The Planning Inspectorate

Appeal Decision

Site visit made on 9 March 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 31st March 2020

Appeal Ref: APP/C3810/W/19/3242255
The New Stables, Kingston Gorse, Land Adjoining Kingston House, BN16 1RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by C/O RSP Architects Ltd against the decision of Arun District Council.
- The application Ref K/16/19/PL, dated 1 July 2019, was refused by notice dated 3 October 2019.
- The development proposed is single four bed dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether or not the proposal would accord with local planning policy that seeks to resist development within the designated gap between East Preston and Ferring; and (ii) whether or not the appeal site is in an accessible location for the proposed dwelling having regard to local planning policy.

Reasons

Designated gap

3. Policy SD SP2 of the Arun Local Plan 2011-2031 (2018) (LP) seeks to focus development within the Built-Up Area Boundaries defined on the Policies Maps.

4. Policy C SP1 of the LP states that land outside of the Built-Up Area Boundaries will be defined as countryside and will be recognised for its intrinsic character and beauty. Based on the evidence before me there is no dispute between the main parties that the appeal site lies within the countryside and moreover the proposal does not fall within categories of development (a) to (e) which are listed in the policy as being acceptable in principle in the countryside. However, the appellants contend that because category (f) of the policy states that development will be permitted in the countryside where it is in accordance with other policies in the LP which refer to a specific use or type of development, the proposal would meet the requirements of Policy SD SP3 (a) to (d) of the LP.

5. The appeal site is an open area of land located north of a cluster of buildings in Kingston. It is a field that comprises grass pasture with a hedgerow along its

western boundary and so positively contributes to the distinctive rural character of the area. Moreover, it lies within the designated gap between East Preston and Ferring. Policy SD SP3 of the LP seeks to protect the generally open and undeveloped nature of the gap to prevent coalescence of the two settlements and retain their separate identity. The policy states that development within gaps will only be permitted where all four criteria (a) to (d) of the policy are met, or where the land is allocated within a Development Plan Document or Neighbourhood Plan (which is not applicable in this case).

6. In summary, criteria (a) to (d) of Policy SD SP3 of the LP stipulates that development will only be permitted within gaps if it would not undermine the physical and/or visual separation of settlements; it would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development; it cannot be located elsewhere; and it maintains the character of the undeveloped coast.

7. The supporting text to the policy emphasises that Policy SD SP3 is not intended to protect the countryside or landscape (as these have their own policies), but rather act as a planning tool designed to shape the patterns of towns and villages within the District. It goes on to say that a clear break between settlements helps maintain a sense of place for the communities on either side of the gaps, and this can be assessed using measures such as inter-visibility (the ability to see one edge from another) and intra-visibility (the ability to see both edges from a single point).

8. The proposal is for one, single storey dwelling, positioned to the north of an existing cluster of buildings. Considering the location of the site, the proposal would not bring the built form of Kingston any closer to East Preston or Ferring. The erection of a building on land where none presently exists would inevitably result in some loss of openness of the gap. However, considering the scale of the proposed dwelling and its position, the impact would not be significant or harmful in the context of the gap as a whole. Furthermore, the visual separation between East Preston and Ferring and the separate identities of those respective communities would be maintained. Thus, the proposal would have no material effect on inter-visibility or intra-visibility.

9. However, the proposed development would introduce a built form into a rural area. Notwithstanding that the proposed dwelling would be constructed using materials that are sympathetic to the immediate surroundings, as a result of its position in an open field, albeit relatively close to a cluster of existing buildings, it would lead to encroachment of development into the countryside. Thus, would unacceptably impact upon the distinctive rural character of the open site, the surrounding area, and the intrinsic character and beauty of the countryside, to which the appeal site makes a positive contribution towards.

10. The appellants say that the location of the proposed dwelling is on land they own and is used to graze horses. They also say that the remaining field would still be used to graze horses and a site within the built-up boundary would not allow this to be the case. I acknowledge the appellants points, including their comment that they do not own a site on which they could relocate the proposal. However, I have not been presented with any substantive evidence to indicate that one dwelling could not be accommodated within the Built-Up Area Boundaries as defined on the Policies Maps as opposed to within the designated gap between East Preston and Ferring. Furthermore, and in any

event, there is no compelling evidence before me to indicate that the appeal development requires a countryside location.

11. As a result of the separation distance between the appeal site and the coast the proposed dwelling would not harm the character of the undeveloped coast.

12. Having considered the individual policy criteria, I conclude that there would be no conflict with criteria (a), (b) and (d) of Policy SD SP3 of the LP. For the same reasons, there would also be no conflict with criteria (ii), (iii) and (iv) of Policy KPNP 3 of the Kingston Parish Neighbourhood Plan 2014-2029 (2014) (NP).

13. However, for the reasons outlined above, I conclude that the proposed development would conflict with criteria (c) of Policy SD SP3 of the LP in so far that the proposed development would be located within the designated gap between East Preston and Ferring without any substantive evidence to demonstrate that it cannot be located elsewhere. In this regard, it would also conflict with criteria (i) of Policy KPNP 3 of the NP.

14. Furthermore, the proposed development would conflict with Policies C SP1 and D DM1 of the LP and Policy KPNP 2 of the NP which, amongst other things, seek to resist development in the countryside in the absence of an identified specific use or type of development, and ensure development proposals respect the character of the site and the surrounding area and take account of the intrinsic character and beauty of the countryside outside the Built-Up Area Boundaries.

Accessibility

15. The main access to services and facilities in East Preston from the site would be via Kingston Lane. I saw on my site visit that there is no footway or street lighting for approximately 120 metres in a westerly direction before joining Elm Avenue where there is a pavement and street lighting. Therefore, considering the relatively short distance from the site to Elm Avenue, travelling to East Preston would not present any significant physical restrictions for pedestrians and cyclists. I also saw on my site visit that there is a bus stop approximately 500 metres from the site in North Lane, off Elm Avenue, with regular services to other settlements. Moreover, the evidence indicates that the appeal site is located close to public rights of way and cycle routes forming part of the 'Green Infrastructure Network'. Therefore, taking all these factors into account, I am satisfied that the appeal site is in an accessible location.

16. Given the above, whilst future occupiers of the proposed dwelling would travel by private motor vehicle for some journeys to access services and facilities, I do not consider that they would be heavily reliant on the private motor vehicle for all journeys. It would be possible to walk or cycle in respect of some day to day trips or to use public transport. For the reasons outlined above, the proposed development would not, therefore, conflict with Policies T SP1 and HWB SP1 of the LP which, amongst other things, seek to ensure development proposals reduce the need to travel by car and are incorporated into the District's green infrastructure network, thereby promoting healthy lifestyles and communities and sustainable transport.

Other Matters

17. My attention has been drawn to other developments in the surrounding area within the designated gap between East Preston and Ferring. However, I am

not aware of the full circumstances which led to these developments being granted planning permission nor whether they are directly comparable with the case before me. In any event, I have determined the appeal proposal based on the circumstances of the site, on the evidence before me and on its individual planning merits.

18. None of the other matters raised alter or outweigh my overall conclusion on the main issues.

Conclusion

19. While I find no conflict with policy in relation to accessibility, this would not overcome the conflict with policy in relation to the designated gap between East Preston and Ferring. This is a matter of overriding concern and I therefore conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR