



Appeal Decision

Hearing Held on 15 January 2020

Site visit made on 15 January 2020

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/C3810/W/19/3236911

Land adjacent to Bonhams and Flints, Hoe Lane, Flansham PO22 8NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Edward Van der Wee, Pallant Homes Ltd against the decision of Arun District Council.
 - The application Ref Y/20/18/OUT, dated 16 March 2018, was refused by notice dated 11 March 2019.
 - The development proposed is development of the site by the erection of 10 dwellings with access from Hoe Lane, Flansham.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr Edward Van der Wee, Pallant Homes Ltd against Arun District Council. This application is the subject of a separate Decision.

Procedural matters

3. The appeal application was made in outline with all matters reserved except for access. As well as a location plan and an access arrangement drawing forming part of the application the application was also accompanied by an illustrative layout and vehicle 'tracking' drawings. I have considered the appeal and these illustrative drawings on a similar basis.
4. Before determining the application, a Planning Obligation by Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) was completed on 28 February 2019. This provides for contributions to education and the provision and maintenance of on-site public open space including a Local Area of Play. I will discuss these matters below.

Main Issues

5. The main issues are:
 - the effect on the character and appearance of the area;
 - the effect on non-designated heritage assets; and

- whether there are any other material considerations, including the housing land supply position and the benefits of the proposal, which would mean that the proposal should be determined otherwise than in accordance with the development plan.

Reasons

Character and appearance

6. The appeal site represents an area of open land immediately to the north of part of the A259 Bognor Regis Relief Road (the BRRR). It lies to the south and west of Hoe Lane, which is a cul-de-sac off a roundabout on the BRRR that provides access to the hamlet of Flansham. To the south of the BRRR is recent and extensive residential development at Felpham.
7. Flansham consists of 55 dwellings including what were two farms. Some of the farm buildings have been converted to dwellings and commercial units. A third farm, Rookery Farm, lies a short distance to the east of the main area. From the evidence and oral discussions at the Hearing it is clear that the hamlet of Flansham grew up around the two historic farmsteads with linear development along Hoe Lane in more recent times including in the twentieth century. Properties have been and continue to be extended.
8. There is currently an access to the appeal site off Hoe Lane a short distance from the BRRR roundabout. As well as providing access to the appeal site it also provides access to two dwellings, Bonhams and Flints. The access diverges a short distance into the site to Bonhams, but that to Flints crosses the northern part of the appeal site to that property which is located outside and to the northwest of the appeal site.
9. To the west of the appeal site is a public footpath. From Hoe Lane this passes between Bonhams and Flints and Jem House further to the west in its own corridor. Beyond this the footpath crosses a field before joining a tarmacked way with a crossing of the BRRR.
10. To the south of the appeal site and to the north of the BRRR is a strip of land. From the BRRR moving north there is a linear earthen mound or 'bund' which has a fence on top and has been planted across its whole extent. Beyond this are two consecutive linear ditches. To the southwest of the appeal site there is a short section of tarmac which I was advised allows for maintenance access to the ditches. There is no barrier at the western end and it is clear that informal access has been made between the ditches and the bund, although there is no egress at the eastern end. However, there is a barred gate at that eastern end which can be climbed. There is a similar bund on the southern side of the BRRR.
11. My overall impression, as the appellant accepted, is that the bunds provide a visual screen and barrier between the hamlet of Flansham and the main settlement of Felpham. However, there is a visual connection from outside the appeal site on Hoe Lane towards the built development at Felpham as the recent development there could be seen across the roundabout, and it was also possible to see roofs of properties to the south of the BRRR from this point. As the vegetation on the bunds matures the roofs of properties to the south of the BRRR will become less prominent.

12. The appeal site lies outside any built up area as shown on the policies map of the Arun Local Plan 2011 – 2031 (the ALP) which was adopted in July 2018. Policy C SP1 of the ALP indicates that outside Built-up Area Boundaries (BUABs) land will be defined as countryside and will be recognised for its intrinsic character and beauty. This policy also sets out the categories of development which will be permitted in the countryside but this does not include residential development of the type here proposed.
13. The appeal site lies in the parish of Yapton and is subject to the Yapton Neighbourhood Plan (the YNP) which was made in November 2014. Policy BB1 of the YNP states that development outside of the BUAB will not be permitted unless it is in accordance with one of four criteria. The third of these is where the development relates to additional allocations for housing land in accordance with Policy H1 of that plan. Policy H1 provides for allocations under Policies SA1 and SA2 of the YNP and for infill development within the built up area. The proposal does not comply with these categories. Policy H1 also permits additional allocations if the (then) emerging ALP requires such action or the identified sites do not proceed.
14. For reasons set out below, it is necessary to examine the degree of harm to the character and appearance of the area. It is therefore appropriate to consider the illustrative layout. All parties agree and accept that this is illustrative and the appellant indicated that alternative layouts based on a farmstead layout and typology may be used. However, whatever layout and design were to be proposed, the buildings, along with the associated private gardens and circulation space, would cover a considerable portion of the site.
15. The Council was concerned that this would be out of keeping with the character of Flansham, made up of farmstead developments and linear development along Hoe Lane. Because the developed area of the site would be in depth it would not follow the linear pattern of development along Hoe Lane. If designed as a farmstead this would better reflect the more in-depth development of the two farmsteads, but I am not satisfied that the number and extensive nature of the proposed ten dwellings would necessarily be able to be delivered in a farmstead typology characteristic and forming part of Flansham; as the application form makes it clear that the proposal is for two 3-bedroom and eight 4-bedroom or more dwellings. Rather, I consider it would be viewed as a separate enclave of development made up of the proposal and Flints.
16. Local residents were also concerned that the proposal would have the effect of linking Flansham and Felpham. Currently travelling along this section of the BRRR there is a difference between the developed urban Felpham to the south and the distinctly more rural Flansham to the north. The BRRR and bunds on either side clearly mark in linear terms this change in character. Apart from along the section of Hoe Lane closest to the roundabout there is little visual linkage between the two settlements at present.
17. However, if the appeal site were to be developed it would be inevitable that there would be visual linkages across the BRRR as there was no suggestion that the site would be only developed in single storey form. While the vegetation on the bunds would help screen the development on the appeal site to some extent the development of the site would significantly and demonstrably harmfully change the difference in characters between the two settlements. There would be the linking of the two settlements significantly and

demonstrably harmful to the character of Flansham as a separate hamlet. Restricting the development to single storey form would be out of character with the nature of development in Flansham which consists principally of houses and converted farm buildings.

18. As noted above, there is a footpath to the west of the appeal site. From the section running through the field, currently the appeal site is partially screened by what appeared to be brambles and some other intermittent vegetation, including some trees protected by a Tree Preservation Order. Whatever the layout on the appeal site the proposal would be seen from this section of footpath and it would remove the sense of leaving Flansham in walking south out of the corridor, past Flints, through the countryside in the field and arriving at the BRRR and the development at Felpham, and vice versa in walking north.
19. The appellant made the point that the site has been identified as "deliverable" in the Council's Housing and Economic Land Availability Assessment (the HELAA). This noted that the site was considered suitable in principle for future housing potential because of accessibility to facilities, job opportunities and public transport and because there are no insurmountable constraints. This showed a total yield of 39 dwellings, which would result in a more intensive form of development than the appeal proposal.
20. However, as the national Planning Practice Guidance (the PPG) makes clear¹ "the assessment does not in itself determine whether a site should be allocated for development. It is the role of the assessment to provide information on the range of sites which are available to meet the local authority's ... requirements, but it is for the development plan itself to determine which of those sites are the most suitable to meet those requirements". It is therefore clear that the HELAA relates predominantly to the plan making process rather than decision making and I therefore give the HELAA assessment little weight in the determination of this appeal.
21. The Council has referred to a number of other development plan policies where it considers there would be conflict. Policy D DM1 of the ALP deals with aspects of form and design quality which predominantly would be material at any reserved matters stage. However, it does indicate that regard should be had to character by making the best possible use of the available land by reflecting or improving the character of the site and the surrounding area. Insofar as it is material at this outline stage the proposal would be contrary to this policy for the reasons explored above.
22. Policy D SP1 of the ALP relates to design and again would be mostly material to any application for approval of reserved matters. However, the policy also requires that development should reflect the characteristics of the site and local layout in relation to various characteristics. In similar way the proposal would be contrary to this policy.
23. Policy QE DM2 deals with light pollution to ensure that development results in no adverse impact on the wider landscape. Given that the BRRR is lit in this vicinity I am satisfied that a condition could be imposed to ensure that any lighting scheme did not result in any such adverse impact. Consequently, there would be compliance with this policy and compliance with paragraph 170 of the National Planning Policy Framework (the Framework) relating to light pollution.

