



Appeal Decision

Site visit made on 7 August 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/C3810/W/25/3360826

Little Paddocks, Sefter Road, Pagham, West Sussex PO21 3EE

- 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 and Mrs Brunton against the decision of Arun District Council.
 - The application Ref is P/77/24/PL.
 - The development proposed is described as 'demolition of existing buildings and erection of 7 no. dwellings with associated landscaping and works'.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and erection of 7 no. dwellings with associated landscaping and works at Little Paddocks, Sefter Road, Pagham, West Sussex PO21 3EE in accordance with the terms of the application, Ref P/77/24/PL, subject to the conditions set out in the schedule below.

Application for Costs

2. An application for costs has been made by Mr and Mrs Brunton against Arun District Council. That application is the subject of a separate decision.

Preliminary Matters

3. A Unilateral Undertaking has been submitted with the appeal, dated 3 February 2025 (the UU). This has been taken into account in the determination of the appeal.

Main Issues

4. In light of the submitted UU the Council have confirmed that it withdraws its third reason for refusing planning permission, relating to effects on the Pagham Harbour. As this matter is no longer in dispute between the main parties I have dealt with it under Other Matters rather than as a main issue of the appeal.
5. The main issues are: the effect of the proposal on the character and appearance of the area and whether the proposal would incorporate adequate surface water drainage.

Reasons

Character and Appearance

6. Policies D SP1 and D DM1 of the Arun Local Plan 2018 (the LP) together require development to make efficient use of land and reflect the characteristics of the site and the local area, having regard to attributes including layout, landscaping and

density. The Arun District Design Guide Supplementary Planning Document 2021 (the SPD) provides further guidance on the design policies in the LP. It includes indicative density ranges depending on settlement type and building typologies, but reiterates that these should be read as approximate, given the need to assess schemes according to their context and character.

7. Based on the appellant's figures, the proposal would comprise a density of 29 dwellings per hectare (dph), which sits above the indicative range set out in the SPD for a village location and detached and semi-detached houses. However, the character of the surrounding area has evidently been subject to significant change over recent years as a result of new housing developments. These have caused a shift to the perceived settlement boundary and introduced new higher density development in the area surrounding the appeal site. The appellant has set out that the densities of those surrounding developments vary between 31- 34 dph, and this is not disputed by the Council. The proposed density would not therefore be at odds with the established densities in the surrounding area. In addition, the proposed development would also benefit from a similar level of accessibility to services and facilities in the village as those nearby housing developments. As such it is not apparent that the site's distance from the centre of the settlement would necessitate a lesser density.
8. The proposal would focus its parking spaces predominately in two areas to the southern part of the site. These areas would therefore be heavily dominated by hard landscaping and parked vehicles when in use. Nonetheless, the proposal demonstrates that pockets of green space could be accommodated around them, particularly around the turning head and along the eastern site boundary. While the size of those areas would limit the size of the vegetation which could be accommodated, and a small swale is proposed to the side of the turning head, they would be capable of providing some planting which would assist in softening the appearance of the hard surfaces. The front gardens of Plots 1 to 6 would also be free of built form and capable of contributing positively to the landscaping scheme surrounding the access.
9. While the surrounding nearby developments have incorporated areas of open green space, these form part of a wider network of spaces and routes through the area, of which the appeal site would not form a part. Given its size and position behind the building line, the proposal would provide a visually distinct cul de sac, and its character would be appreciated predominantly in very localised views from within the development itself. Nonetheless, given its density, relationship of the buildings to the carriageway, and the size of the proposed front gardens, I do not consider the proposal would appear at odds with the nearby developments and the prevailing character of the area.
10. For the reasons given, the proposal would be acceptable in terms of its effects on the character and appearance of the area. It would comply with policies D SP1 and D DM1 of the LP summarised above and which require regard for local character. Despite the proposed density exceeding the ranges set out in the SPD, I do not find conflict with this part of the SPD overall, since it acknowledges density should respond to existing character. The proposal would comply with the National Planning Policy Framework (the Framework) insofar as it requires the efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting.

