



Appeal Decision

Site visit made on 26 November 2020

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2021

Appeal Ref: APP/C3810/W/20/3255546

White Lodge, Hangleton Lane, Ferring, BN12 6PP

- 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 Mr & Mrs Harper against the decision of Arun District Council.
 - The application Ref A/32/20/PL, dated 18 February 2020, was refused by notice dated 18 May 2020.
 - The development proposed is erection of a detached low-profile bungalow with attached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (a) whether the proposed development would be acceptable having regard to local and national planning policies on the location of housing; (b) whether the proposed development would be sustainably located in relation to local services and facilities; (c) the effect of the proposed development on the character and appearance of the area; and, (d) the effect of the proposal on the retention of existing trees.

Reasons

Suitability of the location

3. The parties agree that the appeal site does not fall within any designated built-up boundary and is therefore within the open countryside. It is also agreed that the appeal site falls within a designated settlement gap.
4. Policy SD SP2 of the Arun Local Plan 2011 – 2031 (ALP) states that new development should be focused within the built-up boundaries shown on the Policies Map. A similar approach is set out in Policy HD1 of the Angmering Neighbourhood Plan 2014 – 2029 (ANP). Policy HD1 also states that as the plan delivers sufficient land to meet the minimum housing requirements of the area, the built-up boundaries seek to prevent further development encroaching into the open countryside. There are no exceptions included within either of these policies.
5. Policy C SP1 of the ALP states that outside the designated built-up areas the land is defined as countryside, where new development will only be permitted if it satisfies one of the exceptions listed in the policy. None of the exceptions to this policy apply to the appeal proposal in that the new dwelling is not required for agricultural, forestry or mineral needs, it does not involve a proposal for

informal recreation or green infrastructure or for diversification of the rural economy, and it does not relate to new road or cycle schemes.

6. Policy SD SP3 states that the designated settlement gaps seek to prevent the coalescence of existing settlements. The policy confirms that development within these gaps will only be permitted where it would meet the listed criteria. The appeal proposal would fail to accord with criteria b and c to this policy in that it would further compromise the integrity of the gap and would involve development that could be located elsewhere.
7. The fact that there is existing development in this location, within the gap, does not provide justification for further development that would, in my view, result in the intensification of built development in this location. In addition, clusters of buildings and uses, such as those that occur in this location, are not an uncommon feature in the countryside and are often the result of historic development or older less restrictive planning policies or involve uses that are appropriate within a countryside location.
8. The Appellant accepts that the appeal proposal represents a departure from the development plan, but submits that the proposed dwelling cannot be built elsewhere as it has been designed for their retirement and as purpose built accommodation to enable them to care for their disabled son, allowing them to also remain on site to manage the existing business. This would entail the Appellant's relocating from White Lodge to the new dwelling thus allowing their daughter and two children to take over occupation of White Lodge having, I understand, relocated from elsewhere. At present, the Appellant's son, who needs 24 hour care, resides in the converted garage at the rear of White Lodge. The Appellant submits that these personal circumstances amount to strong mitigating circumstances for permitting a new dwelling in this location.
9. Whilst I sympathise with the Appellant's personal circumstances, these are not, in my judgement, sufficient to outweigh the clear conflict I have found with development plan policies. The objective of these policies is to secure a distribution of development that is focused on the built-up areas of the District so as to support the vitality of those settlements, ensure that car reliant development is avoided and restrict unnecessary development in the countryside. That planned strategy should, in my view, be accorded significant weight. Permitting new dwellings in the countryside, as proposed, would result in significant harm to the achievement of this planned strategy and there are no exceptional circumstances in this case that would be sufficient, in my judgement, to outweigh that harm.
10. The Appellant states that White Lodge is not suitable for conversion to meet the Appellant's and their sons needs. However, there is no evidence before me to demonstrate why that is so. Similarly, I understand that the son currently resides in the converted building at the rear of White Lodge, but there is no evidence to show why that property could not be adapted, in conjunction with White Lodge, to address the Appellant's personal circumstances.
11. The Appellant submits that in relation to the Equalities Act 2010 the Council did not adequately assess the need for the proposed accommodation to provide for lifetime care for a disabled person. Whilst I have had regard to these considerations, they are not sufficient to outweigh the significant harm that I have identified. The Council state, in their Appeal Statement, that they were aware of the Appellant's personal circumstances and that whilst it was

sympathetic to their needs, these considerations provided insufficient justification to warrant a new dwelling on this site. The Council also point out that there is no reason why a new retirement dwelling could not be provided in an alternative location.

