



Appeal Decision

Site visit made on 29 July 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 NOVEMBER 2025

Appeal Ref: APP/C3810/W/25/3365360

Hanger Down House, Priory Lane, Arundel, West Sussex BN18 0BG

- 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 A Ayling against the decision of Arun District Council.
 - The application Ref is AB/19/25/PL.
 - The development proposed is construction of detached dwelling and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for construction of detached dwelling and associated works at Hanger Down House, Priory Lane, Arundel, West Sussex BN18 0BG in accordance with the terms of the application Ref AB/19/25/PL subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant submitted a signed Unilateral Undertaking (UU) dated 13 October 2025 which secures the property as a self-build dwelling. This replaces earlier UU's dated 29 September 2025 and 1 September 2025 which contained an unnecessary clause and paragraph. I will return to the UU later in my decision to deal with the National Planning Policy Framework (the Framework) tests identified in paragraph 58 of the Framework.

Main Issues

3. The main issues in determining the appeal are:
 - The effect of the proposed dwelling on the character and appearance of the area; and
 - Whether there are material considerations to outweigh the conflict with the development plan arising from the location of the site in the countryside, outside of the settlement boundary, such as to justify a grant of planning permission.

Reasons

4. The proposal is to sub-divide the existing residential curtilage of Hanger Down House to create an additional plot for a new dwelling in the garden. The appeal site is screened by a 2m high wall to the north and the rear and the side elevations are partially screened by hedging and post and rail fencing. There is an existing outbuilding on the site.

5. The appeal site would lie to the south of the built-up area boundary (BUAB) which has been extended to accommodate a new residential development for 90 homes on the opposite side of Priory Lane. The extended BUAB was positioned tightly around the built development of the allocation to the north of the site, with the position of the open space and landscaping forming a green buffer around the allocation and between the allocation and the proposal.
6. The wider surrounding area comprises the residential allocation to the north, sporadic residential development to the east and is semi-rural to the south and west with an open landscape which is lightly settled and mainly agricultural in nature.
7. The proposal would be set 9.1m behind the front boundary and positioned at an angle. As a result of the position of the dwelling on the site, it would not appear unduly prominent on the street scene and views into the site would be partially screened by existing boundary walling and vegetation.
8. The proposal would extend the built form along Priory Lane. However, it would follow the existing building line and would be set parallel with Priory Lane and would not be prominent in wider views. The proposal makes use of the existing outbuilding on the site where built form is already established and would be viewed as part of the small-scale development to the east and with the backdrop of the new development to the north. Whilst it is noted there would be a green buffer between the development to the north and the proposal, this would not hide the extension of the BUAB to the north and the subsequent addition of a single dwelling set amongst existing small scale development with the backdrop of the development to the north would not be harmful to the visual amenity of the area.
9. In conclusion, the proposal would have no significant impact on the character and appearance of the area and I have identified no conflict with Policies D DM1 and D SP1 of the Arun Local Plan 2011-2031(2018) (LP) insofar as they seek to make the best use of the available land by reflecting or improving on the character of the site and the surrounding area.

Material considerations

10. The parties agree that the site lies outside of the BUAB. Policy C SP1 of the LP states residential development outside the BUAB will not be permitted unless it accords with policies in the LP which refer to a specific use or type of development, none of which relate to the proposal. Policy SD SP2 of the LP states development should be focused in the BUAB. Policy AR1 of the Arundel Neighbourhood Plan (ANP) defines the built-up area boundary of Arundel.
11. It is also common ground that the appeal site would comprise previously developed land (PDL). Paragraph 125 (c) of the Framework gives substantial weight to the value of using brownfield land within settlements for homes. As the site falls outside the BUAB, the substantial weight given to the redevelopment of brownfield land does not apply, however, the proposal would still represent the efficient use of land by reusing land that has been previously developed.
12. The proposal would be physically well related to the existing dwelling at Hanger Down House, the residential development to the east of the site on Priory Lane and the extended BUAB to the north of the appeal site on the other side of Priory Lane. The site would be walkable to the BUAB due to the revised settlement

boundary. Occupiers of the proposed dwelling would therefore have reasonable access to services and facilities without reliance upon a private car.

13. Furthermore, the proposal would be for a self-build dwelling and this has been secured through a UU. Whilst the Council is identifying measures to fulfil its requirements in respect of self and custom build plots and considers the self-build demand can be met through existing commitments and on strategic sites, there remains a demand for self-build plots which this proposal would contribute towards. This factor weighs in favour of the scheme. I am satisfied that the UU is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
14. The Council is unable to demonstrate a 5-year housing land supply (3.41 years). Furthermore, the Council's Housing Delivery Test measure is below 75%. Paragraph 11(d) of the Framework indicates that in such circumstances permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
15. The proposal would make a small contribution to the supply of new homes and thereby help to address the shortfall. There would also be benefits to the local economy during construction and for the lifetime of the development through additional spending by occupants of the development in local shops and businesses. I have attached these benefits significant weight.
16. I have not identified conflict with the development plan with regards to the effect of the proposed development on the character and appearance of the area, however, its location outside the BUAB means the proposal would conflict with the locational policies in the development plan. In the overall planning balance, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. As a result, the proposal would constitute sustainable development in terms of the Framework and the presumption in favour of sustainable development applies.
17. The proposal conflicts with the development plan taken as a whole, however, the material considerations in this case indicate that the decision should be taken other than in accordance with the development plan.

Conditions

18. For the avoidance of doubt, conditions relating to time limits, approved plans and materials are required.
19. To enhance protected and priority species the appellant is required to submit a Biodiversity Enhancement Layout.
20. In order to protect protected species a condition is required for the submission of a bat friendly lighting plan.
21. To protect the amenity of local residents and prevent background noise creep a condition is required for the appellant to provide an assessment of the acoustic

impact arising from the operation of externally located plant and machinery equipment.

22. To protect the amenity of local residents during construction hours of working are stipulated by condition.
23. To promote sustainable travel and mitigate against impacts on local air quality, electric vehicle charge points are required to be installed.
24. In order to secure a reduction in energy use at the site energy efficient measures that reflect the current standards applicable at the time of submission are required.

Conclusion

25. For the reasons given above the appeal should be allowed.

C Coles

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 1722/DP01 (Location Plan), 1722/DP03 (Proposed Block Plan), 1722/DP03 (Proposed Site Plan), 1722/DP04 (Proposed Ground Floor Plan), 1722/DP05 (Proposed First Floor Plan), 1722/DP06 (Proposed Northeast and Northwest Elevations), 1722/DP07 (Proposed Southwest and Southeast Elevations), 1722/DP10 (Existing and Proposed Outbuilding Floor Plan and Elevation), 1722/DP09 (Proposed Site Sections).
- 3) Prior to any development above damp-proof course level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the 'Ecological Impact Assessment, Rev 1, 29/1/25' shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

- 4) Prior to any part of the new development being first brought into use/occupied, a bat friendly Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority.

The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white with a clear view, no UV, a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species.

- 5) No development above damp-proof course level shall take place until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) No internally or externally located plant, machinery equipment including air source heat pumps shall be operated on the site until an assessment of the acoustic impact arising from the operation of all such equipment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014+A1:2019 and shall include a scheme of attenuation measures to mitigate the adverse impacts identified in the acoustic assessment. The scheme shall ensure that the rating level of noise emitted from the proposed building services plant is 5 dB less than the prevailing background sound level (LA90). The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter. Any agreed attenuation measures shall be permanently maintained in good working condition. The applicant should review the Planning Noise Advice Document – Sussex, November 2023:
<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n19846.pdf&ver=24686>.

- 7) Demolition/construction works shall only take place between 08:00 hours and 18:00 hours (Monday to Friday) and between 08:00 hours and 13:00 hours on Saturday with no activities taking place on Sundays or recognised public holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.
- 8) Prior to occupation of the approved dwelling, the applicant or developer shall provide the dwelling with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The electric vehicle charge points shall thereafter be retained and maintained in good working condition.
- 9) The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of the dwelling and shall be thereafter permanently maintained in good working condition.