



Appeal Decision

Hearing held on 23 October 2024

Site visit made on 23 October 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/C3810/W/23/3330541

Little Meadow, Bilsham Road, Yapton, West Sussex BN18 0JY

- 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 Ann Taylor Agent against the decision of Arun District Council.
 - The application Ref is Y/31/23/PL.
 - The development proposed is the construction of 6 new dwellings with new access from Bilsham Road, sustainable drainage and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development relates to the setting of listed buildings. Accordingly, I have had regard to the statutory duties set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - whether the appeal site would be suitable for housing;
 - whether satisfactory living conditions would be provided for future occupiers, with particular regard to noise and disturbance;
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would preserve the setting of nearby listed buildings and non-designated heritage assets.

Reasons

Suitability of the site for housing

4. The appeal site comprises a parcel of land positioned to the north of Grevatt's Lane West. The site is laid to grass and is enclosed, principally, by fencing and a set of industrial gates. A cluster of established residential properties exist to the south and west of the site. These front onto Grevatt's Lane West and Bilsham Road. A series of industrial buildings exist to the north of the site. These are accessed via an existing access road through the appeal site.
5. Policy C SP1 of the Arun Local Plan 2011-2031 (LP, 2018) seeks to direct development to the district's main towns and villages, identified as Built Up

Area Boundaries (BUABs). The policy sets out a number of exemptions to that, where development in the countryside will be permitted only where it is for the operational needs of agriculture or waste management, recreation, green infrastructure, diversification of the rural economy or road schemes.

6. It is undisputed that the appeal site lies wholly outside of any designated BUAB, and therefore lies within the countryside. None of the listed exemptions would be met. The proposed development would therefore clearly conflict with this policy objective.
7. Accordingly, the proposed development would be contrary to the relevant provisions of LP Policy C SP1, which seeks to ensure that development is located in the district's main towns and villages. The proposal would also be contrary to the relevant provisions of Policy BB1 of the Yapton Neighbourhood Plan (2023).

Living conditions

8. The industrial area to the north of the site accommodates a series of businesses. Activities there are understood to include vehicle repair, forklift maintenance, office fitting and scaffolding storage. The main access route to the industrial area is through the centre of the appeal site.
9. The proposed development would see the existing access road retained, lined by the new dwellings and with the addition of vehicular turning areas. A new link road would be created to the south of the existing Grevatt's Lane West, diverting any existing and future traffic away from properties including The Elms, Eversley and Bisham Cottage.
10. At the time of my mid-week afternoon site visit, I observed that several vehicles were parked at the industrial area, including cars, vans, lorries and forklifts. Some vehicles traversed the access road at this time. Although activity appeared to be at a relatively low level, I am mindful that this was only a snapshot in time, and was during lunchtime.
11. A noise assessment was submitted in support of the proposed development. This assessed the levels of noise generated by the industrial activities, including traffic movements. It sets out that mitigation measures would satisfactorily address issues in respect of noise for future occupants of the proposed development. This would include a combination of the installation of an acoustic fence and a reliance on future occupants closing windows.
12. Whilst there is no formal policy basis before me that precludes the use of closed windows in residential buildings, whether or not with assisted ventilation, this arrangement would not provide a comfortable or reasonable living environment for future occupiers of the dwellings. Occupiers in this rural location would reasonably expect to be able to open their windows for fresh air and natural ventilation at any time without being subjected to noise levels in excess of recommended limits. Were I to find the mitigation measures acceptable, a planning condition could be imposed to ensure a noise mitigation scheme was implemented. However, it cannot be ensured that windows would be closed as intended by future occupiers.
13. Irrespective of the above mitigation measures, and more fundamentally, I note the consultation response of the Council's environmental health specialist. This queries the timing of the noise assessment, which was undertaken during

and shortly after a period of national lockdown. The officer is of the view that the assessment is therefore unrepresentative of the current acoustic environment, although this is disputed by the appellant. Based on the evidence before me, I cannot be certain that the businesses located in the industrial area would have been at full operation at the time of the 2020 noise assessment, nor can I be certain that traffic movements were at normal levels.

14. While the appellant refers to a previous planning appeal at the site (reference APP/C3810/W/22/3293935), matters of noise and disturbance were not a main issue. Moreover, reference appears to be made to the then proposed industrial units, rather than existing units. In considering this matter under the appeal scheme before me, I require satisfactory evidence to demonstrate that noise levels would be acceptable.
15. Furthermore, I accept that the industrial area is not large, and there are no objections from a highway safety perspective. However, even were traffic movements infrequent, these would typically involve large HGV type vehicles. These would pass the proposed dwellings at close proximity, mindful of a small setback behind front gardens. This would undoubtedly cause disturbance.
16. Overall, I conclude that the standard of accommodation for future occupants would be unsatisfactory, with particular regard to noise and disturbance, contrary to the relevant provisions of LP Policies D DM1 and QE SP1. These policies, in summary, seek to ensure that living conditions are appropriate, including in respect of noise and disturbance.