Surface Water Drainage

11. Policy W DM3 requires all development to identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of the development, at an early stage of the design process. It goes on to state that both major and minor proposals must incorporate SUDS within the private areas of the development in order to provide source control features to the overall SUDS design. It gives criteria which must be met in order to ensure that SUDS discharge water from the development at the same or lesser rate, as prior to construction. The Framework states that applications which could affect drainage on or around the site should incorporate sustainable drainage measures to control flow rates and reduce volumes of runoff¹.
12. The site has a low risk of surface water flooding and is adjacent to an existing water course to the west, which is similarly classified as having a 'low' risk of surface water flooding. The site currently comprises areas of grassland and permeable gravel, with some outbuildings which discharge onto the ground and into the adjacent watercourse. The increased hard surfaces of the development therefore have potential to increase the rate of run-off from the land and in turn increase the risk of flooding or pollution of the downstream catchment as a result of overloaded watercourses or sewers.
13. The appellant has submitted an updated Drainage Report with the appeal² (the DR). Given the high groundwater level, the DR accepts that infiltration is not feasible as a method of disposal for surface water run off from the development. Accordingly, the DR sets out that surface water from the proposed roof areas and hard surfaces would be discharged into an existing ditch to the west of the site at a controlled rate of 2.0l/s, which the appellant considers to provide a betterment and to closely align with the existing greenfield runoff. The Council accept that infiltration is not feasible.
14. The DR sets out that the proposal would make use of a number of integrated features to intercept runoff and reduce the overall discharge volume and rate. Nonetheless, the appellant's calculations which have informed the proposed SUDS approach contain inadequacies as set out by the Council. These include the pre-development run off calculations, as well as future forecasting figures and the proposed performance of all the intended attenuation measures. I have not been provided with assurances on those matters and, in combination, it cannot be established that the drainage infrastructure proposed would be adequate to achieve the intended flow rate into the existing water course and that the surface water volumes would not be increased post development. In addition, the Council has drawn my attention to Byelaws affecting the river edge, which may affect the ability of the scheme to drain into it.
15. In combination these factors result in uncertainty that the scheme could drain in the intended manner, or that the proposed SUDS would be capable of discharging water from the development at the same or lesser rate as prior to construction as required by the development plan policy. There would be little flexibility within the proposed layout to accommodate substantial changes to the attenuation measures if it were to be necessary.

¹ Paragraph 182

² Foul and Surface Water Drainage Report Rev.P2, reference C3054, date of issue 22/01/2025

16. However, while there is uncertainty surrounding the effectiveness of the measures currently proposed, there is not substantive evidence to suggest that suitable site drainage could not reasonably be achieved, including through other means if necessary, including those others set out in the drainage hierarchy. Overall, based on the information before me and having regard to the scale of this particular development, I consider it to be a reasonable and proportionate response that the matter be addressed by a pre-commencement condition.
17. I note the Council's concerns that the proposed SUDs would also have limited biodiversity and amenity value. However, as the proposal has been found to be acceptable in terms of its biodiversity effects and net gain more widely, and as the scheme would provide an acceptable standard of amenity overall, these matters do not add to my concerns.
18. Overall, for the reasons given, I am satisfied that the requirements of Policy W DM3 of the LP and the Framework, could reasonably be achieved here and that the scheme is capable of delivering appropriate surface water drainage which would reduce the risk of flooding on the site or elsewhere.
19. I do not find conflict with LP Policy W DM2, since it relates to development in areas at risk of flooding which is not the case here. Neither do I find conflict with Policy W DM1 as its criteria relating to surface water discharges relate only to major developments.

Other Matters

20. The appeal site is within the 5km 'zone of influence' of the Pagham Harbour Special Protection Area (SPA) and Ramsar site. The presence of Dark-bellied Brent Goose is a qualifying feature of both the SPA and Ramsar site, and other qualifying features of the SPA include populations of Ruff, Common Tern and Little Tern. The Conservation objectives for the SPA include ensuring the integrity of the site is maintained or restored as appropriate, and ensuring that the site contributes to achieving the aims of the Wild Bird Directive, by maintaining or restoring features including the extent and distribution of the habitats and qualifying features.
21. It has been found that disturbance to these habitats by the increasing human population is contributing to a decrease in survival rates and populations of over-wintering and breeding birds. The proposed development would increase the number of people living close to the Pagham Harbour and likely to visit it for recreational purposes. As such, a likely significant effect on the sites from the development cannot be ruled out.
22. The Council has a strategic approach to mitigation in the Pagham Joint Scheme of Mitigation, which I understand to have been examined by Natural England. This sets out measures including Visitor Experience Officers to educate and inform visitors, monitoring and dog initiatives, to be funded by financial contributions from new development. I have no strong reason to doubt that a contribution to these measures would be effective in mitigating the effects of the proposed development. The UU provided would secure a contribution of £6,650 towards delivering those measures, payable before commencement of the development and in line with the Council's requirements. For this reason I am satisfied that the proposal would not have an adverse effect on the Pagham Harbour habitat sites.

23. The Council accept that it is unable to demonstrate a five year land supply for housing and that the provisions of 11d) of the Framework are relevant to the appeal. In terms of assessment under 11d)i I have not found that the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed. Turning to 11d)ii, neither have any adverse impacts of granting planning permission been found. The proposal therefore benefits from the presumption in favour of sustainable development set out in the Framework.
24. Accordingly, as I have found the development to be compliant with the development plan, I have not considered the alleged benefits of the proposal set out by the appellant further. I have had regard to the matters raised by interested parties which include matters of amenity, biodiversity and highway safety. Those matters are adequately assessed within the Council's Officer Report and informed by relevant consultation responses, and I have no strong reason to reach a different view on those matters. While the proposal lacks a visitor parking space, it is very likely this could be accommodated in the wider area without causing harm to highway safety. I also note the Council's comments regarding the effects of the Bylaws relating to the watercourse and the proximity of the development to it. However, this would be a matter to be dealt with between the relevant parties and it has not been evidenced that it should amount to a reason to withhold planning permission.

