



Appeal Decision

Site visit made on 19 September 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2023

Appeal Ref: APP/C3810/W/23/3318743

Brookfield Farm, Eastergate Lane, Walberton, West Sussex BN18 0BA

- 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 Mrs Jo Coates against the decision of Arun District Council.
 - The application Ref WA/101/22/PL, dated 7 October 2022, was refused by notice dated 24 February 2023.
 - The development proposed is 2 x 4 bedroom detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was updated on 5 September 2023. However, the sections pertinent to this appeal have not materially altered and so I will reference the revised version in my decision.

Main Issues

3. The main issues are the effect of the proposed development on the availability of the best and most versatile agricultural land (BMVAL), and the character and appearance of the area.

Reasons

BMVAL

4. The proposal would result in the loss of 0.47 hectares of agricultural land which is currently set to pasture. The Council have confirmed that via the Agricultural Land Classification – Provisional (England) data, compiled by Natural England, the site would constitute grade 3 agricultural land, and the appellant does not disagree with this grading.
5. However, Policy SO DM1 of the Arun Local Plan (LP), which seeks to protect the BMVAL, classifies it as land graded 1, 2 or 3a. As noted above the data provided by Natural England does not clarify whether the appeal site would be classified as grade 3a or the lower quality 3b.
6. The supporting text for LP Policy SO DM1 states that the Council only deem a report on the agricultural land's economic and soil status for sites over 1 hectare and so one has not been provided for this scheme. Therefore, taking a precautionary approach as the proposal would permanently remove the appeal site from agricultural use, and with nothing before me to conclude otherwise, I have considered the classification of the land to be grade 3a and so it is necessary for the proposal to be assessed against Policy SO DM1.

7. It is acknowledged that the appellant's agent is a qualified agricultural consultant and considers that even if the land were graded 3a then it would be too small to be agriculturally significant. However, LP Policy SO DM1 does not differentiate between the size or productivity of the piece of agricultural land.
8. It does, however, set out a series of criteria which need to be met to outweigh the assumed protection of the BMVAL. These criteria require sustainability of options appraisals to be undertaken to show the preservation of land of lower agricultural quality has greater benefits in terms of ecosystem services; and that any site preferred for development is demonstrated to be the best and most sustainable option; and that the proposed development meets the requirements of countryside policy.
9. As there is nothing before me to address the above criteria, it is again necessary for me to take a precautionary approach due to the permanence of that proposed. As such I am unable to conclude that the proposal would protect the availability of the BMVAL or the provision of 2 new dwellings on the appeal site would appropriately outweigh the protection of that land in accordance with LP Policy SO DM1. The proposal would therefore conflict with LP Policy SO DM1, and the Framework as far as it requires that the economic and other benefits of BMVAL are taken into account.

Character and appearance

10. Eastergate Lane is one of the linking roads between the villages of Eastergate, Fontwell and Walberton. The appeal site is situated along this road beyond the built-up areas of the 3 villages and within the countryside. The site is a broadly rectangular section of a large field with direct access onto Eastergate Lane and hedging along 3 sides.
11. Eastergate Lane has a reasonably high level of development along its length. This appears to be a mix of residential properties, converted farm buildings and purpose-built commercial units, as well as various ongoing agricultural uses. The appeal site is located within one of the more developed pockets along the road with residential properties on both sides on plots similar in depth or deeper than the appeal site. Opposite the appeal site are 2 commercial plant nurseries and further residential properties. Notwithstanding the level of development, buildings are generally set back from the road behind mature hedges which creates a reasonably verdant and rural character for this part of the road.
12. The proposed dwellings would be of style, size and form commensurate to the other properties along Eastergate Lane. Each dwelling would be well spaced within the appeal site and share a singular access onto the road which would be similarly located to the existing field access. The existing boundary hedges would be retained, and the dwellings set back from the road behind an ecological buffer zone including pond. To the rear of the site there would be a wildflower grassland which would provide a visual and physical buffer between the proposed domestic gardens, and the rest of the field beyond. The rear boundary of the site would be inline with the rear boundaries of the other residential properties which sit between the field and Eastergate Lane.
13. Taking this into account the proposal would visually appear in keeping with the existing development along the road. The set back position, ecological buffer

and retained hedge would also maintain the verdant and rural character of Eastergate Lane.

14. Spatially the proposal would remove a void between existing built form along this section of Eastergate Lane. Nonetheless, due to the low density but regular pattern of development along this part of the road, and the spacious dimensions of the proposal, I find it would integrate acceptably and not be so enclosing as to harm the overall quality of the character and appearance of the area. As the proposal is clearly bounded by development on both sides for some distance, I am also satisfied it would not constitute inappropriate urban sprawl.
15. The Council has also referred to views of the appeal site from West Walberton Lane. My observations during my site visit were that any views were fleeting and from a considerable distance across numerous landscape features, not least the dense hedges along the road edge and fields between the lane and the appeal site. Accordingly, I am satisfied the proposal would simply be viewed as part of the low density established development along Eastergate Lane which creates a backdrop for the otherwise rural character of the area.
16. Consequently, I find the proposal would not harm the character and appearance of the area. It would therefore comply with LP Policies D DM1, D SP1 and LAN DM1; Policy HP13 of the Walberton Neighbourhood Plan; the Arun District Design Guide and the Framework, insofar as they seek a high standard of design which reflects the characteristics of the site, local area, and landscape.

Planning Balance

17. The Council cannot demonstrate a 5-year housing land supply. The appellant considers the current housing land supply to be 3.3 years, and this has not been contested by the Council. As such it is necessary for me to apply paragraph 11 of the Framework.
18. The proposal would provide 2 dwellings reasonably quickly, due to its small scale. I have considered that the Framework seeks to boost significantly the supply of housing and recognises the importance of small sites in meeting the housing requirements of an area. It would therefore contribute to the Council's 5-year housing land supply and along with the associated economic, social, and environmental benefits, would attract moderate weighting based on the size of the Council's housing land supply deficit and the number of houses proposed.
19. I have found the proposal acceptable in relation to its impact on the character and appearance of the area, and the Council have not found harm relating to living conditions, design, accommodation standards, parking, highway safety, trees, biodiversity, and energy efficiency, amongst other things. However, any absence of harm is neutral in the planning balance.
20. Nevertheless, the proposal would constitute the loss of BMVAL, and because this loss would be permanent and irreversible, I give this significant weight. Therefore, I find in these circumstances, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.

Other Matters

21. The Council's failure to bring the BMVAL issues to the appellant within earlier applications is noted, however this does not impact the planning merits of the case before me.

Conclusion

22. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR