



Appeal Decision

Site visit made on 17 April 2024

by **Juliet Rogers BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2024

Appeal Ref: APP/C3810/W/23/3327867

Land adjacent to - Highfield House, Yapton Road, Barnham PO22 0AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr B Aslam of Orchestra (Special Projects 1) Ltd against the decision of Arun District Council.
 - The application Ref is BN/119/22/OUT.
 - The development proposed is the development of 19 dwellings with associated car parking, landscaping, drainage and open space with all matters reserved except for access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council determined the application a new version of the National Planning Policy Framework (the Framework) came into effect. The main parties have been invited to provide further comments on the new Framework. Where received I have taken them into account in my decision. I am satisfied no party would be prejudiced by determining the appeal accordingly.
3. The appeal scheme is for outline planning permission with all matters reserved for future approval except for access. Therefore, whilst not formally part of the appeal scheme, I have treated any details submitted with the appeal application relating to appearance, landscaping, layout and scale (the reserved matters) as indicative.
4. Although not referenced in the decision notice, it is clear from the Council's Officer Report that Policy C SP1 of the Local Plan¹ and Policy H8 of the BENP2² are relevant in the determination of the proposed development. Additionally, the appellant has addressed the contents of these policies in their statement. Therefore, I do not consider any party would be prejudiced with my determination of the case, taking into account these policies.

Main Issues

5. The main issues are:
 - whether the appeal site would be a suitable location for the development with regard to local planning policies; and

¹ Arun Local Plan 2011-2031 (the Local Plan)

² Barnham and Eastergate Neighbourhood Plan 2 (the BENP2)

- the effect of the development on the character and appearance of the area.

Reasons

Location

6. As the appeal site comprises land located beyond the Built-Up Area Boundaries (the BUABs) of Barnham and Eastergate, it is defined by Policy C SP1 as countryside and recognised for its intrinsic character and beauty. By directing development towards locations within the BUABs, Policy SD SP2 of the Local Plan seeks to protect the countryside and prevent the coalescence of settlements. Development in the countryside is, however, restricted to specific uses and types listed in Policy C SP1. These do not include open market or age-restricted housing.
7. Policy H8 of the BENP2 provides further restrictions on development in the countryside by only permitting developments subject to a specific policy in the BENP2 or where it can be demonstrated that it needs to be in that location. There are no specific policies in the BENP2 which relate to the appeal site and I have no substantive evidence before me which leads me to conclude that there is a need for residential development in this location.
8. Consequently, I conclude that the appeal site would not be a suitable location for the proposed development with regard to local planning policies. It conflicts with Policy C SP1 of the Local Plan and Policy H8 of the BENP which, amongst other aspects, seek to protect the countryside from what the Council considers to be inappropriate and unnecessary development.

Character and appearance

9. The intention of the BUABs also includes identifying the transition between the built form of a settlement and the surrounding countryside. Although drawn as a harsh line, the perception of where the settlement of Barnham begins or ends on the ground is less definitive due to the various areas of the existing built form located along alternate sides of Yapton Road. As concluded by another Inspector on the Walberton appeal³, albeit concerning the gap between Barnham and Eastergate, it is difficult for me to say precisely where the edge of Barnham is located.
10. Existing residential built form and associated gardens bound both sides of the appeal site, with the hedgerow and pavement alongside Yapton Road defining the site's frontage. The continuous hedgerow and the change of levels between the pavement and the site limit the visual connection between the highway and fields beyond, except for where the access gate to the site is located. However, the lack of trees and other tall features in the established hedgerow provides a sense of openness to part of the road. Whilst the linear arrangement of dwellings with limited gaps restricts views of the open countryside behind, the one and two-storey dwellings are set back from the road, further emphasising the open character.
11. From within the site and the public right of way which runs alongside the eastern site boundary, views across the adjoining open fields are possible as few features are located along the site's northern boundary. However, the lack of features and the relatively flat topography also allow views of the slightly

³ Appeal ref: APP/C3810/W/22/3309365 relating to planning application ref: WA/2/22

elevated railway line, the low-lying yet extensive glass horticultural structures and adjacent residential development beyond. These features also dominate the middle ground in the longer-distance views of the gently rolling hills of the South Downs National Park further north.

12. In combination, these built forms and natural features influence the character of the site and its immediate surroundings, resulting in the perception of neither being located within the main settlement of Barnham nor in the open countryside. Instead, when moving along the road from Barnham to Yapton, the site forms part of an area of transition with areas of built form broken by fields. Beyond the settlement and speed limit change signs, there is a greater sense of being in the countryside where taller, mature field hedges define the gently bending road corridor and the presence of built form is less evident.
13. Although not designated within a settlement gap by Policy SP3 of the Local Plan, the undeveloped nature of the appeal site is, nevertheless, an important characteristic of the transition from settlement to open countryside. The Examining Inspector's decision to remove this settlement gap within the BENP2 Submission Draft due to insufficient evidence to justify it does not imply the area is acceptable for development. Furthermore, as the site is not part of a gap in a built-up frontage with an established street scene, it does not meet the definition of infill development as set out in the Council's Design Guide.
14. There is no dispute that the proposed development would lead to 'no change' to the character of the wider landscape. However, it would have a major/moderate adverse effect on the visual environment experienced from the public right of way alongside the site. The Landscape and Visual Appraisal⁴ submitted with the planning application identifies that at year fifteen of the development, the significance would still be moderate adverse. Moreover, this change would be dependent upon new planting softening the built form and providing a separation between the dwellings and footpath.
15. Similarly, the effect on the visual environment experienced from Yapton Road would be moderate adverse at year one, falling to minor/negligible at year fifteen. As a new access will be created off Yapton Road, requiring the removal of part of the existing hedge, there would be a perceived presence of development, even if the dwellings are set back from the road and screened from view by new planting. Moreover, the introduction of tree planting on and close to the existing established boundary hedge would reduce the open character of the site.
16. I acknowledge that layout, landscaping and scale are matters reserved for later consideration and that the proposed development has evolved from the design of the dismissed Care Home appeal⁵. However, given the undeveloped characteristics of the appeal site and the change in level between it and the road, nonetheless, the proposed development would result in an adverse impact on the localised character of the area. Whilst this may reduce over time as new planting is established, the proposed development would result in the permanent loss of the open character of the site and to the detriment of the transition from settlement to open countryside.

⁴ Ref: 10117L.LVA.002 prepared by ES Landscape Planning, dated August 2022

⁵ Appeal ref: APP/C3810/W/20/3257996 relating to planning application ref: BN/128/19/OUT

17. I therefore conclude that the proposed development would harm the character and appearance of the area. It would be contrary to policies D SP1 and D DM1 of the Local Plan which require development to reflect the characteristics of the site and local area. As I have found that the proposed development would not conserve and enhance the landscape character of the area, it also conflicts with Policy ES5 of the BENP2 in this regard. It would also be contrary to the guidance set out in the Design Guide which requires rural development to integrate sensitively into its setting and to respect the character of the countryside. Additionally, the proposed development would not support the Framework's objective of conserving and enhancing the natural environment.

Other Matters

18. My attention has been drawn to two Grade II listed buildings located close by, both positioned on the opposite side of Yapton Road from the appeal site. As a result, I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard for the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses.
19. Although with a different name⁶ on its nameplate, Ivy Cottage is a modestly sized property sited immediately adjacent to the carriageway of Yapton Road, with an eastwardly facing façade. From the evidence before me and my observations during my site visit, I consider the significance/special interest of Ivy Cottage to be derived, in part, from its use of local materials, including cobbled elevations, architectural detailing and its relationship with the road. Its setting is largely defined by the walls on the road elevation which contrast with its mature garden to the rear and side boundary hedging that softens the built form.
20. As neighbouring properties are sited back from the road, combined with the existing boundary hedge along the appeal site, Ivy Cottage has a prominent position which interrupts longer-distance views along this side of the highway corridor. This prominence would not be altered as a result of the proposed development and, subject to the retention of the existing boundary hedgerow and setting back of the proposed built form, the significance/special interest of the setting of this listed building would be preserved.
21. Barnham Windmill is the other listed building close to the appeal site. Although converted into a dwelling, the significance/special interest of the windmill is, in part, derived from its original use, architectural form and its role as a local landmark. Set within a courtyard grouping of low-rise buildings, it is a prominent structure which rises above the built form and mature trees located in its surroundings. Despite this, it is experienced in primarily localised views, particularly when travelling along Yapton Road away from Barnham, drawing the eye away from the boundary to the appeal site. Whilst some change to this view would result from the proposed development, given the distance between the appeal site and the windmill with other buildings in between, the significance/special interest of the setting of the listed building would be preserved.
22. Social benefits would arise from the provision and occupation of new dwellings close to existing services and facilities, and I attach modest weight to this

⁶ Rose Cottage

public benefit. The proposed development would include a proportion of the dwellings as affordable housing. These would be secured by signed and executed Section 106 agreement provided with the appeal, had I been minded to allow the appeal. I therefore attach moderate weight to this benefit.

23. The proposed development would also provide economic benefits through the provision of jobs during the construction of the dwellings in the short term and through supporting local services, facilities and businesses in the longer term. The provision of solar panels and sedum roofs on the proposed dwellings are environmental benefits, as would the indicated enhancements to the biodiversity corridor. However, as these are not matters for me to consider as part of the appeal, I attach limited weight to each of these benefits.
24. A completed Unilateral Undertaking has been provided to secure the County Council's fee for monitoring a Travel Plan Statement for the development and does weigh in favour of the appeal scheme. However, as the preparation of a Travel Plan Statement would be required by condition had I been minded to allow the appeal, the benefits which would be derived from it are unclear and I attach limited weight to this.
25. The lack of harm from the proposed development with respect to matters relating to light pollution, ecology, highways and drainage are neutral factors in my decision.

Planning Balance

26. The Framework recognises that the countryside should be protected for its intrinsic character and beauty. Policies C SP1 and SD SP2 of the Local Plan and Policy H8 of the BENP2 seek to do this by directing development towards sites within the BUABs and I attach significant weight to the proposed development's conflict in this respect.
27. The Framework also states that development should be sympathetic to the natural landscape. Policies D SP1 and D DM1 of the Local Plan and Policy ES5 of the BENP2 broadly support the Framework in this regard. Therefore, I give the proposed development's conflict with these policies significant weight.
28. There is no disagreement between the main parties that the Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with the Framework. The evidence before me indicates that the latest position comprises 2.36 years of deliverable housing sites. In these circumstances, paragraph 11dii of the Framework states that planning permission should be granted unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework. This approach is reflected in Policy SD SP1 of the Local Plan.
29. However, the presumption in favour of development does not change the statutory status of the development plan, including a neighbourhood plan, as the starting point for decision-making. Where conflict with a neighbourhood plan has been found, paragraph 14 of the Framework further advises that the adverse impact of allowing development is likely to significantly and demonstrably outweigh the benefits, provided two criteria apply.
30. As the BENP2 became part of the development plan less than five years from the date of this decision and therefore within the threshold required by the first criterion. The evidence before me indicates that within the Barnham and

Eastergate Parish, there is an identified housing need for 75 dwellings. As land allocated within Policy H1 of the BENP2 is capable of delivering this housing need, the second criterion is also met. Therefore, the proposed development is not required to meet the housing needs in the Parish, regardless of the site's identification in the HELAA⁷.

31. The Framework affirms the Government's objective of boosting the supply of homes and therefore, the provision of additional housing in an area where a significant shortfall in deliverable housing sites exists would be a public benefit. The provision of housing for different groups in the community, such as those over the age of 55 and affordable housing which meets local needs, is an important aspect of the Framework's overarching objectives.
32. The Framework also highlights the role small and medium-sized sites, such as the appeal site, can play in meeting housing needs, particularly as they can be built out relatively quickly. Whilst the Inspector on the Barnham Station appeal⁸ gave substantial weight to the proposed development, this related to the benefits derived from a significantly larger scheme comprising up to 200 dwellings than the one before me. Therefore, I attribute moderate weight to this benefit.
33. As I have already identified, I attach limited weight to the economic and environmental benefits which would arise from the proposed development given its scale and the limited details before me.
34. I recognise that the wording in the Framework does not imply that a conflict with a neighbourhood plan will, by default, outweigh the benefits of a development. Nevertheless, I have found that the identified adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply in this case.

Conclusion

35. The proposed development conflicts with the development plan as a whole and there are no material considerations, either individually or in combination, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict.
36. For the reasons identified above, the appeal is dismissed.

Juliet Rogers

INSPECTOR

⁷ Housing and Economic Land Availability Assessment (HELAA)

⁸ Appeal ref: APP/C3810/W/21/3273087 relating to planning application ref: BN/142/20/OUT