Conditions

25. The Council have provided a list of conditions which it considers would be appropriate in the event that the appeal were allowed and I have considered these in light of the tests for conditions set out in the Framework and PPG. In addition to the standard time limit condition, approved drawings are listed to provide clarity.
26. For the reasons detailed above, a condition requiring further details of drainage is necessary to make the development acceptable. I have altered this to a negatively worded condition to prohibit the commencement of the development until the actions take place. I find this approach to be reasonable and compliant with the guidance in the PPG regarding Grampian conditions. I have consolidated the SUDS conditions for conciseness, although in doing so this would not prohibit the discharge of parts of the condition separately if necessary.
27. For reasons of visual amenity, soft landscaping and the final external materials are conditioned. For reasons relating to biodiversity, final details of site enhancements and lighting for bats are conditioned. To ensure highway safety and to encourage sustainable travel, the parking and turning areas, as well as cycle storage and charging points should be delivered and maintained. To ensure the safety of future occupants, unexpected contamination is also addressed by condition. While biodiversity enhancements are conditioned to meet the local plan requirement, the statutory biodiversity net gain condition is not repeated here since the PPG explains it has its own statutory basis and advises against its inclusion in the written notice.
28. Given the scale of the development it is not apparent that details of drainage for the construction process would meet the test of necessity here, and given the SUDS condition would require compliance with the approved details, further evidence of compliance would also not be necessary or reasonable for planning

purposes. Given the scale of the development, as the site is set back from the road with its own access and is relatively self contained, I have not conditioned details of the construction arrangements or working hours. Given the position of the retained trees off-site I have not conditioned these further. Despite the policy requirement it is unclear which level of energy efficiency is required here and, as the proposed condition is not precise about the requirement, I have not imposed this condition.

Conclusion

29. The proposal would comply with the development plan and there are not material considerations of sufficient weight which indicate that a decision should be made other than in accordance with it. The appeal is therefore allowed.

C Shearing

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: C9_24_13: PL_100_D, PL_102, PL_HTA, PL_HTA_B, PL_HTC (Plot 5 Plans and Elevations), PL_HTC (Plot 6 Plans and Elevations), PL_HTD_A, ITS19865-GA-001/A.
- 3) No development shall commence until full details of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include:
 - a. Details of the proposed method and location of surface water disposal, in accordance with the SUDS hierarchy,
 - b. Impermeable area or catchment plan,
 - c. Calculations modelling the surface water drainage network for the following storm events: a. 100% Annual Exceedance Probability [AEP]; b. 10% AEP + climate change allowance ; c. 3.33% AEP + climate change allowance; d. 1% AEP + climate change allowance. All storm events must include an allowance for urban creep and surcharged outfalls where appropriate,
 - d. Detailed drainage plans conforming to Local Planning Authority guidance,
 - e. Specifications for all surface water drainage components and associated infrastructure or flow control mechanisms,
 - f. A plan showing the impact of the proposed development on existing watercourses (where applicable),
 - g. Any relevant permissions relating to the discharge location, works to watercourses or adoption of the SUDS scheme,
 - h. Details of the maintenance and management of the SUDS scheme, including maintenance requirements of each element, details of timing, funding and responsibilities for that maintenance including details of any adoption by any public body or statutory undertaker.

The scheme shall be constructed in accordance with the approved plans and details and no building shall be occupied until the complete surface water drainage system serving the site has been implemented in accordance with the approved details. The approved surface water drainage scheme shall be maintained in accordance with the approved details thereafter.

- 4) Prior to the commencement of development above the damp proof course of any building, details of a scheme of soft landscaping and boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. This should include but not be limited to details of plant species and locations, as well as a timetable for their implementation. The development shall be carried out in accordance with the approved details and implementation timescales.
- 5) Prior to the commencement of development above the damp proof course of any building, details of the materials and finishes of the external surfaces of the development shall be submitted to and approved in writing by the local planning

authority. The development shall be carried out in accordance with the approved details.

- 6) Prior to commencement of the development above the damp proof course, a scheme of biodiversity enhancements for the site shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall have regard to those measures listed in Section 7 of the Ecological Impact Assessment by South Downs Ecology, version 1 dated 3 September 2024, and shall include a timetable for their implementation. Those measures shall be installed in accordance with the approved details and timescales for implementation.
- 7) No external lighting shall be installed to the site unless details have first been submitted to and approved in writing by the Local Planning Authority, to demonstrate the lighting is appropriately designed to minimise impacts on bats. External lighting shall be installed and maintained only in accordance with the details approved.
- 8) No part of the development shall be occupied until the access, vehicle turning and parking areas, as well as cycle storage for that property, have been constructed in accordance with the approved details. Those facilities shall remain free of obstructions and available for use for those purposes at all times.
- 9) Prior to the occupation of any dwelling, electric vehicle charging points as well as associated ducting where required, shall be installed to the site in accordance with the standards set out in the Council's Parking Standards Supplementary Planning Document. Those charging points and ducting shall be maintained and available for use at all times.
- 10) If during development, any visible contaminated or odorous material not previously identified is found to be present on the site, no further development shall be carried out unless it has been fully investigated using suitably qualified, independent consultants. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unexpected contamination shall be dealt with, shall be submitted to and approved in writing before being implemented.

End of Schedule