Character and appearance

17. While I acknowledge that the site is largely undeveloped at present and can be glimpsed from some nearby locations, it is not readily visible from public vantage points. This is due to its setback from Grevatt's Lane West, and on account of the intervening landscaping features that exist between it and nearby roads. Moreover, the site has a visual and functional association with the industrial area due to the main gates and access road forming part of the appeal site. Consequently, the site could not be said to make a positive contribution to the character and appearance of the wider countryside.
18. The proposed development comprises the erection of 6 dwellings, formed of a mixture of detached and semi-detached properties. The majority of the dwellings would be positioned to the west side of the retained access road, backing onto established properties along Bilsham Road, and set within reasonably large garden plots. The remaining, larger dwelling would be positioned to the east side of the access road, also set within a large garden plot. This principal part of the proposed development would remain largely out of sight from the surrounding area, by reason of the mitigating factors set out above. This is also, in part, due to the relatively modest scale of the proposed development. Moreover, at closer range, the proposed development would be viewed against the backdrop of established residential and industrial buildings.
19. In addition to the 6 dwellings, a new access road with visibility splay would be created to the south of the existing Grevatt's Lane West. This would mean that all vehicular traffic to the proposed development and the existing industrial area would be diverted away from the Grevatt's Lane West access, which would become a cul-de-sac. While this element of the scheme would reduce,

to a certain extent, the openness of this part of Bilsham Road, it would not be harmful.

20. Overall, the proposed development would be acceptable from a design perspective, in accordance with the objectives of LP Policies D SP1 and D DM1. These policies, in summary, seek to ensure that development is of a suitably high quality. This is in a similar vein to the provisions of Policy E8 of the Yapton Neighbourhood Plan (2023).

Heritage assets

Hobbs Farmhouse

21. Hobbs Farmhouse is a Grade II listed building¹. It comprises a two-storey building finished in stucco with a tiled roof over, set within a complex of farm buildings. It dates from the eighteenth century. Based on the evidence before me, the special interest and significance of the listed building is largely derived from its historic and architectural interest. Important contributors in these regards are its age, surviving historic fabric and the use of traditional materials and building techniques.
22. Pertinent to this appeal, the building's special interest and significance are also derived, in part, from its setting. The immediate grounds of the house have an historic, visual and functional connection with the heritage asset. These grounds, which accommodate a series of buildings, are clearly defined by boundary treatments that separate it from the adjoining buildings and access roads. These grounds form the asset's immediate setting, and it is from here that the asset is best appreciated. This immediate setting contributes considerably to the asset's special interest and significance.
23. Beyond this, the surrounding area, of which the appeal site forms a part, is made up of a mixture of developed land and open landscape. The surrounding built form is indicative of the site's former agricultural use, featuring multiple agricultural or former agricultural buildings. The wider setting also allows an appreciation of the historic functional and physical relationship between the listed building and surrounding land. However, the development of the industrial area has, to an extent, lessened the contribution the wider setting makes to the listed building. This wider setting contributes somewhat to the special interest and significance of the listed building.
24. The position, scale and nature of the proposed development, together with the limited intervisibility between the appeal site and Hobbs Farmhouse, would mean that the now visually and physically separate relationship between the appeal site and those assets would be maintained. The historic and architectural interests of the assets would remain unaffected. The retention of a reasonable separation distance and intervening landscaping features, in particular, would reinforce this. Ultimately, the immediate and most of the wider settings that contribute to the significance of those assets would remain undisturbed by the proposed scheme.
25. Consequently, the setting of the listed building, and the contribution it makes to the significance of the asset, would be preserved. The proposed development would therefore be in accordance with the requirements of

¹ List Entry Number: 1274594

section 66(1) of the Act. The proposed development would also accord with the relevant provisions of LP Policies HER SP1, HER DM1 and HER DM2. These policies, in summary, seek to protect heritage assets.

26. As there would be no harm to the significance of this designated heritage asset, it is not incumbent on me to consider any wider public benefits that the proposals may bring in this respect.

Other Matters

Heritage

27. The appeal site is located within the wider surroundings of several other Grade II listed buildings, including Old Bisham Farmhouse, The Chapel and Bilsham Manor and Manor Cottage. Locally listed buildings 84 and 85 Bilsham Road also exist near to the site. Mindful of the statutory duty set out in section 66(1) of the Act, I have had special regard to the desirability of preserving their settings. The verdant rural surroundings of these buildings positively contribute to their significance. Nevertheless, given the location and extent of the proposed development, I consider that it would preserve the settings of these listed buildings and the contribution they make to their significance. I note the Council had no concerns in this regard either.

