



## Appeal Decision

Site visit made on 16 February 2021

**by N Holdsworth MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 July 2021**

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**Appeal Ref: APP/C3810/W/20/3261859**

**Land West of Barton House, Manor Park, Pagham.**

- 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 Joynal Abdin against the decision of Arun District Council.
  - The application Ref P/18/20/PL, dated 11 February 2020, was refused by notice dated 11 May 2020.
  - The development proposed was originally described as change of use from highway land to residential use for the development of four 3 bed terraced houses with associated parking and access.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Concerns about the materials used in the construction of the proposed building and the effect on the setting of the Grade II listed building Barton Manor did not form part of the Council's reasons for refusal, nor its defence of the appeal. However, they were raised in consultation responses from interested parties. The appellant had the opportunity to comment on these issues as part of the appeal process.
3. The address in the header is taken from the Council's decision notice.

### Application for Costs

4. An application for costs was made by Mr Joynal Abdin against Arun District Council. This is the subject of a separate decision.

### Main Issues

5. There are three. Firstly, the effect on the character and appearance of the area. Secondly, the effect on the setting of the Grade II listed building Barton Manor. Finally, whether or not the proposal would lead to an unacceptable loss of public open space.

### Reasons

#### *Character and Appearance*

6. The site comprises a large area of open space, laid out as grass and containing mature trees. It provides a verdant and open setting to Barton Manor, to the immediate west; and the modern houses off Manor Park, which partially encircle the site. In this respect it appears as part of the planned landscape structure of the area, its open appearance providing a degree of balance to the

built environment. It contributes positively to the character and appearance of the area by way of these attributes.

7. The partial enclosure of the wider plot, subsequent loss of vegetation and the construction of a staggered residential terrace across the plot would significantly erode these spacious and open qualities. Some new landscaping and a small area of private open space would be provided, but this would not provide adequate mitigation in this respect. The large hardstanding to the front of the new properties would stand in strong contrast to the surrounding houses, many of which have spacious, landscaped front gardens alongside private parking. In this respect the development would appear cramped, and unduly dominated by private car parking.
8. As previously acknowledged, new planting is proposed. However, the trees shown on the submitted drawings would sit uncomfortably close to the hardstanding, drawing attention to the very limited amount of soft landscaping in this part of the development. The problems in this respect arise from the layout of the scheme, so they could not be overcome by a landscaping or planting plan secured by planning condition.
9. Considering the proposed houses, the staggered terrace form would be a contemporary interpretation of other existing terraces off Manor Park and visible from the site. The gabled form and overall bulk of the buildings would not appear out of place. However, the use of timber, blue bricks and slate would not reflect the prevailing brick and render appearance of the surrounding buildings, including Barton Manor. This would detract from the visual coherence of the existing housing estate. Whilst the materials used were not a concern of the Council, it was raised by interested parties. They add to the identified harm.
10. Overall the proposal would result in harm to the character and appearance of the area. It therefore conflicts with policies D DM1, D SP1 and ENV DM4 of the Arun Local Plan (2018), which amongst other things seek to achieve good design that reflects the character of the site and local area. I attach significant weight to the harm that would arise, in consequence.

#### *Setting of Barton Manor*

11. Considering Barton Manor in more detail, this is a grade II listed building which partially dates back to the 11<sup>th</sup> Century. It has been incrementally extended and appears to have been converted to flats in recent years.
12. The significance of the heritage asset is predominantly derived from the older building fabric, particularly that associated with a medieval chapel that has been retained. A generous amount of open space around the building, including the application site, preserves the visual status of this historic asset in relation to the surrounding modern housing estate. Notably it means that the east facing elevation of this heritage asset faces on to open space. In this respect, the setting of the building contributes positively to its significance.
13. The development would encroach into the existing open setting of the heritage asset. The partial loss of this area would detract from the setting of the listed building, diminishing its status in relation to the surrounding area. Furthermore, the alien appearance of the development, primarily due to the materials used, and the overly large parking area to the front of the property

would both be negative features immediately adjacent to the listed building. They would divert attention away from the heritage asset when seen from Manor Park, detracting from its setting.

14. Consequently there would be harm to the setting of Barton Manor. Having regard to the National Planning Policy Framework (the Framework), this would be less than substantial. It is a matter to which I will return in the planning balance section.

