

Appeal Decision

Hearing held on 12 May 2022

Site visit made on 11 and 12 May 2022

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th June 2022

Appeal Ref: APP/C3810/W/22/3293935

Little Meadow Bilsham Road, Yapton, ARUNDEL, BN18 0JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Ann Taylor against the decision of Arun District Council.
 - The application Ref Y/71/21/OUT, dated 25 May 2021, was refused by notice dated 1 September 2021.
 - The development proposed is described as "Outline application with access for up to 73 No. new dwellings (but retaining Oak Trees & Little Meadow dwellings), 405 sqm of new light industrial buildings as part of an enlarged employment site & Public Open Space. The existing junction of Grevatts Lane West & Bilsham Road will be closed & Grevatts Lane West diverted to a new access point to the South".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline form with all matters reserved other than access. During the application process the Council altered the description of development to include the sentence "This application may affect the setting of Grade II Listed Buildings & is a Departure from the Development Plan". As this sentence is not necessary to describe the development, I have based my decision on the shorter description, as proposed on the original application form.
3. The application was refused for 4 reasons. During the appeal process I was advised that the Council would not be defending reason 3 – which related to highway safety. I was provided with an "agreed statement on transport matters" which indicated that County Council Highways no longer objected to the proposal. However, as the matter of highway safety is a concern of some residents, I have taken this matter into account in my considerations.
4. The Council also refused the proposal on the grounds that the scheme failed to make provision for affordable housing or strategic highway requirements. During the hearing I was provided with a draft legal agreement which sought to respond to these matters. Following the formal hearing a final signed and engrossed agreement was provided on the 24th May 2022. I have taken this agreement into account in determining this appeal.
5. A signed Statement of Common Ground was provided at the hearing. This confirmed that the parties were in agreement that the Council could currently demonstrate 2.42 years supply of housing land.

Main Issues

6. Accordingly, the main issues for the appeal are:

- Whether the proposal would result in unacceptable flood risks, with particular regard to the effects of climate change;
- The effects of the proposal on highway safety;
- The accessibility of the site, with particular regard to services and facilities;
- The effects of the proposal upon the character and appearance of the area;
- Whether the proposal would preserve or enhance heritage assets, in particular Hobbs Farm House, and associated curtilage buildings;
- Whether the proposal would lead to an unacceptable loss of agricultural land;
- Whether the proposal makes appropriate provision for affordable housing.

Reasons

Flood Risk

7. The Council confirmed at the hearing that its concerns in relation to flooding relating to the effects that climate change and future flooding may have on the site. The site currently lies within Flood Zone 1. The Council's Strategic Flood Risk Assessment 2016 (SFRA) indicates that, taking account of climate change, part of the site could be partly within Flood Zone 3a by 2111 in an undefended scenario. For this reason, the Council consider that the site is unacceptable in principle for development, as it would not pass the sequential test set out in Policy W DM2 of the Arun Local Plan and the National Planning Policy Framework (the Framework).
8. The site is made up of 2 parcels of land which lie either side of Grevatts Lane West, which is accessed from Bilsham Road. The southern, smaller portion comprises an open field which fronts onto Bilsham Road. It is this portion of the site which would be potentially subject to future flooding. This is clearly separated from the northern section by the road. Having regard to the nature of the site, and the outline nature of the scheme, I am of the view that the area of the site at risk from future flooding could be easily separated from the remainder of the site. The indicative site plan shows this part of the site being excluded from built development and the appellant's submission confirms their intention not to locate housing within this portion of the site.
9. Therefore, although Planning Practice Guidance (PPG) indicates that land within Flood Zone 1 should be subject to a sequential test where an SFRA indicates that land may be subject to flood risk in the future, I am nonetheless satisfied that, as proposed, the development would not conflict with the aims of the sequential test, which is to steer development to areas with the lowest probability of flooding.
10. At the hearing the appropriateness of taking into account the undefended scenario in relation to flood risk was discussed. The PPG is clear that Strategic Flood Risk Assessments should take into account the potential for flooding within a District, having regard to the likely future effects of climate change¹. It also

¹ Paragraph: 009 Reference ID: 7-009-20140306

sets out that development should be safe from flooding for the lifetime of the development, which is considered to be a minimum of 100 years². Neither the PPG nor guidance from the Environment Agency³ provide a definitive view on how existing flood defences should be taken into account in preparing a SFRA.