Housing Land Supply

28. The officer report sets out a Housing Land Supply (HLS) of 2.36 years. However, the Council's Appeal Statement updates this, setting out that in January 2024, the Council published its Authority Monitoring Report for 2022/23. This shows that the Housing Land Supply (HLS) is currently 4.17 years. This was confirmed at the Hearing. It was also confirmed that the Housing Delivery Test results for Arun currently stand at 61%.
29. There is no dispute between the parties that the Council is not meeting its 5 year HLS target and therefore paragraph 11d of the Framework is triggered. That is a matter I address subsequently.

Neighbourhood Plan

30. It is common ground that the appeal site falls within the Yapton Neighbourhood Plan area. The relevant plan is the Yapton Neighbourhood Development Plan 2 (NP), made on 8 November 2023.
31. The appellant is of the view that the NP does not comply with paragraph 14 of the Framework. Paragraph 14 sets out that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. As set out above, there is conflict with NP Policy BB1. Under paragraph 14, the requirements under both criterion a) (whether the neighbourhood plan became part of the development plan five years or less before the date of the decision) and criterion b) (whether the neighbourhood plan contains policies and allocations to meet its identified housing requirement) need to be satisfied.
32. There is no dispute that the plan meets criterion a). However, the appellant disputes that the plan meets the requirements of criterion b), specifically that it relies solely on previously allocated sites, rather than allocating new sites for future development.

33. A recently dismissed planning appeal, under reference APP/C3810/W/24/3343785, deals with this same matter. It concludes that the NP does not conflict with paragraph 14. However, the appellant set out at the Hearing that this previous decision accepted the conclusions of the NP examiner without engaging in the evidence they used in making that NP.
34. In taking that previous appeal decision into account, I have no substantive evidence before me to come to an alternative conclusion in respect of paragraph 14. Moreover, I do not have the evidence that was before the examiner in their NP role, nor is it appropriate for me to go back and re-examine it.
35. I also note the appellant's reference to a legal opinion relating to a scheme within the boundary of Chichester District Council. While this is noted, that legal opinion, relating to another scheme at another local planning authority, has no bearing on my decision. Ultimately, I am of the view that the NP contains policies and allocations to meet its housing requirement and so meets both parts of paragraph 14.

Planning Balance

36. The evidence before me demonstrates that the Council does not have a five-year supply of housing land. Therefore, the provisions of paragraph 11d of the Framework apply. This sets out that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole.
37. The proposal would represent a contribution of 6 extra dwellings to housing supply in an area with an acknowledged lack of future provision. There, too, would be some other social and economic benefits of the proposed development, including in supporting employment during construction and the bringing about of trade to nearby services and facilities once occupied. However, these benefits and the contribution to housing supply in the district would inevitably be limited given the overall scale and nature of the development proposed.
38. The removal of traffic away from existing properties, the improvement of access and the construction of an acoustic barrier would also be benefits. However, the diversion of traffic here, and improvements to access, are not wholly reliant on the scheme before me, and I afford these matters limited weight. The acoustic barrier would afford some protection to the future occupants of the scheme before me, but no assessment of its impact on existing residents has been provided such that this would be of wider public benefit. I give this matter limited weight.
39. I also accept that elements of the scheme meet other planning policy objectives, including in respect of flood risk and ecology. However, there is no dispute between the Council and appellant on these matters and I have no substantive evidence that would lead me to an alternative conclusion. I therefore give this matter limited weight.
40. As set out above, I have identified harm to the living conditions of future occupants. I afford this harm significant weight. The proposed development would also conflict with the Council's spatial strategy, although I afford this

only limited weight by reason of the Council's housing land supply position. I give significant weight to the conflict with the NP in relation to paragraph 14 of the Framework.

41. Accordingly, and given the significant harm I have identified above, the adverse effects of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Conclusion

42. For the reasons given above, the proposed development would conflict with the development plan taken as a whole and there are no other considerations, including the policies of the Framework, that lead me to a decision other than in accordance with the development plan. Consequently, the appeal is dismissed.

A Price

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Patrick Barry	Nova Planning (Agent)
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FOR THE COUNCIL

Simon Davis	Principal Planning Officer
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Harry Chalk	Senior Planner
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INTERESTED PARTIES

David Foy	Local resident
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Tim Nudos	Local resident
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Carol Inglis	Local resident
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Peter Foyle	Local resident
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