
Appeal Decision

Site visit made on 13 July 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2021

Appeal Ref: APP/C3810/W/21/3269025

Spindlewood, Yapton Lane, Walberton, Arundel BN18 0AS

- 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 Andrew Davis against the decision of Arun District Council.
 - The application WA/79/20/PL, dated 26 October 2020, was refused by notice dated 14 January 2021.
 - The development proposed is demolition of existing dwelling and erection of 8 new dwellinghouses with associated landscaping and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and erection of 8 new dwellinghouses with associated landscaping and parking at Spindlewood, Yapton Lane, Walberton, Arundel BN18 0AS in accordance with the application WA/79/20/PL, dated 26 October 2020, and the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Andrew Davis against Arun District Council. This application is the subject of a separate decision.

Preliminary Matters

3. During the course of the appeal, the National Planning Policy Framework (the 'Framework') was revised. Both main parties were given the opportunity to comment. I have taken the revised Framework into account in my decision.
4. The Walberton Neighbourhood Development Plan 2019-2031 was made on the 14 July 2021. It supersedes an earlier version of the Neighbourhood Plan and now forms part of the development plan for the area. I therefore give it full weight.

Main Issues

5. The main issues are:
 - whether the proposal accords with the local spatial strategy for the location of development;
 - the effect of the development on the character and appearance of the area; and

- whether the site is accessible by means of transport other than the motor car.
6. As the Council acknowledges a lack of housing land supply, it is also necessary to consider what impact this has on the outcome of the appeal.

Reasons

Location of development

7. The spatial strategy of the Council as set out in the Arun Local Plan is to focus development within the built up area boundaries or within areas designated for new development. The site lies outside any built up area boundary as defined on the Arun Local Plan Policies Maps or the recently made Walberton Neighbourhood Development Plan, and is not designated for development. Policy C SP1 of the Arun Local Plan defines such land as countryside and recognises it for its intrinsic character and beauty. The policy allows limited development within the countryside within specified categories. The proposed residential development does not fall within any of these categories.
8. I therefore conclude that the development would fail to accord with the local spatial strategy for the location of development in the area, and as a result would conflict with Policy C SP1 of the Arun Local Plan.

Character and appearance

9. The appeal site forms part of a scatter of loose knit development along the western side of Yapton Lane, with open farmland to the east. The scatter of development along the lane frontage is generally made up of detached, well-spaced buildings set in generous grounds with trees and hedging predominating.
10. There is one recent development that contrasts with this general character a short distance south of the appeal site at Progress Close. This development of 6 houses (with another house retained on the site) is of a much higher density, with housing backing onto the lane and their rear gardens enclosed by brick walls with timber infill panels. While Progress Close was built on the site of a former garage, and was designated for development in the former Neighbourhood Development Plan, it has nevertheless changed the character and appearance of this part of Yapton Lane to a degree by introducing a denser and more urban form of development, with a harder boundary to the lane.
11. The proposed development would follow a similar layout to that of Progress Close, with the frontage buildings turning their backs to Yapton Lane, but would retain a mature lime tree and hedging along the lane frontage. Although the hedging would be backed by timber fencing, it would present a softer appearance to Yapton Lane than the development at Progress Close and would therefore be more sympathetic to its countryside setting.
12. Even accepting the similarities with Progress Close, the proposed development would contrast adversely with the generally looser knit, landscape dominated buildings fronting the remainder of Yapton Lane, and would therefore harm the overall character and appearance of the area, contrary to Policies D DM1, D SP1 and QE SP1 of the Arun Local Plan, which seek high standards of design in new development. For the same reason it would also conflict with Policies HP11 and HP13 of the Walberton Neighbourhood Development Plan, which relate to

density and design, and have been carried forward into the revised version of the Neighbourhood Plan. However, the harm to the character and appearance of the area would be limited given the example set by Progress Close.

Accessibility

13. The site lies between the villages of Walberton and Burndell, both of which have local facilities including shops, primary schools, and social and recreational facilities. According to the Council, the nearest shop is approximately 850m away and the nearest school 1400m away, which are within a reasonable walking distance. However, Yapton Lane is unlit and has no separate footways, which is likely to deter prospective occupants from walking or cycling to either nearby village in preference to using a motor car. There is a public footpath that connects the site with Walberton which would allow walkers to avoid the road, but would not be ideal for routine use, particularly after inclement weather or if carrying shopping.
14. The appellant has pointed out that the nearby site at Progress Close was designated in the previous iteration of the Neighbourhood Plan and granted planning permission for residential development by the Council, and consequently it was accepted at both a local and district level that accessibility was either acceptable or not so deficient as to justify opposing development on the ground of accessibility alone.
15. Taking all these arguments into account, I conclude that, notwithstanding the range of local services available within walking and cycling distance, the lack of safe access for pedestrians along Yapton Lane is likely to result in the majority of journeys to and from the site being undertaken by car. I accept that in a rural location, even occupants within a defined village are likely to use their cars more than those living in a town but car usage would still be likely to be higher for occupants on the appeal site than it would for those within a village. For that reason, the development would conflict with Policy T SP1 of the Arun Local Plan in that it would not reduce the need to travel or promote sustainable forms of transport. However, that conflict would be limited given that some opportunity exists to access local facilities, and I place some weight on the argument advanced by the appellant as regards the previous decision which has resulted in Progress Close.

Planning Balance

16. I have concluded that residential development of the site would run counter to the spatial strategy of the Local Plan for the location of new development. It would also cause harm to the character and appearance of the area, and accessibility to the site by sustainable forms of transport is restricted. However, both these latter issues would only cause limited harm because there is some opportunity to access the site other than by car, and because of the precedent set in terms of density and layout by the recent development at Progress Close.
17. In favour of the scheme is the benefit of adding a net additional 7 dwellings to the local housing stock. This is of particular value in an area with high housing demand. There would also be a temporary economic benefit during the construction period.

18. The development would result in future income to the Council by way of the new homes bonus and council tax receipts, but as these would support the public services necessary to serve the increase in population, I give them neutral weight.
19. Considering the main issues together, I conclude that the development would conflict with the development plan when taken as a whole, albeit that the harm caused is limited for the reasons set out above, and that there are benefits to increasing the housing stock in the area.
20. An important material consideration is the policy set out in paragraph 11 of the revised Framework. In relation to footnote 8 of the revised Framework, the Council acknowledges that it is only able to demonstrate 2.7 years of housing land supply, which is significantly short of the 5 years' supply expected by national planning policy. Furthermore, the 2020 housing delivery test shows only a 61% delivery rate, which is substantially below the housing requirement for the previous 3 years.
21. On either metric, the policies which are most important for determining the appeal must be considered out-of-date. In such circumstances the Framework says that permission should be granted unless policies within the Framework that protect areas of particular importance provide a clear reason for refusal, which they do not, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Given the acute shortfalls in housing land supply and housing delivery I give this material consideration significant weight.
22. For housing development that conflicts with a neighbourhood plan, as here, paragraph 14 of the Framework says that the conflict is likely to significantly and demonstrably outweigh the benefits provided 4 tests are met. In this case the third test, which requires a local planning authority to have at least a 3 year supply of housing land, is not met and so the provisions of paragraph 14 do not apply.
23. Balancing these matters against one another, I conclude that the limited harm identified, including the conflict with the development plan when taken as a whole, would not significantly and demonstrably outweigh the benefits having regard to the acute lack of housing supply. It follows that the weight in favour of the development is greater than the weight against it. Consequently, I consider that the appeal should be allowed and planning permission granted in this instance.

Conditions

24. I have considered the conditions suggested by the Council against the tests set out in paragraph 55 of the Framework. I have imposed the conditions which I consider meet those tests, subject to rewording where necessary in the interests of simplicity, consistency and precision. Pre-commencement conditions have been avoided. The conditions imposed have been reordered in accordance with the advice in the Planning Practice Guidance.
25. In addition to the standard time limit condition, a condition listing the approved plans is necessary in the interests of certainty. A condition requiring tree protection to be installed before any other works are carried out on site is necessary to protect retained trees during the construction period. This is a

variation on the condition suggested by the Council as it is unnecessary to make it a pre-commencement condition. It remains open to the Council's tree officer to liaise with the developer to ensure that the protective works are properly installed.

26. A condition requiring the access to be installed before construction of the dwellings is necessary in the interests of highway safety. Conditions requiring approval, installation and maintenance of a surface water scheme are necessary in the interests of the long term drainage of the site. A condition requiring installation of a fire hydrant or equivalent is necessary for the safety of future occupants in the event of a fire. Approval and installation of electric vehicle charging points and cycle storage is necessary in the interests of encouraging sustainable forms of transport. A condition limiting the hours of construction activity is necessary in the interests of neighbouring occupants' living conditions.
27. As the site is relatively well contained, I consider a condition requiring a construction management plan to be unnecessary in this instance, particularly given other conditions relating to the formation of the new access and limits on hours of operation. The Highway Authority has separate powers to control disruption to the public highway were that to occur. A condition requiring investigation and remediation is unnecessary as there is no evidence that the site is contaminated.

Conclusion

28. I conclude that the appeal should be allowed.

Guy Davies

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DPA01 Rev A, DPA02, DPA06 Rev A, DPA07 Rev A, DPA08 Rev A, DPA09 Rev A, DPA10, DPA11, DPA12, TPP-KC/SPINDELWOOD/001.
- 3) Prior to the commencement of development, measures for the protection of all trees shown to be retained on the site shall be implemented in accordance with the details shown on tree protection plan TPP-KC/SPINDELWOOD/001. All works on site shall be carried out in strict accordance with the approved tree protection details and the protective measures shall only be removed on completion of the development.
- 4) No work to construct the dwellings hereby permitted shall commence until the vehicular access serving the development has been formed sufficient for use by construction vehicles.

- 5) No work above slab level of the dwellings hereby permitted shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The water drainage scheme, once approved, shall be implemented prior to the occupation of any of the dwellings hereby permitted.
- 6) No dwelling hereby permitted shall be occupied until details for the maintenance and management of the surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The approved maintenance and management arrangements shall be implemented prior to the occupation of any of the dwellings hereby permitted.
- 7) No dwelling hereby permitted shall be occupied until details of a fire hydrant or stored water supply have been submitted to and approved in writing by the Local Planning Authority. The approved fire hydrant or stored water supply shall be installed and thereafter retained prior to occupation of any the dwellings hereby permitted.
- 8) No dwelling hereby permitted shall be occupied until details of electric vehicle charging points and secure cycle storage have been submitted to and approved in writing by the Local Planning Authority. The charging points and secure cycle storage, once approved, shall be installed before occupation of any of the dwellings hereby permitted.
- 9) No demolition or construction activities shall take place other than between 0800 – 1800 Mondays to Fridays and between 0800 – 1300 Saturdays with no working on Sundays or public holidays.

***** End of Conditions *****