



Appeal Decision

Site visit made on 8 August 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2023

Appeal Ref: APP/C3810/W/22/3305678

Bonhams Field, Main Road, Yapton BN18 0DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Seaward Properties Ltd against the decision of Arun District Council.
- The application Ref Y/176/21/PL, dated 14 December 2021, was refused by notice dated 16 March 2022.
- The application sought planning permission for the erection of 56 No. dwellings with associated open space and creation of new access without complying with a condition attached to planning permission Ref Y/63/19/RES, dated 07/12/2017.
- The condition in dispute is No.1 which states that: The development hereby approved shall be carried out in accordance with the following approved plans: 18076-S101 Rev A "Location Plan"; 18076-P106 Rev K "Proposed Site Plan (M4 (2) & Affordable Housing)"; 18076-P102 Rev V "Proposed Site Plan"; 18076-C101 Rev H "Coloured Site Layout"; 18076-P108 Rev B "Proposed Site Plan (Materials)"; 1410 Rev B "Site Layout - Proposed Levels"; 1001 Rev E "Site Layout Refuse Vehicle Tracking"; 1002 Rev B "Fire Appliance Vehicle Tracking"; 1003 "Road Long Sections"; 18076-P110 Rev B "Plot 1 Proposed Plans & Elevations"; 18076-P132 Rev C "Plot 2 Proposed Plans & Elevations"; 18076-P134 Rev A "Plot 3 Proposed Plans & Elevations"; 18076-P117 Rev B "Plots 4-7 Proposed Plans & Elevations"; 18076-P115 Rev A "Plots 8, 9 & 10 Proposed Plans & Elevations"; 18076-P114 Rev B "Plots 11 & 14 Proposed Plans & Elevations"; 18076-P129 Rev C "Plot 12 Proposed Plans & Elevations"; 18076-P126 Rev B "Plot 13 Proposed Plans & Elevations"; 18076-P131 Rev A "Plots 15 & 25 Proposed Plans & Elevations"; 18076-P113 Rev A "Plots 16, 17 & 18 Proposed Plans & Elevations"; 18076-P135 Rev A "Plot 19 Proposed Plans & Elevations"; 18076-P133 Rev A "Plots 20 & 21 Proposed Plans & Elevations"; 18076-P118 Rev C "Plots 22-24 Proposed Plans and Elevations"; 18076-P116 Rev B "Plots 26 & 27 Proposed Plans & Elevations"; 18076-P111 Rev C "Plots 28, 29 & 31 (31 handed) Proposed Plans & Elevations"; 18076-P112 Rev B "Plot 30 Proposed Plans & Elevations"; 18076-P130 Rev B "Plot 32 Proposed Plans & Elevations"; 18076-P119 Rev C "Plots 33, 34, 35 Proposed Plans & Elevations"; 18076-P120 Rev C "Plots 36 & 37 Proposed Plans & Elevations"; 18076-P121 Rev C "Plots 38-41 Proposed Plans & Elevations"; 18076-P122 Rev A "Plots 42-47 Proposed Plans"; 18076-P123 Rev B "Plots 42-47 Proposed Elevations"; 18076-P124 Rev B "Plots 48 to 56 Proposed Plans"; 18076-P125 Rev C "Plots 48-56 Proposed Elevations"; 18076-P128 Rev A "Proposed Double Garage (Plots 26 & 27)"; 18076-P127 "Refuse and Bicycle Store (Plots 6-7)"; 18076-C104 "Coloured Perspective Views"; 18076-C103 Rev D "Coloured Street Elevations"; 18076-C102 Rev E "Coloured Street Elevations"; 2076-TF-00-00-DR-L-3001 Rev P10 "Planting Plan"; 2076-TF-00-00-DR-L-1001 Rev P10 "Landscape General Arrangement"; and Schedule of Accommodation Rev H.
- The reasons given for the condition are: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D SP1, HER DM1, HER DM3, QE SP1 and T SP1 of the Arun Local Plan.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the development on the setting of Yapton Conservation Area (CA) and whether the development would preserve the setting of listed buildings in the vicinity of the appeal site; and (ii) the effect of the development on the character and appearance of the surrounding area.

Reasons

Yapton CA and adjacent listed buildings

3. The appeal site is a large field to the west of Yapton which has two access points fronting on to Main Road.
4. The site has previous approval for a residential development. The development was identified as causing harm to local heritage assets, but this harm was considered to be outweighed by the public benefits of the scheme.
5. The appeal scheme seeks to make an adjustment to the approved plans in order to replace the existing brick wall with iron parkland boundary railings. A portion of the wall had been removed at the time of my site visit.
6. A small section of the appeal site falls within Yapton Conservation Area (the CA). The large majority of the appeal site sits outside the designated boundary, but does contribute to the setting of the CA. The site is adjacent to two Grade II listed buildings, Bonhams Barn¹ and Bonhams Farmhouse², and near the setting of numerous additional listed buildings including Laburnum Cottages, Yapton Free Evangelical Church and the Old Malthouse. The significance of the CA, insofar as it relates to this appeal, is primarily associated with the use of predominantly flint boundary walling and the way the buildings of varying ages and styles reflect the evolution of the village. The significance of the Listed Buildings includes their location at the entrance to the village from the west, their relationship with the wider village and road fronted positioning on the Main Road approach.
7. The boundary treatments at the appeal site include a section of iron fencing within the CA, and a section of brick wall outside the CA.
8. There are a mix of boundary treatments in the wider vicinity of the site, including brick walls, brick and flint walls, iron fencing, wooden fencing and hedgerows. However, the near side of the road to the appeal site benefits from brick boundary treatments for some distance in both directions, aside from the portion that has already been removed as part of the appeal scheme. The replacement of the brick wall with an open iron fencing treatment would interrupt the consistency of the boundary treatment along this side of the road and diminish the character of the area.
9. Consequently, I find that the proposal would result in harm to the significance, and ability to appreciate the significance of, the CA and the relevant listed buildings in this appeal, through harm to the setting.

¹ Bonham's Barn listed on the 21 March 1994 as Grade II. English Heritage Legacy ID: 415158.

² Bonhams Farmhouse listed on the 20 September 1984 as Grade II. English Heritage Legacy ID: 414779.

10. It would therefore conflict with Policies D DM1, HER SP1, HER DM1 and HER DM3 of the Arun Local Plan³ as well as Policy E8 of the Yapton Neighbourhood Plan 2014-2029⁴. These policies seek to ensure - amongst other matters - that new development protects and, where possible, enhances the setting of listed buildings and CAs, including the retention of traditional features such as walls and historically significant boundaries.
11. The harm I have found would be 'less than substantial'. As set out in paragraph 202 of the National Planning Policy Framework (The "Framework"), where a development proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Even if I were to consider the fact of open fencing providing clearer views of the land beyond it to be a public benefit, this would attract limited weight. However, considerable importance and weight must be given to the desirability of preserving the setting of the CA and listed buildings. Given the multiple heritage assets I have found to be adversely affected in this case I find that this harm is not outweighed by the public benefits.

Character and appearance

12. Although there are some variations in height and detailing, the consistent use of brick boundary treatments for a significant distance on either side of the appeal site provides an aesthetically pleasing appearance that contributes positively to the character of the area. The replacement of a large section of brick boundary treatment with open iron railings would result in an incongruous and detrimental feature in this context.
13. The appellant highlights that brick walls more typically bound individual residential dwellings, whereas public open space in the local area features other, more open fencing styles that enable easier viewing from the public realm. Be that as it may, I consider that the majority of casual viewers passing the appeal site would appreciate the consistency of the boundary treatments along this part of Main Road without further analysis of the type of property beyond them. In addition, the gentle upward slope of the land as it rises away from the boundary means that it remains visible from the public realm. I therefore afford this argument limited weight.
14. I note the lack of documented historical significance of the wall and the presence of iron railings nearby. However, the impact of the scheme would be mainly felt by reason of its incongruous nature amidst the long sections of brick boundary treatments on the same side of the road as the appeal site. Therefore, these points do not alter my conclusions on this matter given the harm identified above.
15. I therefore conclude that the proposed development would be harmful to the character and appearance of the local area. Consequently, the scheme is contrary to Policy D DM1. This policy seeks to ensure - amongst other matters - that developments reflect or improve on the character of the surrounding land.

³ Adoption Arun Local Plan 2011-2031 (July 2018).

⁴ Yapton Neighbourhood Plan 2014-2029, Yapton Parish Council, Referendum Version October 2014.

Overall planning balance

16. I have found that the harm to the CA and listed buildings is not outweighed by the public benefits in this case. This disengages the 'tilted balance' as it provides a clear reason for refusing the development. Furthermore, I have found harm to the character and appearance of the area. Cumulatively, these harms are significant and result in conflict with the development plan as a whole. The material considerations in this case do not outweigh the totality of this harm.
17. The appellant states that the wider Bonhams Field residential development scheme can only be achieved if this appeal to amend the planning condition is granted. However, there is little evidence to convince me that the residential development at Bonhams Field is reliant on the approval of the proposed replacement brick wall with iron parkland boundary railings.

Conclusion

18. For the above reasons, the proposal would conflict with the development plan and there are no material considerations that indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

J Wellstead

INSPECTOR