11. It therefore seems to me that it is appropriate that the SFRA provides information as to the extent of the floodplain in an undefended scenario. I note that the existing flood defences are planned to be in place over the lifetime of the development, and the Beachy Head to Selsey Bill Shoreline Management Plan (SMP) (2006), commits to maintaining the defences at Elmer. I also note that significant areas of developed land along the coast would be inundated in an undefended scenario. I therefore accept the appellants view that it would be unlikely that tidal flood defences would be allowed to fail and notwithstanding the findings of the SFRA, the likelihood of the southern portion of the site flooding within the lifetime of the development is very low.
12. Nevertheless, insofar as national guidance seeks to direct new development to locations at lower risk of flooding, it would be inconsistent with such guidance to develop the southern portion of the site without first considering sites at no risk of flooding. I am therefore of the view that in the absence of a sequential test the acceptability of development on this site remains contingent upon the southern section remaining free from housing, as shown on the indicative plan. This is a matter I return to below.
13. At the hearing my attention was drawn to an Inspector's decision⁴ which it was considered drew parallels with the scheme before me. I note that this scheme was subject to a sequential test, and an exceptions test and therefore I see no inconsistency with the approach I have taken here.
14. On the first matter I therefore conclude that the proposal would not result in any significant flood risks and find no conflict with the aims of policy W DM2 of the Arun Local Plan (LP) which seeks to ensure that development is avoided in areas at risk from flooding, or with guidance in the Framework, which has similar aims.

Highway Safety

15. Prior to the hearing the Highways Authority and the appellant produced an agreed statement on transport matters⁵. On this basis the Council advised that the highway safety matters that led to reason for refusal were no longer in dispute. Furthermore, the legal agreement submitted following the hearing undertakes to make a contribution in relation to strategic infrastructure works aimed at facilitating the free flow of traffic on the A27 and this is also a matter which is no longer being contested by the Council.
16. The appeal site lies adjacent to the Bilsham Road B1232. Access to the site is currently achieved via Grevatts Lane West. I noted on site that the junction on Bilsham Road lay close to a sharp bend to the north of the site and that the geometry of the junction provided limited visibility of oncoming traffic from the north. This required those leaving the site to edge out into the highway to see approaching traffic, and could lead to oncoming traffic having to veer into the

² Paragraph: 026 Reference ID: 7-026-20140306

³ How to prepare a strategic flood risk assessment - What information local planning authorities need to include in a strategic flood risk assessment.

⁴ APP/C3810/W/20/3264105

⁵ Agreed Statement on Transport Matters - Ref: SJ/AI/ITB17438-003

opposite carriageway to avoid exiting drivers. Having regard to the limited visibility for exiting traffic I am of the view that intensification of use at this junction would be unacceptable on highway safety grounds.

17. The scheme proposes to provide a new access to the south of the site which would also be used for traffic from the existing industrial units. The existing access at Grevatts Lane west would be retained for adjoining residential occupiers with through access being maintained for pedestrians and cyclists. The Council's Highways Officer is satisfied with the proposed arrangements and considers that the proposals would provide safe access for future users. I see no reason to disagree with this view.
18. Some residents have raised concerns regarding parking at the allotments and this matter was discussed at the hearing. Based on the information before me I am satisfied that if this element of the scheme were to be carried forward the likely traffic generation from it would be unlikely to be at a level that would be detrimental to highway safety.
19. Highways England have identified that the proposal would be required to mitigate the potential effects of additional traffic from the proposal on the A27. The submitted S106 provides for a sum of £14,621.90 to this end, which is the sum identified by Highways England as being necessary. The Council are also satisfied that this contribution would mitigate the effects of the development on the strategic highways network.
20. I note the concerns of some local residents regarding congestion in the local area, including at Comets Corner. The proposal is accompanied by a transport assessment which modelled the likely traffic generated from the development, and its likely impact during peak traffic hours. This indicated that the junctions close to the site, including at Comets Corner, would continue to operate within capacity following development. As a result, the proposal would comply with guidance in the Framework, which advises that development should only be refused on highways grounds if the residual cumulative impacts of development are severe.
21. On the second matter I therefore conclude that the proposed development would not have an adverse effect on highway safety and find no conflict with policies T SP1 and T DM1 of the LP which together seek to ensure that development provides safe access on to the highway network and contributes to highway improvements. It would also not conflict with guidance in the Framework, which has similar aims.