#### *Loss of Open Space*

15. The space in question currently appears to be used by local residents as a form of amenity space. However it is privately owned, and the evidence before me does not definitively prove that there are formal rights to access or use this land for recreational purposes. The appellant notes that it has not been designated as such in planning policy, and that there are a number of alternative open spaces in close proximity to the site. It is part of the highway, but the highway authority indicate that they would not object in principle to a stopping up order being issued if planning permission is granted.
16. In light of this I consider that there would be no unacceptable loss of public open space as the land is private and not protected under planning policy. In this respect the proposal does not conflict with policies D DM1, D SP1 or policy QE SP1 of the Arun Local Plan (2018) which, amongst other things, seek to ensure that development does not have a significant negative impact upon recreational activities enjoyed by residents.

#### *Development Plan – Conclusion*

17. Whilst the proposal would not result in an unacceptable loss of public open space, it would lead to significant harm to the character and appearance of the area and harm to the setting of the neighbouring listed building. The provision of housing weighs in favour of the proposal, complying with development plan policies which seek to direct development to existing built up areas, promoting economic growth. However the proposal conflicts with the development plan, when it is considered as a whole.

#### *Planning Balance – The National Planning Policy Framework*

18. The Council cannot demonstrate a 5 year housing land supply, with the current supply being around 3.3 years. This is a significant shortfall. In accordance with Paragraph 11 d) of the Framework, the policies most important for determining the application are out of date. Considering the approach to decision making set out in the Framework, in circumstances where less than substantial harm to a designated heritage asset is found, as is the case here, paragraph 196 of the Framework first requires this harm to be weighed against the public benefits of the proposal.
19. In this case, the proposal would provide four houses that would provide a good standard of internal living accommodation for future residents, with a high level of environmental performance and close to existing services and facilities. The proposal would help to address this acknowledged housing shortfall, in accordance with policies in the Framework that seek to boost the supply of housing. This small site is available now and can be delivered quickly. This is a public benefit to which I attach moderate weight.

20. There would be economic benefits through jobs in the construction process and spending in the economy arising from the additional housing. The proposal would also potentially result in increases in Council Tax revenue and a New Homes Bonus. This is also a public benefit to which I attach moderate weight.
21. Landscaping measures proposed are a neutral factor as they seek to mitigate the impacts of the development. However, ecological enhancements could be potentially secured by way of planning condition, to which I attach a small amount of weight. The appellant suggests that they would be willing to gift two other areas of landscaped space to the public, amounting to a total of around 530 sqm. However, even if this could be secured by way of condition along the lines suggested, it would only represent a small amount of land which is of limited functionality as amenity space due to its small size. This attracts little weight as a public benefit of the proposal.
22. Provision in the submitted unilateral undertaking for a payment towards management of a nearby Special Protection Area seeks to mitigate adverse environmental impacts of the development. It is not a benefit and is a neutral factor in the planning balance. My finding that there would be no unacceptable loss of public open space is also a neutral factor in the planning balance.
23. In terms of the Framework, I have found less than substantial harm to the setting of the Grade II listed building. The public benefits of the development would not outweigh this harm. Therefore, in accordance with paragraph 11 d) i) of the Framework, the application of policies that protect assets of particular importance provide a clear reason for refusing the development proposed. The tilted balance, as set out in paragraph 11 d) ii) of the Framework does not therefore apply.

#### *Other Issues raised*

24. The appellant cites two other appeal decisions where Inspectors attached limited weight to informal designations of sites as public open space. I have taken a similar approach but this was informed by the evidence that was before me in relation to this site. In the decisions in Bromley, an Inspector found that larger scale housing development was justified despite the loss of open space, but in that case significantly more housing was being delivered. This decision is not a precedent that justifies the proposal before me. An appeal decision involving development of a convenience store in the setting of a listed building is also mentioned, but this is of little relevance to this case.
25. As noted previously, a Unilateral Undertaking was submitted setting out a contribution towards mitigation measures in respect of the Pagham Harbour Special Protection Area. As I am not minded to grant planning permission I have not carried out an Appropriate Assessment under the Habitats Regulations. There are objections from interested parties raising other issues to those dealt with in my reasoning above, but they do not add to the harm identified.

#### **Conclusion**

26. The proposal conflicts with the development plan and there are no other considerations that outweigh this finding. The appeal should be dismissed.

*Neil Holdsworth*

INSPECTOR