¹ Reference ID: 3-001-20190722

24. By providing for residential development the proposals would be contrary to the terms of Policies C SP1, D SP1 and D DM1 of the ALP and Policy BB1 of the YNP. It would significantly and demonstrably harmfully change the existing character of the appeal site turning it into an urban area, linking Felpham and Flansham and would not satisfactorily recognise and respond to the intrinsic character of the countryside. It would therefore be contrary to paragraph 170 of the Framework which indicates that planning decisions should recognise the intrinsic character and beauty of the countryside.

Historic environment

25. The Council considered that the appeal proposal would harmfully affect two non-designated heritage assets, Bonhams and the hamlet of Flansham itself. Neither of these are identified in any document as being such an asset, and there was a dispute over whether they should be considered as non-designated heritage assets.
26. The PPG indicates² that it is important that all non-designated heritage assets are clearly identified as such. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets. The PPG continues that local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations.
27. Bonhams was previously a listed building but was delisted in 2013 as it had been remodelled and much altered so that its architectural interest had been eroded. It must be remembered that the delisting relates to its national architectural and historic interest rather than any local interest. At the hearing the Council explained that while it did have a local list this has not been updated since 2005. The significance of Bonhams derives from its original date (seventeenth and eighteenth centuries, although remodelled in the 1930s and presumably after the building was originally listed) and the origins of the building in relation to the hamlet of Flansham. As the delisting of Bonhams post-dates the adoption of the local list it seems to me to be reasonable to consider Bonhams as a non-designated heritage asset as the reasons for its delisting do not detract from its local significance.
28. A representative of the Flansham Residents Association explained that it had been in contact with the Council to seek to have the hamlet designated as a Conservation Area and that discussions were positive. However, no decisions had been made as to whether it would meet the criteria for such an area set out in section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), or the extent of such an area. It was not clear as to whether any Conservation Area would include the appeal site or, if not, what proximity it might have to the appeal site so a judgement could be formed as to whether development of the appeal site may affect the setting of any Conservation Area and, if so, to what extent.
29. The appellant referred to Policy HER DM4 of the ALP which deals with Areas of Character on the basis that these could be considered to be as some sort of precursor to Conservation Areas. Flansham is not an Area of Character as identified on the policies map. It seems to me that the criteria for identification

² Reference ID: 18a-040-20190723

of an Area of Character are somewhat different to those for designation as a Conservation Area. Consequently, I do not find this material.

30. As the PPG states³ plan-making bodies should make clear and provide up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. In this regard I was not directed to any information in the public domain that Flansham is being considered as a Conservation Area. Consequently, particularly as the extent of any area which may be of special architectural or historic interest has not been made clear by the Council or local residents and the early stage in the process towards possible designation, I do not consider that it is appropriate to consider the hamlet of Flansham as a non-designated heritage asset at this time.
31. Turning next to the effect of the proposal on Bonhams as a non-designated heritage asset, the parties agreed that any effects would only be on its setting. Bonhams is set in the northern part of its site with extensive grounds to the east and south. The appellant sought to show that the grounds around Bonhams had expanded over the years, but it seems to me that the current formal area surrounded by the tree belt and fencing forms its curtilage and the setting would be outside this area and thus would include the appeal site.
32. The setting of a heritage asset is the area in which it is experienced. As the PPG indicates⁴ the extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. It continues "although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places".
33. In this case, depending on the precise disposition of any buildings, upper storeys and roofs of the proposed development would be able to be seen over the boundary fence and through the canopies of the trees. This would be greater in winter when the leaves have fallen. No historic relationship between the appeal site and Bonhams has been demonstrated, and normal residential use of the appeal site would have negligible effect in terms of other environmental factors. While there would be some harm to the setting of Bonhams and thus its significance as a non-designated heritage asset from the visual effect of the proposal and other environmental factors this would be very limited and at the lower end of less than substantial harm.
34. As paragraph 193 of the Framework makes clear, great weight should be given to the heritage asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 197 goes on to indicate that the effect of an application on a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of the any harm or loss and the significance of the asset. I will consider this further in the planning balance below.

³ Reference ID: 18a-040-20190723

⁴ Reference ID: 18a-013-20190723

35. Policy HER DM2 of the ALP deals with locally listed buildings or structures of character. While this sets out criteria for determining whether a building should be considered locally listed it is for the Council to determine whether a building or structure should fall on that local list. Unless and until it does through a formal decision it cannot be considered to be on that local list. Consequently, the remainder of the policy which deals with the assessment of applications which relate to Locally Listed Buildings or Structures of Character cannot be applicable.
36. However, Policy HER SP1 of the ALP does state that non-designated heritage assets and their settings will need to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment and that development likely to prejudice this, including settings, will be refused. In this regard the proposal would be contrary to this policy.

Housing Land Supply

37. The Council has confirmed that it cannot demonstrate a five year supply of land for housing (5YHLS). However, there is a dispute between the main parties as to the extent of that shortfall with the Council believing it can demonstrate 3.7 years supply but the appellant only 2.8 years supply. As the difference between these two figures would be material in assessing the final planning balance it is necessary to explore this further.
38. The Council published its latest Annual Monitoring Report in December 2019 and it was agreed that the base date for the consideration should be 1 April 2019. There was also agreement as to the number of dwellings that had been completed since the base date of 1 April 2011, and that the buffer to be utilised in accordance with paragraph 73 of the Framework should be 20%. There was agreement as to certain elements of the supply side of the equation relating to commitments on small sites, windfalls, Neighbourhood Plan allocations and deliverable HELAA sites within Built-up Area boundaries. I have no reason to dispute these agreements.
39. The differences between the parties related to the quantum of housing to be delivered in the period 2016/17 to 2020/21 and the extent to which some commitments on large sites and strategic site allocations can be considered to be deliverable utilising the definition in the Glossary to the Framework.
40. Policy H SP1 of the ALP sets out the housing requirement for the plan period of 2011 to 2031. As the ALP was recently adopted there is no need to go outside the plan for the housing requirement figure. This indicates that during this period at least 20,000 new homes will be delivered. However, this is phased over four periods, 2011/12 to 2015/16, 2016/17 to 2020/21, 2021/22 to 2025/26, and 2026/27 to 2030/31, with each period having a different requirement per annum for that period.
41. As originally adopted by the Council in July 2018 the Local Plan indicated that 930 dwellings per annum (dpa) were required for the period 2016/17 to 2020/21⁵. However, as noted on the Council's website "Since the Local Plan Adoption date, a minor error was identified in Policy H SP1 'The Housing Requirement' for the Dwellings per annum for the 5 year period 2016/17-2020/21. This states 930 but should be 1,120. This amendment has been made

⁵ There was also a typographic error in that the last year of the period was given as "2021/2021".

as a factual change which does not materially affect the policies in accordance with section 23 (2) (b) of the Planning and Compulsory Purchase Act 2004 and under delegated authority in accordance with the Council's resolution in adopting the plan".

42. The latest published version of the ALP provided to me at the Hearing shows that for the period 2016/17-2020/21 1,120 dpa are required. Notwithstanding this, the Council noted that the graph showing "Net Actual Completions and projected completions" and the "Annualised Requirement" at Picture 12.1 of the ALP shows for the period 2016/17-2020/21 an annualised requirement of 930 dwellings.
43. The Council sought to maintain that the 930 dpa was, in fact, correct. It sought to justify this by referring to documentation provided to the Local Plan Examination in the 'Housing Implementation Strategy (March 2017)' and 'Update to Publication Plan and Housing Implementation Strategy – Housing Land Supply tables and charts updated with 2017 data (September 2017)'. It also noted a difference between the whole plan target, 20,000 dwellings, and the individual delivery figures and that if all the net actual and projected completions shown in Picture 12.1 are added together then this would total 20,768 dwellings.
44. It seems to me that once adopted a Local Plan should be capable of being read without reference to extrinsic material, but if there is an ambiguity then it may be possible, if necessary, to look at external evidence to resolve that ambiguity. I do accept that there is an ambiguity between the annualised requirements for the period 2016/17 and 2020/21 set out in Policy H SP1 and that shown in Picture 12.1, but I am of the view that the correct figure should be 1,120 dpa.
45. I have come to this conclusion for the following reasons. Firstly, if there is an ambiguity between the text of an adopted policy and its explanatory text then it should be resolved in favour of the adopted policy as the supporting text cannot add to policy. Secondly, if each of the totals for the four periods are added together, which includes the five years 2016/17 to 2020/21 at 1,120 dpa, then they total 20,000; if these five years were at 930 dpa this would only total 19,050. Thirdly, it is clear that the overall housing requirement is "at least 20,000 new homes". This is reinforced by the 20,768 dwellings total of completions in Picture 12.1 showing, as the Council phrased it, "wriggle room". I therefore conclude that there is no need to refer to external evidence to resolve the ambiguity within the plan itself.
46. The next dispute relates to the commitments figure for larger sites. The difference between the parties, of 92 dwellings⁶, relating to those sites where planning permission has been granted since 1 April 2019; the appellant taking the view that permissions granted after that date should not be included. It seems to me that a base date for the calculation should be just that and planning permissions granted after that date should not be included for the purposes of the calculation. However, that being the case, those sites should be considered as part of the steps that the Council is taking to reduce the deficit and included in the final conclusion.

⁶ A total of 102 dwellings have been granted planning permission, but this has been discounted by 10% for a 'lapse' rate. This was agreed by both main parties.