Accessibility

22. The site lies in the hamlet of Bilsham, around a kilometre from the outskirts of Yapton. The Agreed Statement on Transport Matters between the highways authority and the appellant contains an agreed table of distances to key services in the village and beyond. These include an estimate of around 15 minutes walk to the nearest shop and medical surgery, and around half an hour local primary and pre-schools. The Council do not dispute these estimated distances.
23. Although there is currently no formal footpath between the site and Yapton the scheme includes provision for a footpath to be provided along the carriageway. This would link with the existing footpath on the edge of Yapton and would facilitate trips by foot into the village. The pathway would not be lit, and the

distance is likely to deter some from making the trip by foot. Furthermore, it is unlikely many would walk into Yapton at night or during inclement weather. Nevertheless, it would provide an alternative to the private car for some trips to the village.

24. The site is also close to established cycle paths, as the flat topography lends itself to cycling. I noted on site that these were well used and consider that for some, cycling would be a reasonable alternative to using the private car for some trips. The appellant has indicated that they are content to accept a condition which would require links from the site to provide cycle access onto Grevatts Lane west. Furthermore, the site lies close to 2 bus stops on Bilsham Road which are served by a regular bus service which operates into the evening, providing a practical alternative to the car for commuting or leisure to nearby higher order settlements.
25. Therefore, whilst I note that many future occupiers may still choose to use the private car, future residents would nonetheless have a genuine choice of sustainable transport alternatives to meet some day-to-day needs.
26. Therefore, having regard to the offsite highways works proposed as part of the scheme, I conclude that the proposed development would be located in an accessible location and would not conflict with policies T SP1 and T DM1 of the LP which together seek to ensure that new development has access to alternative modes of transport including public transport services, the public right of way and cycle networks, It would also not conflict with guidance in the Framework, which has similar aims.

Character and Appearance

27. The hamlet of Bilsham comprises a small knot of development along the main B2132, and a further disparate collection of dwellings along Bilsham Lane. The hamlet lies removed from Yapton and the cluster of buildings that make up the appeal site and adjoining residential dwellings are separated from Yapton by open fields, although the remaining band of undeveloped land is relatively narrow. During the site visit I noted the closeness of the settlements with the edge of Yapton being very clearly visible in the open views from the site.
28. The site comprises 2 parcels of land. The larger parcel wraps around the eastern edge of the hamlet and extends west into an adjacent field. It contains the residential properties of Little Meadows and Oak Trees and their curtilages, as well as the adjoining employment area, made up of 3 industrial units and associated hardstanding. The remaining land comprises open paddock. A belt of established conifers screens part of the site to the north. The smaller parcel to the south of Grevatts Lane West adjoins Bilsham Road to the west. In common with land adjoining the site it is made up of an open, flat field, edged with sparse hedging and some isolated hedgerow trees.
29. The submitted LVEA⁶ identifies the site as lying within the Bilsham Coastal Plain. The fieldscape is largely flat, typical of a floodplain landscape with bands of hedgerow planting and occasional hedgerow trees following drainage ditches. This provides relatively long-range views of attractive countryside. This sub-area is considered to have a low to medium landscape capacity for new development.

⁶ Little Meadow, Yapton - Landscape and Visual Evidence and Appraisal Ref: 2243-TFC-00-ZZ-RE-L-8002 March 2021 by terra firma consultancy Ltd.

