Yapton Parish.
- the site is highly visible in the streetscene.
- the site was cleared of vegetation to remove a potential planning consideration (loss of habitat and impact on ecology).
- not in accordance with the Yapton Neighbourhood Plan.
- unsuitable location for new homes.
- site is too close to the level crossing and any intensification of traffic entering and exiting North End Road from the site will create a traffic hazard.
- a full traffic survey should be carried out.
- the design of development should respect the local heritage value and vernacular.
- the proposal is incongruous and out of keeping with this important semi-rural location.
- substantial landscaping is required.
- the proposal fails to restore and enhance the biodiversity of the site that was previously removed; and
- the 2m timber fencing is inappropriate along North End Road. It should be lowered and softened with the introduction of a native deciduous hedgerow.

Three letters of objection raising the following concerns:

- all previous trees have been removed and there was harm to the previous biodiversity.
- there is already a mobile home on the site but where is the permission for this?
- the proposal does not achieve Biodiversity Net Gain (BNG).

- the site is not in the urban fringe as per the application description.
- site is too close to the level crossing and any intensification of traffic will create a traffic hazard particularly in combination with HGV's crossing the railway.
- mobile homes are not in keeping with the buildings in the area; and
- the fence and gates are of an inappropriate height.

One letter of support from the National Annexe Planning Consultancy, on the following grounds:

- the creation of a small-scale residential caravan site, represents an efficient and sustainable use of existing land, supporting flexible living arrangements and responding to the growing need for adaptable housing solutions.
- ancillary accommodation of this nature can facilitate multigenerational living and provide much-needed support for families and individuals without necessitating large-scale new development; and
- consideration should be given to the scale, layout, and access arrangements to ensure that the development integrates sensitively with its surroundings and maintains a clear ancillary relationship.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments are noted and will be considered elsewhere unless discussed below:

- the site was previously cleared however no protected trees were touched and the loss of the vegetation and associated wildlife habitat is not a material planning consideration in this application.
- where sites have been cleared prior to an application being submitted then BNG is calculated using the year 2020 as the baseline date therefore the current state of the site has no bearing on how BNG is calculated.
- it is entirely acceptable for proposals to provide the necessary BNG off-site on land owned by the applicant or to purchase off-site credits.
- mobile homes/caravans can be sited within the curtilage of a residential property without the need for permission. In this way, they can simply be stored or even used by the residential occupiers as long as the purpose is incidental to the enjoyment of the dwellinghouse. They could not be used as an independent dwelling.
- the way applicants describe sites has no bearing on how officers determine applications; and
- the applicant has agreed to lower the front fence and plant a hedge, and this is indicated on the revised plans.

The letter of support is noted and makes valid points. It is from a company specialising in mobile home planning permissions. The writer is under the impression that the mobile homes will be ancillary to the bungalow which is not correct.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NETWORK RAIL - no objection, request that an informative be attached to any permission.

SOUTHERN WATER - no objection subject to a condition to secure the foul connection and an informative regarding building over an existing sewer.

SOUTH DOWNS NATIONAL PARK - no objection.

WSCC HIGHWAYS - requested more information as although do not object in principle, the vehicle

access proposals were not clear. Requested plans showing the existing and proposed access point to include vehicle and pedestrian visibility splays, and details of any applications which permit the current access.

ADC ECOLOGIST - no objection subject to conditions to secure enhancements and control lighting. Due to the scale of the proposal, an appropriate assessment under the Habitat Regulations is not required. No impacts to protected species have been identified.

ADC ENVIRONMENTAL HEALTH - raised a holding objection as the noise climate had not been adequately assessed with data provided from 8 years ago. Report was silent on the impacts of overheating during the warmer months as windows are to be shut to maintain appropriate internal noise levels. Otherwise recommend conditions re lighting, contamination, hours of construction work, electric vehicle charge points, as well as relevant informatives.

ADC DRAINAGE ENGINEERS - objection for many reasons but principally that no information regarding surface water drainage has been submitted to evidence that a sustainable drainage system is achievable, or flood risk will not be increased due to the surface water drainage of the development. The submission fails to respond to the National Standards for Sustainable Drainage Systems. Advises the imposition of conditions at this stage rather than overcoming the objection could result in a circumstance where the condition cannot be discharged.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

WSCC HIGHWAYS - the applicant provided a Transport Note and WSCC Highways were re-consulted. However, they have not responded.

ADC ENVIRONMENTAL HEALTH - the applicant provided a revised Noise Impact Assessment and Environmental Health were re-consulted. They maintained an objection on the grounds that windows will need to be closed to ensure appropriate internal noise levels but that no overheating assessment has been provided. It is not clear how overheating of the internal space will be prevented.

ADC DRAINAGE ENGINEERS - the applicant provided two letters in response to the objection. They consider it is entirely reasonable to determine the application without the supporting drainage information and impose conditions to enable assessment in the future. This is contrary to advice on the Council's website and these submissions do not resolve the objections.

POLICY CONTEXT

Designations applicable to site:

- Potential for Groundwater Flood Risk.
- Flood Zone 1 as per current mapping and and future climate change prediction mapping.
- The access and the car parking lie within Surface Water Flood Risk Zones for the 1:30, 1:100 and 1:1000 events.
- Outside the Built Up Area Boundary (BUAB)
- Within the Arun Valley SPA Impact Risk Zone 2.
- Lidsey Water Treatment Works Catchment Area.
- Area of Special Control of Adverts.
- Railway Consultation Area.
- A foul sewer crosses the site; and

- CIL Zone 3.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

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
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HSP1	HSP1 Housing allocation the housing requirement
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

<u>Yapton Neighbourhood Development Plan 2011-2031 Policy BB1</u>	Built-up Area Boundary
Yapton Neighbourhood Development Plan 2011-2031 Policy E3	Protection of natural habitats
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 E11	Minimising the impact of flooding from development
Yapton Neighbourhood Development Plan 2011-2031 Policy PK1	Parking standards for new residential development
Yapton Neighbourhood Development Plan 2011-2031 Policy H1	Housing Requirement
Yapton Neighbourhood Development Plan 2011-2031 Policy H4	Quality and Design

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 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 fails to comply with relevant Development Plan policies in that the site lies in the countryside outside of the defined Built-Up Area Boundary. The proposal fails to demonstrate that the development can be drained effectively without increasing flood risk off-site. The proposal also fails to demonstrate compliance with policy on noise pollution.

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.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG), and it is proposed to provide 0.022 units of hedgerow on the site equivalent to a +10.52 net gain. However, the proposal results in the loss of minus 1.27 units of habitat equivalent to a -41.42% net loss. On this basis, the applicant will need to purchase/provide 1.64 units (410.78%) of off-site habitat (0.2ha of modified grassland) and plant 30 additional trees. This would need to be secured by a s106 legal agreement. The BNG calculations have taken account of the previous habitat that was removed before the application.

CONCLUSIONS

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 2025, the council published its Authority Monitoring Report (AMR) for 2023/24, and this shows that the Housing Land Supply (HLS) had fallen to 3.41 years. On the basis of the new AMR, the policies most important for the determination in the ALP have reduced weight and are considered 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 and found to apply to the YNDP.

The site lies in the countryside outside of 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 conflicts with ALP Policies C SP1 and SD SP2.

The YNDP 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. However, the site has not been put forward through the HELAA and therefore the proposal gains no support from the Action Plan.

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 does not meet this crucial criteria therefore the proposal gains no support from the IHS.

The site, along with other homes along this part of North End Road are divorced from the main village of Yapton but the location would nonetheless be considered sustainable as it is possible for residents to walk, cycle or take a bus to reach the facilities and services of either Yapton to the south (via North End

Road) or Barnham to the west (via Lake Lane). The Inspector in allowing the appeal of the site opposite confirmed it would be sustainable development.

The principle of this development conflicts with the ALP and YNDP. However, the Council cannot demonstrate an appropriate HLS and due to this, 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.

TRAFFIC, ROAD SAFETY AND PARKING:

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 site had a crossover style access whilst a bellmouth arrangement was proposed by Y/57/21/PL. Prior to submitting the application, the applicant widened the access point and erected gates set back from the highway. The access is shown as being approximately 3.4m wide with visibility splays of 2.4m by 43.5m (northbound) and 2.4m by 46m (southbound). It achieves 2m by 2m pedestrian visibility splays.

WSCC Highways initially objected due to insufficient information about the access changes. However, the applicant has responded with more information and despite chasing, Highways have not responded. It is not possible to support a refusal on highway grounds in the absence of comments and therefore, it must be determined that the proposal is now in accordance with relevant policy.

The Parking Standards SPD sets out a need for 6 allocated spaces and 1 visitor space (so a total of 7) whereas the requirement per YNDP Policy PK1 would just be 6 spaces. The application meets the SPD requirement. Manual for Streets guidance also sets out the need for disabled parking at a ratio of 5% of all spaces. This would equate to less than half a space and given that there is no requirement for a site of this scale to provide accommodation suitable for disabled people then it is not appropriate to require such parking spaces. Cycle storage would be provided in sheds within the residential curtilages and would be enforced through a condition. The parking provision is in accordance with policy.

The proposal is compliant with the relevant development plan policies and the guidance on highway safety within the NPPF.

WASTE MANAGEMENT:

ALP Policy WM DM1 states that new residential development will be permitted provided that it is designed to ensure that kerbside collection is possible for municipal waste vehicles. The site plan shows that there will be a communal bin store situated on the access drive. This will enable for continued collection from North End Road which is as per the current situation for houses on the road. Details of the exact appearance of the bin store have been supplied and are acceptable. The proposal therefore

complies with Policy WM DM1.

FLOODING:

The site is entirely in Flood Zone 1 (FZ1) which is low risk, and this is not expected to change in the future when climate change data is considered. However, parts of the front of the site are subject to surface water flood risk.

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.

Para 175 of the NPPF states that the Sequential Test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future.

The National Planning Practice Guidance (NPPG) has recently been updated to state that in applying para 175, a proportionate approach should be taken in respect of surface water flood risk and that where the proposed layout, design, and mitigation measures would ensure that occupiers would remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere, then the sequential test need not be applied.

The application is silent on the sequential test and parts of the site access are currently in the areas affected by surface water flood risk. However, the proposals would see the existing low area built up and a new area in the north-western corner lowered to create a flood compensation area. Assuming this meets its objective, then alongside an appropriate drainage system, it would ensure that the car parking spaces and crucially, the access to/from the site are unaffected by flooding. The mobile homes themselves are outside of the area of risk.

Whilst there is insufficient information to demonstrate an acceptable drainage scheme to ensure surface water is managed effectively to prevent flooding, a sequential test would only be required for the parts of the site that comprise the access and parking and the omission of this would not be capable of forming a strong reason for refusal to prevent the application of the NPPF presumption in favour of sustainable development. It is material that the access already serves the existing bungalow.

On this basis, the proposal is acceptable in respect of the relevant ALP 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.

The council's website makes it clear that groundwater levels should be fully evaluated before determining the extent that infiltration can be used on a site. Arun is located on the coastal plain, is typically low lying, and the superficial deposits generally consist of silty clays which are poorly drained. A high-water table is common in the district, whether this is perched groundwater, the aquifer, or springs.

There are checklists on the website to advise developers on what to submit with applications. In this case, the full application checklist makes it clear that winter groundwater and infiltration testing results must be supplied. In addition, it is necessary to provide a proposed drainage scheme in order to ensure there is space within the site for drainage alongside all of the other proposals/policy requirements.

This site lies within the Lidsey Wastewater Treatment Catchment Area which is an area where surface and ground water can enter the foul sewer network resulting in foul sewage flooding of roads and property which has led to the pollution of watercourses. It is doubly important to ensure appropriate and effective surface water drainage schemes are in place for new developments.

The application form states surface water will be diverted to the main sewer however, there is nothing else in the submission that alludes to the surface water proposals (other than the flood storage compensation proposals as discussed above). Accordingly, the Council's Drainage Engineers objected principally on the basis that no information regarding surface water drainage has been submitted to evidence that a sustainable drainage system is achievable, or flood risk will not be increased as a result.

The applicant has since provided two letters from their drainage consultant, and the following is a brief summary of the contents:

- Groundwater monitoring is presently underway.
- Recent experience of the site opposite (The Old Coal Yard) suggests that soakaways will be viable.
- Potential options include either bio-retention using planters/rain gardens or a deep-bore soakaway.
- Previous groundwater testing at the site (November 2018) suggest that a shallow SuDS system would be appropriate.
- Application of a suitably worded drainage condition is appropriate as it is evident there will be a deliverable drainage solution.

The site opposite has a very different topography whilst the previous test results are now 7 years old. The site has a reported history of overland flows from North End Road and of groundwater rising to the surface of the low area. Any proposed SuDS and the car parking area in the existing low area of the site could be overwhelmed by overland flows and thus increase flood risk. The site is very constrained so opportunities to achieve an acceptable scheme are limited. The council's Engineer has informally advised that the new SuDS standards state that the use of deep-bore infiltration features are not considered to follow the SuDS approach and shall only be allowed by exception.

It remains clear that the submission contains no winter groundwater or infiltration testing, no surface water drainage proposals, no supporting calculations, and no response to the new SuDS standards. The proposal is clearly in conflict with the relevant policies and the National Standards and therefore it is not possible to determine that the proposal will not result in flooding at the site or to adjacent land. This is particularly important given the railway bordering the northern boundary.

FOUL DRAINAGE:

The site is in the Lidsey Wastewater Treatment Catchment Area. ALP policy W DM1 states that although minor developments are unlikely to raise significant flood risk, due to the cumulative impact all development within this area must also be accompanied by a Drainage Impact Assessment. As discussed above, no drainage proposals have been included therefore the proposal conflicts with the Policy.

The application form states it is not yet known where foul flows will be directed to, but it is assumed that this will be to the existing foul sewer which crosses the site and which it is assumed the existing dwelling

connects to. Southern Water state no objections subject to a condition. They require that the applicant contact them regarding any building works over the sewer (the existing driveway crosses this, but part of the car park will be over the sewer easement).

The foul sewage proposals are acceptable but there remains conflict with Policy W DM1 as there has been no assessment of the impact on the Lidsey area and thus of the potential for increased flooding from the foul sewer network.

CHARACTER, DESIGN AND VISUAL AMENITY:

ALP policies D SP1 and D DM1 requires development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. YNDP Policy H4 encourages high quality and sympathetic design, appropriate density, and sufficient outdoor space. The Arun Design Guide (ADG) is a material consideration in the determination of this application.

Section G of the ADG suggests a density of 5-15 for detached homes in rural locations. 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 14.1 dwellings per hectare and is therefore acceptable.

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.

Google Streetview from June 2022 shows a touring and a static caravan sited in the Coal Yard site opposite (the static caravan having an attached gas bottle, suggesting it was occupied). Currently that site is being used for the storage of buses and coaches, whilst long term it is likely to be developed with the approved 4 houses. There is an existing mobile home sited in the curtilage of the existing dwelling on the site. The siting of this represents permitted development and it is already visible in the streetscene. Aside from this, there are no other instances of caravans in the streetscene. There are some lodge style mobile homes on land to the east (effectively behind the application site), but these are not visible from any public viewpoints.

The siting and permanent residential occupation of a group of mobile homes here will represent a new form of development and one that is not in character with the streetscene. Mobile homes (static caravans) are low level structures with a simple rectangular shape. Each home will be 2.5m to the eaves and 3.5m to the ridge. They will be positioned on this site between 30 and 38m back from the highway (pavement) edge with the parking area between. Each home will be within its own hedged curtilage, and the applicant has also agreed to provide a 2m high hedge along the front boundary with the highway.

Subject to additional landscaping along the railway boundary (as proposed) and conditions to secure the longevity of such natural barriers, then the homes will have limited impact in views from the road. It is acknowledged the submitted streetscene drawing does suggest that the roofs and uppermost parts of the homes will be visible above the front hedge, however, in practice the actual viewing distances (30-38m) will lessen the visibility and the flat nature of the streetscene drawing does not enable consideration of the effect of the viewing distances.

Views of the homes are likely to be limited to from the upper floors of residential houses to the west, from upper flank windows of Apple Tree Cottage to the south (albeit through gaps in the existing trees) and from the upper/raised windows of passing large vehicles. It will be difficult to see the homes from the

point of view of a passing pedestrian on either side of North End Road. The proposed landscaping measures will assist in screening the existing mobile home from public views.

Whilst the introduction of mobile homes here would represent an alien feature in the local built landscape and conflict with relevant planning policies, there would only be very limited harm arising to the character of the area. The homes themselves are currently proposed to be cream coloured with a dark grey roof. However, they could be clad in a different material such as brick to match the existing bungalow or coloured white instead to reflect the render on nearby houses. This could be secured by an appropriate planning condition.

The Parish state the need for development here to reflect the local heritage value. However, the only nearby heritage asset is a Grade II Listed Building located five properties to the south of the site. The presence of this does not give rise to an important historic character to North End Road and the asset itself is not affected by the proposal.

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 north part of the site directly abuts the railway tracks, so the scheme would have no impact on residential amenity in this direction. Notwithstanding that the homes are single storey and will be screened by 2m hedging, there will be a distance of approximately 55m between them and the nearest existing dwelling to the west.

On the south side of the site, the nearest property is Apple Tree Cottage which lies beyond an access track serving land to the east. There will be 16.5m between the south-western corner of the plot 1 home and the north-east corner of the dwelling. There are trees (and the hedge) between.

Due to the distances involved, the proposed hedge screening is not required to maintain acceptable levels of residential amenity to dwellings outside of the site, but conditions will nonetheless be imposed to ensure these natural barriers are retained permanently.

There will be only around 7.5m between the homes and the existing bungalow and there will be no hedge screening the eastern wall of the homes. However, this elevation is shown to have no windows and therefore there is no potential for overlooking. There is also a 1.8 or 2m high timber fence just in front of the bungalow's existing windows which already screens them (and affects the light levels to these windows). There is no conflict with the relevant policies or guidance.

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. However, these standards relate to built dwellings and cannot be applied to caravans which are manufactured to a certain specification and are space limited by

the need to keep within the size limits associated with the definition of a caravan (per section 29(1) of the Caravan Sites and Control of Development Act 1960, section 13(1) of the Caravan Sites Act 1968, amended by Statutory Instrument No. 2374 (2006).

The ADG states rear gardens should be a minimum of 10.5m deep and front gardens at least 2m. The ADG does not state it covers caravans, and it is material that the 10.5m distance is partly to ensure a decent standard of private amenity and part to ensure a 21m back-to-back interface distance which is not relevant to these plots.

The layout shows rear gardens (measured from the western end of the home to the rear hedge) of between 8m (plot 1) and 11m (plot 3) but in all three cases the total length of the plot from western to eastern end is over 19m. This results in an appropriate level of private amenity space and meets the ADG guidance.

NOISE POLLUTION:

ALP policy QE DM1 states that residential development likely to experience road or rail noise must (a) be supported by a noise exposure category assessment and designed to ensure that residents will not be adversely affected by noise; and (b) consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future.

Immediately bordering the northern boundary is a railway line. Following initial concerns with the validity (age) of the noise assessment, the applicant has provided an updated report. This concludes that with the provision of a noise barrier (1.8m high acoustic fence) along the boundary of the railway line and the road, the noise levels in the external amenity areas will not exceed the upper limit set out in BS8233 and a good standard of amenity should be achieved. Internal noise levels will be acceptable but only if windows are closed and this may result in overheating within the homes during the warmer months.

The Environmental Health Officer reviewed the revised report and objects on the grounds that windows will need to be closed to ensure appropriate internal noise levels but that no overheating assessment has been provided. Therefore, it is not clear how overheating of the internal space will be prevented. It is noted that in an appeal concerning new dwellings just north of the A27 (ADC ref AL/126/22/OUT) which had partly been refused on grounds of noise and potential for overheating, the Inspector stated:

"22. The evidence indicates that windows would need to be closed in order for acceptable standards of internal noise comfort to be achievable. A strategy for managing this issue in overheating terms may well be possible. However, this overlooks the more fundamental question of whether, all things considered, the need to keep windows closed would make for a healthy and comfortable standard of accommodation that would be expected of a well-designed proposal.

23. It is reasonable that future residents of the development would expect to be able to open their windows, particularly in fine weather. Being able to open windows (and patio doors) in a dwelling is an essential part of everyday life, and something which most people take for granted. Forcing future residents to make a choice between opening windows and tolerating road noise at the levels identified in the Appellant's noise evidence would create an oppressive living environment, inconsistent with the principles of good design.

24. In addition, keeping windows closed would rely on the actions of third parties (i.e. future occupants) to be effective and is therefore not in itself a reliable form of mitigation. Requiring a large number of windows to be fixed shut by condition would not be reasonable/desirable across a development of this scale."