47. Finally, there is a dispute as to whether dwellings from four Strategic Allocation sites should be considered to be deliverable. It was agreed that to be shown to be deliverable they needed to fall within sub-paragraph b) of the definition of "deliverable" in the Glossary in the Framework. This states: "where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years".
48. In all cases the Council were of the view that, following discussions with the relevant developers, landowners and site promoters, there is a reasonable prospect that the sites will be available and could viably be developed at the point envisaged. However, this view was not supported by any evidence, for example agreed notes of meetings, exchanges of emails, or the like. Consequently, in my view, there was nothing in front of the Hearing to represent evidence that housing completions will begin within five years on the sites in question. I therefore conclude on the evidence in front of me that none of these sites can be considered to be deliverable.
49. That being the case I conclude in the main that the appellant's estimate of the extent of the 5YHLS that could be demonstrated was broadly correct, although this should be tempered by including consideration of the 92 dwellings that have subsequently been granted planning permission. This would have the effect of adding approximately 0.1 years supply. This would mean that the Council was able to demonstrate a supply of approximately 2.9 years.
50. Having identified the extent of the shortfall in land supply, it is next necessary to look at any other considerations which will affect the weight to be given to that shortfall. The first matter to be considered is how long the deficit is likely to persist. Even if the shortfall had been only to the extent postulated by the Council, the Council was unable to give a date by when it believed that the shortfall would be resolved. As I have concluded that the position is in fact less good than that, I therefore can only conclude that the shortfall is likely to continue for a considerable period.
51. The December 2019 Annual Monitoring Report was not the first time that the Council considered it could not deliver a 5YHLS having previously identified a deficiency in the 2018 Annual Monitoring Report which was published in June 2019. It has therefore published an Action Plan in line with paragraph 75 of the Framework. This has identified a number of actions to try to boost housing delivery. As this has only been in place for a short period of time it is not yet possible to know how effective this will be.
52. Finally, it must be acknowledged that this proposal would only bring forward 10 new dwellings which is only a small percentage of the shortfall. This is not to decry this contribution, since as paragraph 68 of the Framework states, small and medium size sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.

Benefits

53. The appellant identified various benefits of the development under the headings of economic, social and environmental in line with the three objectives set out in paragraph 8 of the Framework. At the Hearing there was

discussions about the weight should be given to the respective components, although, clearly, they are mutually supportive.

54. The appellant, as a medium sized builder, emphasised the economic benefits of the construction period including allowing for a linear build programme for the company. I do take this into account, but as the effects of this development would only be temporary while construction is taking place, I give them moderate weight. I do, however, give significant weight to the local expenditure which would flow from the long-term occupation of the dwellings.
55. The appellant also emphasised the benefits of the New Homes Bonus and Council Tax, with the view that the latter would more than provide for the local government services associated from the occupation due to their size and thus Council Tax Band. The PPG makes it clear⁷ that whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. The PPG also makes clear it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.
56. As there was no evidence in front of me in which the scheme would be made to be more acceptable by the New Homes Bonus, I give this contribution only limited additional beneficial weight as it would be a general benefit rather than relating to the specific proposal. Any revenue received above the costs associated with Council Tax taken in the round would be minimal and for the reasons given above I give this no additional weight.
57. The Council sought to show that there would be adverse economic effects associated with the development, particularly the loss of Grade 1 agricultural land, the effect on childminders walking children along Hoe Lane, on the Flansham Business Centre and to farm traffic from additional traffic on Hoe Lane. I will discuss the highway implications below but I consider that due to the numbers of proposed dwellings and the proximity to the roundabout that the detrimental economic effects of additional traffic would be very limited. It has not been demonstrated that the loss of this quantum of the best and most versatile agricultural land would have a significant effect on local farming enterprises and consequently I give this very limited weight.
58. From a social perspective, the addition of ten dwellings should be given significant weight. However, I give the provision of the additional public open space and Local Area of Play only very limited weight due to its small size, that it would be principally used by those living on the site, and it has not been demonstrated that this would be provided to resolve any existing shortfall of provision in the area.
59. It has been demonstrated that the site is well located in relation to various facilities which means that the site would be accessible and could be accessed by a range of transport modes. I give this benefit moderate weight. I give the environmental enhancements from additional landscaping very limited weight as these relate predominantly to private gardens and cannot reasonably be secured for the long term.

