The Planning Inspectorate

Appeal Decision

Hearing held on 12 January 2011
Site visit made on 12 January 2011

by Olivia Spencer BA BSc DipArch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 February 2011

Appeal Ref: APP/Y3805/A/10/2136882
Former West Street Nursery, land west of Church Lane, Sompting Village, Worthing, West Sussex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Robert Hill against the decision of Adur District Council.
- The application Ref ADC/0006/10, dated 6 January 2010, was refused by notice dated 31 March 2010.
- The development proposed is a residential development of 14no. detached dwellings, an access road and restoration of existing boundary walls.

Decision

1. I dismiss the appeal.

Preliminary matters

2. The appellant has submitted a Section 106 unilateral undertaking to make contributions towards sustainable transport improvements and the Fire and Rescue Service.

Main Issues

3. The main issues are firstly, the effect of the proposed development on the character and appearance of the countryside and of the Sompting Conservation Area and secondly, the effect on highway safety and the free flow of traffic through the village.

Reasons

Character and appearance

4. Saved Policies AC1 and AG1 of the Adur District Local Plan (LP) 1996 reflect Government policy in *Planning Policy Statement (PPS) 7: Sustainable Development in Rural Areas* in seeking to restrict new development in the open countryside away from existing settlements or outside areas allocated for development in order to protect the countryside for its intrinsic character and beauty.

5. LP Policy AG1 goes further in stating that there will be an even stronger presumption against development in certain particularly sensitive areas of the countryside including those referred to in LP Policy AC4 which relates to defined Strategic Gaps. The South East Plan (SEP) 2009 makes no provision for

strategic gap designations and this, the Council states, weakens Policy AC4. The weight I give to Policy AC4 is therefore limited. Nevertheless insofar as Local Plan policies referred to above reflect the thrust of Government policy for sustainable development in rural areas set out in PPS7 I accord them substantial weight.

6. The village of Sompting lies between Worthing and Lancing outside any defined built-up area boundary. It is surrounded by fields, trees and scrub. The appeal site which was formerly a nursery is enclosed behind high flint walls but is for the most part now used for horse grazing. An area of dilapidated glass houses in the southern portion of the site is covered in dense vegetation and does not appear at odds with, nor does it detract from, the verdant character of the countryside setting of the village.

7. The proposed dwellings would lie behind existing housing on West Street and Church Lane and would not thus conform to, or sit within the established and characteristic pattern of linear development along these roads. Further, whilst the proposed houses would be confined to the southern half of the site, the domestic gardens of the houses would extend to the northern boundary, into an area currently used for horse grazing substantially beyond the existing built up area of the village.

8. The site is enclosed by high walls and these limit views into it. Nevertheless, from the A27 roofs and at night light from the development would be visible. The area within the walls would as a result appear inhabited and no longer part of the countryside. From West Street houses, cars and cultivated front gardens would be seen along the access road. And whilst the proposed buildings would not be readily visible from Church Lane, the access road, fencing, gardens and the domestic activity and paraphernalia that would be visible from the entrance would clearly distinguish the site from the surrounding rural landscape. I consider the proposed development would thus detract from the rural agricultural character of the countryside.

9. The site lies within the Sompting Conservation Area which comprises 2 parts separated by the A27. The southern portion which includes the site is characterised by linear development of varied form and age along West Street and Church Lane, and by high flint walls originally constructed in the 19th century to protect market garden crops from high winds. The walls have historic significance for the community as well as contributing positively to the setting and the distinctive character of the village. The Conservation Area designation report identifies these walls as having townscape value.

10. The proposed development would include restoration of the walls enclosing the site which I noted at my site visit are in places cracked and leaning and are generally suffering from erosion of the mortar and exposure of the flints. However, the central internal wall would be demolished. Further with the exception of the dwelling on plot 1 which would incorporate the Hermitage barn, the development would comprise houses built to a limited range of plan forms and designs. They would be clad in traditional local materials but the repetitive form and the proposed pattern of development; that of detached houses with a garage to one side and forecourt parking closely grouped along a meandering road would be more akin to that typically found in suburban areas than in rural villages. Such development would be at odds both with the rural and linear character of existing development in the village and with the

character of the flint walls which have historically enclosed areas separate from the residential plots.

11. A considerable quantity of broken glass and in places quite substantial structural elements remain on that part of the site where the former glass houses were sited. Its return to horticultural or agricultural use would not therefore be easily achieved. Nevertheless as I note above, it is pleasantly overgrown and does not detract from the character and appearance of the site. Even if considered previously developed land for the purposes of PPS 3 national guidance makes clear that more efficient use of land should go hand in hand with enhancement of the local environment not at the expense of it as I consider would be the case here for the reasons set out above. Further, notwithstanding the appellant's criticisms of the Council's Urban Fringe Study 2006 I have seen no firm evidence to indicate that the Council's assertion that there is an identified 5 year supply of housing sites within the district is unfounded. The planning advantages in these terms of redeveloping the site with housing are not therefore in my view compelling.

12. Repair and future maintenance of the flint walls would be a benefit of the proposal. However when considered in proportion to the very modest size of the village and the limited width of the strip of countryside remaining between Worthing and Lancing, this relatively large development would have a considerable impact into the character of the village and amount to a substantial encroachment on the countryside. The benefit of repair of the flint walls would not I consider on balance be sufficient in these circumstances to outweigh harm to the character and appearance of the Conservation Area and the countryside resulting from construction and occupation of the proposed 14 houses.

13. I conclude therefore that the proposed development would detract from the character and appearance of the countryside and fail to preserve the character and appearance of the Sompting Conservation Area contrary to LP Policies AC1, AG1 and AB4.

Highway safety and the free flow of traffic

14. Local residents have expressed concern that traffic generated by the proposed development would add to existing congestion in West Street. However the Highway Authority has not disputed the trip rate given in the Transport Assessment and on this basis I have no reason to disagree with the conclusion that the proposed development the will have no significant impact on traffic flows.

15. I am concerned that parking spaces would be displaced from the existing lay-by into the site away from housing and facilities in West Street. West Street is narrow and parking opportunities are limited. The proposed spaces adjacent to plot 7 would not be readily apparent to visitors and those who knew they were there would have to enter the site from Church Lane and come back round towards West Street in order to find out if any were available. Whilst a system of parking space allocation could be put in place which may address this last point, I consider facilities for short term visitor parking in West Street would effectively be reduced. Given the narrowness of the street I consider this could result in disruption to traffic flows as drivers search for spaces and manoeuvre into less easily accessible parking spaces elsewhere on West Street. Nevertheless in view of the small number of parking spaces affected I do not consider this on its own would justify dismissing the appeal. A lack of

significant harm in this respect is not sufficient however to outweigh the considerations that led to my conclusion on the first main issue.

Other considerations

16. I note that the appellant has worked with Council officers over a considerable period of time to develop the scheme. However whilst I understand his disappointment that it was not recommend for approval, my decision is based on the planning merits of the proposal before me.

Section 106 unilateral undertaking

17. The Council considered it questionable that the proposal would lead to more traffic in the eastern part of West Street and thus whether a contribution to works there would be necessary. It seemed unsure also whether improvements to bus stops are justified. And notwithstanding the statement from the County Council regarding the extent of Fire and Rescue Service coverage across the North and South Division, the District Council's view expressed at the hearing, was that no works or improvements other than a roof ladder training rig was proposed within a reasonable distance of the site. In the absence therefore of any tangible evidence to demonstrate that the contributions requested would be directly related to the development proposed I have not taken the submitted unilateral undertaking into account in reaching my decision.

Conclusion

18. For the reasons given and having regard to all other matters raised I conclude that the appeal should be dismissed.

Olivia Spencer

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr J Lavender BSc MRTPI	Agent for the appellant
Dr M Bell MA MRTPI FRAgS MIEnvS AIAgMgt	
Mr R Hill	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr K Morgan BSc (Hons) DipTP MRTPI	Planning Services Manager
Mr D Simmons	County Councillor
Mr B Boggis	Ward District Councillor
Mr C Albury	Ward District Councillor

INTERESTED PERSONS:

Mr M Howard	Save Sompting Campaign Local resident
Rev. E Howard	Vicar of Sompting
Mr M Wibrew	Local resident
Mr M Kendall	Local resident
Mr C Head	Local resident
Ms Y Scholes	Local resident
Mr G Johnson	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

1 Stage 1 Road Safety Audit submitted by the appellant