30. The application is made in outline form with all matters other than access reserved. An indicative plan accompanies the application which shows a mix of terraced, semi-detached and detached dwellings, apartments and office units. The area to the south of the site is left undeveloped, other than the provision of allotments. For the reasons set out above the area to the south of Grevatts Lane West is to remain undeveloped.
31. The indicative layout was discussed at the hearing. I accept that the layout shown is not intended to show the final layout of the scheme, but rather to demonstrate the capacity of the site. The drawings show that the site is large enough to accommodate the extent of development proposed, whilst providing open space to the south of the site. I also note that some of the dwellings could be developed as bungalows. Nevertheless, I am conscious that taking account of the size of the site, its constraints and the amount of development proposed the scheme would comprise a relatively closely spaced form of development, including apartment buildings and an extension of the existing employment site, which would result in a pattern of development at odds with the urban grain typical of a dispersed settlement such as Bilsham. In order to accommodate the number of dwellings proposed it would result in a suburban layout, akin to the existing development on the village edge of Yapton.
32. In close range views of the development from Grevatts Lane West and in views from the properties along it the quiet rural character of the existing countryside would be entirely altered, causing very substantial harm in short range views. This would be evident from the new entrance to the site, which would involve removal of some hedgerow, and whilst travelling along Grevatts Lane West – effectively within the new development. Furthermore, taking into account the flat fieldscape, and the prominent visibility of development along the urban edge of Yapton from the site, it seems to me reasonable to conclude that a development of the type proposed on site would also be very visible in the wider landscape. It would be very prominent in views from public footpaths to the north and east, and in sustained views from the south along the B2132 looking east and to a lesser extent from the public footpath approaching Bilsham Farm from the west. Furthermore, given the extent to which the urban edge of Yapton is visible from the site it follows that the proposed development would be equally visible to existing residents along the built edge of the village.
33. In these views the open quality of the countryside around Yapton would be substantially eroded and this would lead to significant visual harm. I note the submissions of the appellant, that the proposal need not lead to coalescence. Be that as it may, the proximity of substantial development as a satellite to the village, when viewed in the context of a narrow band of remaining fieldscape, would be perceived as a suburbanising form of development, yet removed from Yapton. This would amplify the erosive visual effect of the development and would be clearly at odds with the established pattern of built form in the area.
34. The submitted LVEA suggests a number of mitigations to lessen the visual impact of the development. Some of the visual impact could be mitigated with extensive boundary planting which would become established over time. Nevertheless, such planting could itself appear at odds with the sparsely landscaped character of the established fieldscape and could only partly ameliorate the visual impacts of the scheme.

35. I have taken account of the fact that the local landscape may be altered by the forthcoming crematorium development which is due to start development in the next few months. I note that this will be a stand-alone building, set in an appropriately landscaped context and that as such, its visual impact would be unlikely to mitigate or lessen the effects of the scheme before me.
36. The Council have also raised concerns that the proposal would harm the historic character of Bilsham. The LVEA identifies that the western part of Bilsham may have historic landscape value but that the recent introduction of more modern dwellings along Bilsham Road and Grevatt's Lane West are less typical of the wider landscape character. Furthermore, the surrounding fieldscape is not a rare landscape feature in itself. The impact on historic character does not therefore add to my concerns.
37. On the fourth matter I therefore conclude that the proposal would lead to very significant harm to the character and appearance of the countryside in this location. It would also lead to some limited harm to wider landscape character. Although the most severe impacts would be localised and could be partly mitigated, there would be further harm in mid-range views from Yapton and from public footpaths around the site. The proposal would fail to reflect or improve the character of the site and the surrounding area and so would conflict with policy C SP, D SP1, D DM1 and EMP DM1 of the LP. These policies seek to limit development outside the Built Up Area Boundary which in the context of five year supply in the district is out of date. Nevertheless, they are consistent with guidance in the Framework which recognises the intrinsic character and beauty of the countryside and the aim of fostering the environmental objective of protecting and enhancing our natural and built environment. As such, insofar as they relate to the visual effects of the development on the countryside, I attribute them full weight. The Council have also referred to policies BB1 and H1 in the Yapton Neighbourhood Plan (NP). These policies are out of date and I attribute very limited weight to this conflict.

Heritage Assets

38. The Grade II Listed Hobbs Farm House lies to the north-west of the site. The converted Hobbs Court which was formerly part of the curtilage of Hobbs Farm House lies west and north of Hobbs Farmhouse and is also Grade II listed. The site is also adjacent to 84 and 85 Bilsham Road, which are identified by the Council as locally listed "Buildings of Character".
39. The Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest when considering whether to grant planning permission for development which affects the setting of a listed building. This duty is reflected in the Framework which subsequently goes on to categorise any harm to the significance of a heritage asset as either '*substantial harm to or total loss of significance of an asset*' or '*less than substantial harm to the significance of an asset*'. The Framework also advises that when considering the effects of a proposal on the significance of a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
40. Hobbs Farm House is a two storey detached building with a tiled roof and rendered finish. The well-proportioned frontage, the ancillary buildings to the

rear and the established gardens, complete with pond, forms an attractive composition when viewed from the road. The agricultural origins of the building are still clearly evident from the form of the building and the juxtaposition of the other buildings on site. The significance of the asset therefore lies in part in the appearance of the main building, in the contribution this makes to views into the site and as a surviving example of a rural building of its type and period, on its own and as part of the wider group.

41. The Council and Appellant agree that there would be no intervisibility between the group and the proposed development. Nevertheless, the development would erode the wider rural setting of the assets. As part of the significance of the asset is derived from its origins as a rural farmhouse the erosion of the wider setting would also impact on this significance, although this would be relatively limited.
42. Having regard to the extent of harm and the significance of the asset this would amount to "less than substantial harm" as set out in Paragraph 202 of the Framework. The Framework directs that where less than substantial harm is identified it should be weighed against the public benefits of the proposal.
43. The development would provide up to 73 houses, in an area with an acute deficit of housing. 30% of that housing would be affordable. Whilst I attribute great weight to the loss of significance of a designated heritage asset, I attribute greater weight to the provision of housing in this case. The impact on designated heritage assets does not therefore, on its own, provide a clear reason for refusing the application and paragraph 11d(i) of the Framework is not engaged. I return to this matter in my consideration of the planning balance, below.
44. 84 and 85 Bilsham Road are considered by the Council to be non-designated heritage assets. I have been provided with no information as to why they are included on the Council's local list. Nevertheless, I noted on site that the building formed a pair of semi-detached dwellings the symmetry of which was partly marred by some modern additions. The building sits within a small collection of buildings on the eastern side of Bilsham Road.
45. The Framework sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The proposed development would lead to a loss of open countryside to the rear of the building. However, the building is domestic in scale and has a relatively small curtilage and the open land to the rear of the dwelling does not make an obvious contribution to the setting of the asset. The proposed development would therefore have a neutral impact on the significance of these assets and would not conflict with guidance in the Framework.

Agricultural Land

46. The site is 5.56 hectares in size. Part of the site includes the existing residential dwelling and curtilage of Little Meadows, and the existing light industrial units that lie behind the property. The soils assessment accompanying the application indicates that the land is classified as grade 2 agricultural land. The site is not currently used for agriculture, and I was advised at the hearing that it has not been used as such for some time. Nevertheless, it lies contiguous with land

currently in agricultural use and notwithstanding the relatively small size of the holding, I was not advised of any significant impediment which would prevent it from being used as such in future.

47. Policy E1 of the NP states that development of grade II agricultural land should be refused unless such development is required by policy H1 of the plan. Policy H1 sets out the minimum housing requirement for Yapton. However, as the district cannot currently demonstrate a five year supply of housing land, it is out of date and by extension so is policy E1.
48. Policy SO DM1 of the LP states that development of grade II land should not be permitted unless need for development outweighs the need to protect such land in the long term. The policy includes a requirement that any site preferred for development needs to demonstrate it is the best and most sustainable option, including in terms of land quality, ecosystem services and proven need. This indicates a comparative assessment. Although no such assessment accompanies the application, I am advised that an assessment carried out for the crematorium application on adjoining land found that there was no available land of a lower grade in the surrounding area. However, I have not been provided of details of the area covered by this assessment and this limits the weight I can attribute to it.
49. I take into account that the extent of land lost from agriculture would be relatively small and have been advised that there is an abundance of grade II land locally. However, agricultural land is a national resource, and the Framework recognises the economic and other benefits of maintaining a supply of such land. Therefore, notwithstanding the proposed mitigation measures, including a soil resource plan, in the absence of a demonstration that the site is the best and most sustainable option, the development would nonetheless fail to comply with the requirements of policy SO DM1 of the LP.
50. I note that the Council are of the view that although the proposal would not comply with the requirements of policy SO DM1, the need for housing in the district would outweigh the loss of agricultural land in this case. Nevertheless, the loss of agricultural land is a matter which weighs against the proposal in the planning balance.

Affordable Housing

51. At the time the application was determined the proposal included no provision for affordable housing. Policy AH SP2 of the LP sets out that for developments over 11 residential units a minimum provision of 30% affordable housing is required. This would equate to 22 units.
52. Following the hearing I have been provided with a legal agreement which makes provision for 22 affordable units within the scheme. These include 25% of those units provided as First Homes, in line with recent national guidance⁷. The Council are satisfied with the provisions within the S106 and have indicated the agreement is sufficient to overcome the concerns expressed in reason for refusal 4.
53. On the seventh main matter I therefore conclude that the proposal would comply with the requirement for affordable housing set out in policy AH SP2 of the LP.

⁷ [www.gov.uk](https://www.gov.uk/guidance/first-homes) guidance on First Homes published 24 May 2021

Other Matters

54. The development would immediately adjoin existing residential properties to the west. The application is made in outline form only and I am satisfied that adequate separation distances could be employed in a future layout that would protect living conditions. This matter does not therefore weigh against the proposal. The industrial units are proposed for light industrial use (now Class E) which is a use that can take place in a residential area without detriment to the amenity of that area. I am satisfied that the industrial units could be restricted to uses within this definition by way of a condition and that the proposed development would therefore not give rise to a loss of amenity.
55. With regard to concerns relating to air and noise pollution, the application is accompanied by an air quality assessment and the Council's environmental health team are satisfied that the proposal would not give rise to harm in this regard, subject to appropriate conditions. I see no reason to dispute this view.
56. The scheme would require connection to the mains sewer and SUDs systems on site would require adequate maintenance. I have no reason to consider that there are any impediments to achieving either of these requirements, which could be secured by conditions.
57. Some residents have raised concerns regarding the impact of the proposal on local services. However, I am satisfied that this matter could, where such demands can be quantified, be addressed through the application of CIL.
58. Some residents have expressed concerns that archaeological interests at the site have not been adequately explored. The Council do not share this concern and I have no evidence that this matter would preclude development of the site. I am therefore satisfied that the matter could be addressed by a planning condition and so this matter does not add to my concerns.
59. Some residents have raised concerns in relation to biodiversity. The Council's ecologist raised no objections to the findings of the ecological surveys accompanying the application and recommended appropriate conditions to ensure ecological enhancements through the development. The proposal also states that no trees are to be felled to accommodate the development. Subject to the imposition of conditions the proposal would provide a net gain in biodiversity and the protection existing habitats on site.
60. The proposal is accompanied by a legal agreement which makes provision for a contribution towards strategic highways infrastructure for improvements to the section of the A27 between the A27/B2233 Nyton Road junction and the A27/A280 Patching roundabout. The development would therefore be in accordance with INF SP1 and T SP1 of the Arun Local Plan.

Benefits of the Scheme

61. The appellant has identified a number of benefits that would arise as a result of the scheme. The proposal would provide 73 new homes, 22 of which would be affordable. Having regard to both the 5-year supply of housing land in the district and the national impetus to increase the supply of housing, this is a benefit that carries substantial weight.
62. The new access would improve highway conditions for existing users, including goods vehicles using the existing employment units. Off-site transport

improvements, including the proposed footpath, would also provide some benefits to existing local residents. Nevertheless, these works are primarily aimed at ameliorating the impacts of the scheme and any secondary benefits are largely limited to existing residents in the vicinity of the site and users of the industrial estate and therefore limited in scope. I therefore attribute these matters no more than limited weight as a planning benefit.