The appeal was dismissed with the Inspector determining that the benefits of 9 dwellings did not outweigh the harm to the living conditions of future occupants.

The noise assessment refers to the need for a 1.8m timber fence to the road boundary but this has been proposed to be lowered to 1m with a 2m high hedge planted behind.

The noise source (railway) is very close to the site, and the overheating assessment is essential to determine whether an acceptable living environment can be provided. In its absence, the proposals are contrary to ALP Policy QE DM1.

TREES:

ALP Policy ENV DM4 states 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. 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.

All of the trees that were present on the site have been removed. Furthermore, the TPO protected trees are outside the site and will not be affected. There is no policy basis to seek replacements as permission was not required to remove the previous trees. However, new landscaping is required by ALP Policy D DM1 and the Biodiversity Net Gain (BNG) requirements will see new planting within the site.

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 BNG.

The application is accompanied by an up-to-date Preliminary Ecological Appraisal which determines the site to have negligible ecological value. The Council's Ecologist agrees with this assessment and raises no objection subject to conditions. The application proposes compensatory planting and the siting of three bird nest boxes. These measures will be secured by condition.

Where sites have been cleared prior to an application being submitted then BNG is calculated using the year 2020 as the baseline date. On this basis, the BNG baseline is much greater than the current state of the site. This means that the application cannot achieve a net gain within the site confines and has instead proposed bespoke habitat creation delivered by planting trees of medium distinctiveness on other land owned by the applicant. This will be secured by a s106 legal agreement.

As there are no objections or outstanding issues, the proposal is in accordance with the relevant development plan policies.

ARUN VALLEY SPECIAL PROTECTION AREA (SPA):

The whole site is in the defined Impact Risk Zone (IRZ2) for the Arun Valley SPA. The Arun Valley qualifying species is the Bewick Swan, who migrate over the winter period to the Arun Valley and use large areas of open land for foraging and resting. ALP Policy ENV DM1 states proposed development likely to have an adverse effect on land with the designated features of such areas will not normally be permitted. However, the Arun Valley SPA itself is outside the district and the Council's Ecologist has

stated that there is no need to carry out an appropriate assessment as the site is too small in size and scale. On this basis, there is no policy conflict and no need to consider this matter further.

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. 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 is silent on these matters; however, conditions could be imposed to secure compliance with the policies at a later time.

SUMMARY:

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.

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 policy conflicts in terms of development in the countryside and the inadequacy of drainage proposals. There will also be some limited visual harm to the character of the area. With respect to the countryside location and the limited harm to character, it is important to note that the appeal decision for the site opposite was allowed despite the proposal for 4 new houses in the same area of countryside. The Inspector found little harm to the character of the area.

An appeal decision concerning 170 dwellings on Land west of Bilsham Road (Y/52/23/PL) was allowed because the Inspector concluded that the significant benefits of 170 homes outweighed the moderate harm that had been identified and that therefore para 14 did not prevent the appeal from being allowed. Whilst the scale of this proposal is far different, only limited harm to character has been identified and it is not sufficient to just refuse on grounds of being in the countryside unless there is associated harm.

Notwithstanding, the drainage and noise policy conflicts are determinative in this case and outweigh the limited benefits of three homes (including their lower cost versus brick built houses). As no s106 agreement has been signed, there is no plan in place to secure the off-site BNG proposals. Therefore, a refusal on the following grounds is justified.

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.

CIL DETAILS

This application is not CIL liable as CIL only applied to buildings and mobile homes are not buildings.

RECOMMENDATION

REFUSE

- 1 Insufficient information has been submitted to demonstrate that an acceptable SuDS scheme can be achieved and that there will be no off-site flooding as a result of the development, including no adverse effect on the foul sewage network. The proposal conflicts with Arun Local Plan Policies W DM1, W DM2 and W DM3, the National Standards for SuDS, the SuDS Manual and the associated Planning Practice Guidance on Flood Risk and Drainage.
- 2 The application relies on windows being closed to achieve acceptable internal noise levels. No overheating assessment has been provided and there are no details of mitigation measures to ensure an acceptable internal living environment. The proposals are therefore in conflict with Arun Local Plan Policy QE DM1 and guidance contained in the NPPF.
- 3 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.
- 4 **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.