12. The Appellant has referred to the chapter of the Planning Practice Guidance (Guidance) on housing for older and disabled people, specifically the advice that the provision of appropriate housing for people with disabilities is crucial to helping them live safe and independent lives. Also, the corresponding housing policies in section 5 of the National Planning Policy Framework (February 2019) (Framework). I have had regard to the advice within both the Guidance and Framework, but they do not affect the findings I have reached on this issue.
13. Moreover, the Guidance, in so far as housing for disabled people is concerned, is focused on the preparation of planning policies. In relation to the Framework, the emphasis is on accommodating the housing needs of different groups through strategic policies and a planned strategy. As I have found, the proposed dwelling would not be in accordance with the development plans strategy governing the appropriate location for new housing.
14. The Appellant has referred to the extension of the Peugeot garage on the A259, as well as a 2015 planning permission for holiday lodges and accommodation at the Foschini Nursery to the south of the appeal site, both of which are subject to the same policy constraints as the appeal site. However, I do not know the full planning circumstances of these developments and it is not possible for me, therefore, to determine whether they are relevant or comparable to the appeal proposal. Even so, I have considered the appeal proposal on its individual merits having regard to the particular circumstances of this case.
15. Reference has also been made to the fact that Angmering Parish Council did not object to the appeal proposal, which the Appellant contends is significant. The latter does not, in my view, infer that the appeal proposal is in any way acceptable. Moreover, as I have found, the unsuitability of this location for a new dwelling derives in part from its conflict with Policy HD1 of the ANP.
16. For the above reasons, I find that there are no exceptional circumstances to justify a new dwelling within this location and that the appeal proposal would, therefore, be contrary to Policies SD SP2, C SP1 and SD SP3 of the ALP, and Policy HD1 of the ANP.

Sustainability – local services and facilities

17. The appeal site is located some distance from local services and facilities. The Council submit that the closest facilities are approximately 0.6 miles from the appeal site. Those facilities can only be accessed on foot or by cycle via Hangleton Lane, which, as I observed on my site visit, is tarmacked, but very narrow with no pavements or street lighting. On leaving the lane, the route then crosses the A259, and whilst there is a pedestrian crossing nearby, it is a very busy road. As a consequence, the whole route is long and, in my judgement, it is neither easy, safe or pleasant. Whilst there are bus stops nearby on the A259, the lack of a footpath on one side restricts access to these services.
18. Overall, the accessibility of the appeal site is, in my view, poor. I consider it highly likely, therefore, that a large proportion of trips generated by the

proposed dwelling, even for day to day needs, would be undertaken by car. Moreover, for new development to be sustainable, it should be easily and safely accessible to local facilities and services at any time of the day or night.

19. For the above reasons, I find that the appeal site is not within a sustainable location and would be contrary to Policies T DM1 and T SP1 of the ALP and paragraphs 102 (c) and 150 (b) of the Framework. These policies seek to promote sustainable development, mitigate the impact of climate change and ensure that new development is easily accessible on foot, cycle and by public transport to key destinations including local services and facilities.
20. My findings on this issue add further support to my earlier findings that the proposed dwelling would be in an unsuitable location for new housing.