⁷ Reference ID: 21b-011-20140612

Other matters

60. As noted above a Planning Obligation has been completed that would make contributions towards education, primary, secondary and sixth form, and the provision and maintenance of public open space and a Local Area of Play. In each case I am satisfied that the Obligation meets the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and complies with the tests set out in paragraph 56 of the Framework. Because they are to ensure that effects of the development are mitigated I consider them to be neutral in the final balance.
61. Local residents were concerned about the effect of the development on highway safety, noting that Hoe Lane is of limited width particularly close to the roundabout and does not have any footways along the majority of its length. I note that the Highway Authority has no objection to the proposal subject to conditions. I am satisfied that the proposal would provide for safe and secure access to the site for all users. While the proposal would result in an increase in the number of dwellings in Flansham by approximately 20%, in numerical terms the increase in traffic would not be great or result in severe residual cumulative impacts; this is the test set out in paragraph 109 of the Framework if development is to be prevented. The vast majority of traffic would exit to the BRRR and therefore would have very little effect on those using Hoe Lane further to the northwest.
62. Concerns were also expressed about drainage in the local area and the effects of development on the local surface water drainage network known as Rifes. The Local Lead Flood Authority confirms that the area is at high risk from groundwater flooding. However, that Authority confirms that, subject to conditions, it has no objections to the proposal. Similarly, the Council's Drainage Engineer has also no objections subject to conditions. While not in any way downplaying the concerns of the local residents, I am satisfied that subject to appropriate conditions, including to ensure that surface water drainage discharge was at no greater than greenfield run-off rates, that satisfactory arrangements could be put in place to ensure that there was no increased risk of flooding either on or off site.
63. These arrangements would also ensure that there was no increase in discharge of surface water to the foul sewers to ensure that existing issues were not made worse. Other foul drainage concerns can be resolved by other legislation.

Planning Balance

64. The appeal proposal is contrary to the terms of the development plan taken as a whole in that it would represent additional residential development in a countryside area. The determination should be in accordance with the plan unless other material considerations indicate otherwise.
65. Paragraph 11 of the Framework indicates that decisions should apply a presumption in favour of sustainable development. For decision making, paragraph 11 d) states that when the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in the Framework relating to various areas or assets set out in footnote 6 applies, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed

against the policies in the Framework as a whole. None of the areas or assets set out in footnote 6 would be affected by the proposal.

66. In this case the most important policies for determining the proposal, that is Policies C SP1, D SP1, D DM1 and HER SP1 of the ALP and Policy BB 1 of the YNP, should be considered out-of-date as, in accordance with footnote 7 of the Framework, the Council cannot demonstrate a 5YHLS with the appropriate buffer. The shortfall in the land supply is very significant and is likely to continue for a considerable period. This should be given very significant weight.
67. The proposal would result in less than substantial harm to a non-designated heritage asset. However, even giving great weight to the conservation of this asset in line with paragraph 193 of the Framework, the benefits of the proposal more than outweigh this harm given the scale of the harm and the importance of the asset.
68. I have taken into account the benefits of the development as discussed above, and the Government's objective of significantly boosting the supply of homes, but have concluded that the significant and demonstrable harm to the character of Flansham by the change of the existing rural character of the appeal site to an urban area linking Felpham and Flansham is such that the proposal would not represent sustainable development and the appeal should be dismissed.

Conclusion

69. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Gareth Giles	Whaleback Ltd
Richard Dollamore	Whaleback Ltd
Edward Van der Wee	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Simon Davis	Arun District Council
Martin White	Arun District Council
Kevin Owen	Arun District Council

INTERESTED PERSONS:

Andrew Burns	Chairman, Flansham Residents Association
Stewart Wright	Local Resident and member, Flansham Residents Association
Olivia Wright	Local Resident
Rupert Longmead	Local Resident
Hugh Coster	Councillor, Arun District Council

HEARING DOCUMENTS

HD1	Report and drawings into recent application at Fieldings, Hoe Lane
HD2	List of recent decisions at Flansham
HD3	Extract from Arun District Council website relating to housing numbers
HD4	Arun Local Plan – Housing Implementation Strategy (March 2017)
HD5	Arun Local Plan – Update to Publication Plan and Housing Implementation Strategy – Housing Land Supply tables and charts updated with 2017 data (September 2017)