63. The proposed employment units would provide additional employment floorspace. Policy EMP DM1 only supports employment development outside built-up area boundaries where, amongst other things, it is an appropriate sized extension of the existing employment site. The existing employment site is relatively modest in size and the scheme proposed would roughly double it. Therefore, whilst I am satisfied that some of the other criteria in the policy, such as those relating to accessibility can be met, the scale of employment use proposed would nonetheless be inappropriate in a rural context and be harmful to its character. I have been provided with no specific justification for this element of the development and the Council have not indicated that there is a shortage of such accommodation in the district. Therefore, whilst I note that the new units would increase the range of accommodation available and provide modern accommodation, I am nonetheless of the view that this component of the development would conflict with policy EMP DM1. Nevertheless, insofar as this element of the scheme would increase opportunities for rural employment, I attribute this element of the proposal some limited weight commensurate with the floorspace proposed.
64. The indicative layout plans show the provision of allotments. These, if implemented, could be used by local people. I haven't been advised of a shortage of such facilities in the district. Taking this matter into account and noting that the allotments do not actually form part of the proposal and would have to be secured by condition, I attribute only very limited weight to this matter as a benefit.
65. My attention has also been drawn to the potential benefits of improvements to bus stops, proposed electric car charging points, new open space and biodiversity improvements as a result of boundary and other landscaping. These measures are all largely mitigations or requirements of new development to serve new occupiers and so carry only very limited weight

The Planning Balance

66. Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the provisions of the Development Plan unless other material considerations indicate otherwise.
67. The Framework indicates that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites the policies in the development plan must be considered out of date. In such cases planning permission should be approved without delay unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme.
68. The proposal would cause substantial harm to the rural character and appearance of the countryside and in this regard would conflict with Policies C SP1, D SP1, D DM1 and EMP DM1 of the LP. Some of the harm identified would be relatively localised and would be partly ameliorated as landscaping within the

development became established. Nonetheless, having regard to the extent of harm identified I attribute this harm very substantial weight in the planning balance.

69. The proposal would lead to the loss of around 5 hectares of Best and Most Versatile Agricultural Land and so would conflict with Policy SO DM1 of the LP. Having regard to the amount and grade of the land affected, I attribute this matter only limited weight in the planning balance.
70. The proposal would provide up to 73 homes in a relatively accessible location, up to 22 of which would be affordable. Having regard to the need for housing nationally, including affordable housing, and the need for affordable housing in the district identified in the local plan, I attribute the provision of housing substantial weight in the planning balance.
71. The proposal would also bring some economic benefits through construction and through the additional spend generated by new residents, who would also help to sustain local services, and through additional employment in the industrial units. These carry some moderate weight, commensurate with the size of the development and the length of the construction phase.
72. The provision of the footpath would improve accessibility into Yapton for existing residents of Bilsham and the works could be carried out in a manner which would minimise the visual harm this element of the proposal would give rise to. However, this element of the scheme is primarily aimed at achieving accessibility for what would otherwise be an inaccessible location by foot. I therefore attribute only limited weight to this matter as a planning benefit. The new access would improve accessibility for HGVs and other users of the employment units. Having regard to the extent of this use I attribute this only limited weight in the planning balance.
73. When considered in the round, although the benefits, particularly by way of housing provision would be substantial, the very substantial harm to the character and appearance of the area in this case would not be significantly and demonstrably outweighed by the collective benefits of the scheme.

Conclusion

74. For the reasons given above I conclude that the appeal should be dismissed.

Anne Jordan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Anne Taylor	Appellant
Patrick Barry	Director – Nova Planning
Steve Jenkins	Partner – I-Transport LLP
Mike Piotrowski	Principal Hydrologist - Geosmart

FOR THE LOCAL PLANNING AUTHORITY:

Simon Davis MRTPI,	Principal Planning Officer, ADC
Councillor Amanda Worne	Ward Member - Yapton Ward

DOCUMENTS

Completed Legal Agreement – signed 24 May 2022

Drawings showing extent of recent development in Yapton