



Appeal Decision

Site Visit made on 11 October 2021

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2021

Appeal Ref: APP/C3810/W/21/3275037

West Barn, Old Dairy Lane, Norton PO20 3AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Andrew Cozens against the decision of Arun District Council.
 - The application Ref AL/70/20/PL, dated 14 September 2020, was refused by notice dated 19 February 2021.
 - The development proposed is described as 'Proposed Residential Mews'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) published on 20 July 2021 sets out the Government's planning policies for England. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties have been able to comment on this matter, and I have had regard to the updated Framework in determining this appeal.
3. Since the determination of the planning application, the Aldingbourne Neighbourhood Development Plan (NDP) has progressed. It has recently been approved at a referendum and has been formally made in July 2021. The parties have had the opportunity to comment on the NDP during the course of the appeal.
4. One of the Council's Reasons for Refusal lists Policy H1 of the NDP. However, the appellant's submissions indicate that this Policy has been deleted. The text instead refers to LP Policy H1, and this is not disputed by the Council. I have therefore proceeded on this basis.
5. The effects of introducing additional residential development on the site have been previously subject to two applications, which were both subsequently dismissed on appeal¹. To the difference of the proposal before me, the previous schemes were for a mews of six low rise live work units, but the site's relationship with the Norton Conservation Area and surrounding countryside remains unchanged. In light of this, the previous appeal decisions stand as material considerations in the context of this current appeal, and I shall therefore have regard to them when reaching my own conclusions.

¹ APP/C3810/W/15/3134557 and APP/C3810/W/16/3154760.

Main Issues

6. The main issues are:

- Whether the proposal would be suitably located, having regard to national and local planning policies, which seek to restrict residential development in the countryside; and
- The effect of the proposal on heritage assets, including the Norton Conservation Area, nearby Grade II listed buildings and locally listed buildings, as derived from their settings.

Reasons

Location

7. LP Policy SD SP2 sets out the spatial strategy for the area administered by the Council. It seeks to focus development within the Built up Area Boundaries defined for the main towns and villages in the District. The appeal site is located within an area of rural character, at some distance from the defined Built up Area Boundary for Westergate and therefore lies, for planning policy purposes, within the countryside. In accordance with LP Policy C SP1, development in the countryside is restricted to a limited number of exceptions. The appeal scheme would not however meet any of these exceptions.
8. The site lies on the edge of the village of Norton and the proposed dwellings would therefore not be physically isolated. However, the small size of the hamlet means that future occupiers of the dwellings would have to travel further afield to access most everyday facilities (e.g. employment, retail, cultural, recreational, etc.). The appellants' submissions indicate that the village of Norton is well served by bus services providing links between Arundel and Chichester, and between Barnham and Bognor Regis. However, these services remain infrequent and would therefore require future occupiers to plan their journeys in advance, thus lacking the degree of flexibility needed to deter people from using private motor vehicles.
9. Barnham Railway Station, which seems well connected to the wider network, is nevertheless situated approximately 3 kilometres from the site, and it remains unclear whether, having regard to the available evidence, cycling to the railway station would constitute an attractive alternative to the private car. There do not appear to be continuous roadside footways linking the appeal site to larger settlements where services are available. And whilst footpaths would provide connections to Westergate, the lack of street lighting would discourage walkers and cyclists in the evenings, particularly at times of the year where daylight hours are restricted.
10. Having regard to the existing network, there is a greater likelihood that future occupiers of the development would rely on private motor vehicles for the majority of trips, even allowing for the possibility of some journeys being carried out by bus, cycling or walking. This is all the more so critical that, to the difference of the previous proposals for live/work units, the appeal scheme would not include any home working element and consequently give rise to additional journeys due to commuting.

11. My attention has been drawn to a recently approved application² within proximity to the appeal site. Having regard to the available evidence, I understand that this development proposal sought to convert part of a building which was already in ancillary residential use. I have also had regard to the planning approvals³ and appeal decision⁴ which have been mentioned within the appellants' Transport Statement, but these relate to sites located in other parts of the District. On the basis of the available evidence, I am not certain that the circumstances of this various schemes constitute a direct parallel to the proposal before me which, in any event, I am required to assess on its individual merits.
12. Whilst the Local Highway Authority did not object to the proposal on sustainability grounds, it is my view that the new dwellings would not be suitably located, having particular regard to the requirements of planning policies seeking to manage the location of residential development. The appeal scheme would not represent a sustainable form of development and would therefore conflict with LP Policies SD SP2 and C SP1. The proposal would also fail to accord with Policy EH1 of the Aldingbourne NDP, which notably sets out in which circumstances development proposals may be permissible outside the built-up area boundary.

Heritage assets

13. The appeal site lies partially within the Norton Conservation Area, but the proposed development would to a large extent occur within the setting of this designated heritage asset. The Norton Conservation Area draws its special interest from the informal layout and strong rural character which define this small hamlet set within a rural backdrop, as well as its collection of attractive, historic buildings, and prevalent use of materials such as brick and flint.
14. It is also of note that the appeal site falls within the setting of a number of Grade II listed buildings, which include Norton Farmhouse and Letterbox Cottage. The special interest of these listed properties, which date from the 18th century, resides primarily in their architectural and historic interest. There is no doubt that they make a significant contribution to the Norton Conservation Area.
15. The appeal is supported by a Heritage Appeal Statement⁵ (HAS) to address the concerns raised by the Council in respect of the lack of detailed information regarding the effect of the development on heritage assets. As well as a comprehensive assessment of significance of the Norton Conservation Area and listed buildings situated within proximity to the appeal site, the HAS provides an understanding of the impact that the proposal would have on designated heritage assets.
16. The proposed dwellings would be constructed on a redundant tennis court, which itself replaced a large agricultural building. I understand that the new houses would be of a similar appearance to the schemes which have been considered as part of the two previous appeals, and reflect the design of West Barn. As part of the previous appeals, the Inspectors were satisfied that by virtue of its relationship with West Barn, the proposed terrace would preserve

² Local Planning Authority Reference AL/34/20/PL.

³ Local Planning Authority References AL/79/20/OUT and AL/64/20/PL.

⁴ APP/C3810/W/18/3210153.

⁵ Heritage Appeal Statement dated May 2021.

the character and appearance of the conservation area and its setting. Despite subsequent planning policy changes, there are no reasons for me to reach a different view in respect of the effect of the current proposal on the setting of the Norton Conservation Area.

17. The appeal scheme does not include any changes to Old Dairy Lane, which would provide access to the dwellings, and I am thus satisfied that the significance of Letterbox Cottage would be preserved. The appeal site lies within the wider setting of Norton Farmhouse, and makes a very limited contribution to the understanding and appreciation of this listed building's significance. The new terrace would be read in conjunction with existing development forming part of the hamlet, and overall it is considered that the proposal would not cause harm to the significance of Norton Farmhouse.
18. The two locally listed buildings identified by the Council, which are known as Wells Gardens and Norton Lodge, are sited at reasonable distance away from the site, and their setting would subsequently not be adversely affected by the proposed development.
19. Given the above, the appeal scheme would preserve the character and appearance of the Norton Conservation Area and its setting, but also the special interest of nearby listed buildings and locally listed buildings, as derived from their settings. Accordingly, I find no conflict with LP Policies HER SP1 and HER DM3, and Policy EH9 of the Aldingbourne NDP. Amongst other things, these seek to ensure that development proposals conserve or enhance the historic environment of the District.

Other Matters

20. The Council has found no harm in respect of the effect of the development on the setting of the South Downs National Park, a nationally designated landscape, which has also been identified as an International Dark Sky Reserve. As the appeal scheme would be constructed between existing development within the fabric of the village of Norton, I concur with the Council's assessment in that regard.

Planning Balance

21. There is no dispute between the main parties that the Council is presently unable to demonstrate a five-year supply of deliverable housing sites, although different figures have been brought to my attention regarding the extent of the shortfall. The Annual Monitoring Report published in December 2020 indicate that the Council can demonstrate 3.3 years of housing land supply, whilst the appellants' detailed submissions suggest that there only is a 2.88-year of land supply. The extent of the shortfall is therefore significant.
22. In such circumstances, paragraph 11d) of the Framework, as directed by Footnote 8, advises that permission should be granted, unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In situations where the presumption set out by paragraph 11d) applies to proposals involving the provision of housing, paragraph 14 of the Framework adds that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, subject to a number of criteria being cumulatively met.

23. As noted above, Aldingbourne NDP was made in July 2021, and has therefore become part of the development plan less than two years ago. Furthermore, the NDP contains policies and allocations to meet its identified housing requirement. It is also of note that the Local Planning Authority's housing delivery was at least 45% of that required over the previous three years.
24. The evidence submitted by the appellants indicate that the Local Planning Authority's supply of deliverable housing sites is now less than three years, and no detailed information has been presented by the Council to dispute these findings. Criterion c) is therefore not met, and the tilted balance is therefore engaged in this instance.
25. Whilst the Framework seeks to significantly boost the supply of housing and support thriving rural communities, it also emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development. In this context, the appeal scheme would make a contribution towards housing supply and choice, and would to some extent support the local economy, notably as part of the construction of the development. These are afforded some weight.
26. However the support given within the Framework to delivering housing is not at the expense of ensuring that residential development is appropriately located. The appeal scheme would not be sustainably located, a consideration which carries significant weight. As noted above, the appeal scheme would conflict with the Development Plan, which includes the LP and the Aldingbourne NDP. With regard to the lack of harm to heritage assets, it is effectively neutral in the overall planning balance.
27. Overall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits resulting from the development, when assessed against the policies in the Framework taken as a whole.

Conclusion

28. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal is dismissed.

S Edwards

INSPECTOR