Character and appearance

21. The appeal proposal would comprise a single storey bungalow located within the curtilage of White Lodge, with the proposed building itself sited in an area that is currently used for vehicle storage. The southern, eastern and western boundaries of the site are well screened. To the north, the appeal building sits below various outbuildings and White Lodge. Beyond this is a high hedge leading to open fields to the north.
22. Glimpsed views of the proposed building would be possible from the public footpath that runs to the north of the appeal site, and on Highdown Hill. However, the latter is some distance away from the appeal site and would largely comprise views of the roof to the new dwelling against a backdrop of existing buildings on the appeal site as well as those on adjoining sites.
23. From the various public vantage points, I am not convinced, therefore, that the appeal proposal would be so out of scale with existing development or would affect the visual amenities of the local landscape or views into and out of the South Downs National Park (the boundary to which is located north of the appeal site). Any adverse effects that would result from views of the proposed building would not, in my judgement, be so significant as to justify on their own the refusal of planning permission.
24. Accordingly, I find, on balance, that the appeal proposal would not result in significant harm to the character and appearance of the area, and, in this respect, it would not conflict with Policies LAN DM1, D DM1 and D SP1 of the ALP or Policies HD5 and EH2 of the ANP.
25. Even though I have found that the proposed development is, on balance, visually acceptable, this does not affect my earlier findings that the appeal proposal conflicts with the development plan's strategy seeking to restrict new development within countryside locations and focus new housing within the designated built-up areas.

Existing trees

26. The Council's Delegated Report states that the Tree Officer considered that the principle of the proposed development was likely to be achievable without detriment to on-site and off-site trees, but that no arboricultural report to satisfactorily demonstrate this had been submitted.

27. The Appellant has referred to the submitted Tree Survey. However, this report simply contains a visual survey of existing trees, with a tree constraints plan. The 'Recommendations' to the report state that no assessment of the proposed development has been undertaken. The report goes on to recommend that a full arboricultural assessment be undertaken to ensure that there are no irrevocable issues in relation to retained trees and that no relevant arboricultural conditions are imposed on any planning consent that is issued. No such assessment has been provided in support of this appeal. In its absence, I agree with the Council that there is insufficient information to properly assess the impact of the development on existing trees or to assess what mitigation might be required.
28. For these reasons, I find that the appeal proposal would be contrary to Policy ENV DM4 of the ALP. This policy requires applicants to demonstrate how trees, either the subject of a Tree Preservation Order or of amenity value, will be retained and protected during the construction of new development.

Other Matters

29. The Council have indicated that the property to the east of the appeal site, Highdown Hill Cottage, is a Building of Special Character, a non-designated locally listed building. As such, paragraph 197 of the Framework requires consideration to be given to the impact of the proposed development on this non-designated heritage asset. Based on my observations on site, the design of the proposed development, the physical separation between the two and extensive boundary treatment, I find that the appeal proposal would not result in any harm to this non-designated heritage asset.
30. Reference has also been made to the impact of the proposed development on the adjacent Right of Way. However, based on my observations on site and the fact the appeal proposal would reuse the existing access to Hangleton Lane, I find that the proposed development would not result in any significant harm to this Right of Way.

Planning balance and conclusions

31. The Council acknowledge that they are unable to identify a 5-year supply of housing land and that the relevant housing policies of the development plan are out of date. In these circumstances, paragraph 11 d) ii of the Framework requires planning permission to be granted unless "*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.*"
32. The appeal proposal would boost housing supply, but is only for one new dwelling and therefore its contribution would be limited. In addition, the proposal is not seeking to address a specific local need identified in the development plan or provide affordable housing. It would remove some of the existing area used for the parking of vehicles. There would be economic benefits resulting from the construction of the new dwelling, but that benefit would be short term. There may also be social benefits from increased local spend. There would also be the benefit of meeting the personal circumstances of the Appellant. Combined, I would attach moderate weight to these benefits.
33. On the other hand, the adverse impacts of the appeal proposal would be significant. In particular, the appeal proposal would be located in an unsuitable

and unsustainable location for new housing, and would result in significant harm to the development plan's strategy that seeks to restrict new development within the countryside and distribute new housing to the designated built-up areas that are more accessible and sustainable. In my view, the harm I have identified would significantly and demonstrably outweigh the moderate benefits of the appeal scheme, when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development envisaged in the Framework does not apply in this instance. The Framework is not a material consideration in this instance that indicates a decision other than in accordance with the development plan.

34. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR