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**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPULSORY PURCHASE ACT 2004)**

SECTION 78 APPEAL

**STATEMENT OF CASE ON BEHALF
OF THE APPELLANT**

APPELLANT: MS. FIONA SAYERS

**APPEAL SITE : 94 MARINE CRESCENT, GORING-BY-SEA,
WORTHING, BN12 4JH**

LPA REF : AWDM/1520/25

OUR REF : B2905/2026

DATE OF REFUSAL : 2 FEBRUARY 2026

DATE OF APPEAL : May 2026

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ENCLOSURES

- **Appendix A** – Sequential Test (this document).
- **Appendix B** – Site Photographs (this document): Views of the proposed plot, back garden, surrounding streetscene and local comparators, April 2026 [additional photographs to be inserted prior to submission].
- **Appendix C** – Planning Precedent: Appeal Decision APP/Q1445/W/22/3291040, 91 Lustrells Crescent, Saltdean, Brighton BN2 8FL (28 July 2022), Inspector D Cramond BSc MRTPI. Allowed on appeal against refusal on grounds of character, appearance and amenity for a 2-bedroom detached bungalow on a garden subdivision at a road junction in coastal Sussex.
- **Appendix D** – Council's Decision Notice dated 2 February 2026.
- **Appendix E** – Planning Application Form and Full Plans (drawing nos. 1106_001, 1106_101, 1106_102, 1106_201, 1106_202, 1106_300, 1106_301A, 1106_401).
- **Appendix F** – Environment Agency Consultation Response (no objection) dated 24 December 2025.
- **Appendix G** – WSP Drainage Consultant Response (no objection) dated 18 December 2025.
- **Appendix H** – West Sussex County Council Highways Response (no objection) dated 19 December 2025.
- **Appendix I** – Adur & Worthing Councils Environmental Health Response (no adverse comments) dated 12 December 2025.
- **Appendix J** – Flood Risk Assessment, ref. 73436 V1.0 (September 2025).

1. INTRODUCTION

- 1.1** Worthing Borough Council ('the Council') refused planning permission at 94 Marine Crescent, Goring-by-Sea, Worthing, BN12 4JH for the subdivision of an existing dwelling plot to provide a 2-bedroom chalet bungalow style detached house in the rear garden, with parking accessed off St John's Avenue. The application was registered on 8 December 2025 under reference AWDM/1520/25, and planning permission was refused by Decision Notice dated 2 February 2026.
- 1.2** This Statement of Case is submitted on behalf of the Appellant, Lyondale. It sets out the grounds of appeal against each of the four reasons for refusal and demonstrates — with reference to relevant development plan policies and all other material considerations — that planning permission should be granted.
- 1.3** The reasons for refusal stated in the Council's Decision Notice are:

"01. The proposed development of this constrained site would represent an overly cramped and unsympathetic form of infill development that would be anomalous and visually discordant within the street scene and harmful to existing local character and distinctiveness contrary to policy DM5 of the Worthing Local Plan, the Council's SPD 'A Guide to Residential Development' and the NPPF."

"02. By reason of its height, scale, massing, form, orientation and design, the proposed dwelling would have an unacceptably harmful impact on the residential amenities of neighbouring dwellings contrary to policy DM5 of the Worthing Local Plan and the NPPF."

"03. In the absence of a completed sequential test the Local Planning Authority cannot be satisfied that alternative sites at a lower risk of flooding that would meet the development need are not reasonably available. The development is therefore contrary to policy DM20 of the Worthing Local Plan and the NPPF."

"04. In the absence of a S106 unilateral undertaking to secure a self-build/custom-built development, the Planning Authority cannot be satisfied that the development is exempt from providing biodiversity net gain as set out in the Biodiversity Gain Requirements (Exemptions) Regulations (2024) and as such is contrary to the provisions for biodiversity net gain required under Schedule 7A of the Town and Country Planning Act 1990."

- 1.4** The Appellant submits that none of these reasons are well-founded. The Sequential Test addressing Reason 3 is at Appendix A. Current site photographs at Appendix B directly contradict the Council's characterisation of the site as constrained. A planning precedent of the highest relevance is at Appendix C: Appeal Decision APP/Q1445/W/22/3291040 (91 Lustrells Crescent, Saltdean, Brighton), a Section 78 appeal allowed on 28 July 2022 by Inspector D Cramond BSc MRTPI, in which an almost identical proposal — a

2-bedroom detached bungalow on a garden subdivision at a coastal Sussex road junction — was allowed against refusal on identical grounds of character, cramped appearance and residential amenity. That appeal was conducted on behalf of the Appellant, Lyondale. The Appellant confirms readiness to enter into a S106 Unilateral Undertaking to address Reason 4.

2. SITE LOCATION AND DESCRIPTION

- 2.1 The appeal site is situated at 94 Marine Crescent, Goring-by-Sea, Worthing, West Sussex, BN12 4JH. The property occupies a generous corner plot at the junction of Marine Crescent and St John's Avenue, in the coastal suburb of Goring-by-Sea, facing the sea.
- 2.2 The existing property is a substantial house with large gardens to the north, west and south, and a generous area of hardstanding and parking to the south. The overall plot is significantly larger than those of the surrounding properties, making it one of the most spacious residential curtilages in the immediate vicinity.
- 2.3 The application proposes to section off a 227 sq m parcel from the northern part of the curtilage to form a new self-contained building plot. The new site would have direct access to St John's Avenue via a new vehicular crossover. The existing dwelling at 94 Marine Crescent retains its double garage, ample parking, and a rear garden of approximately 102 sq m — exceeding the Council's minimum requirement of 100 sq m.
- 2.4 Current site photographs (Appendix B) were taken in April 2026 and show the proposed plot as viewed from St John's Avenue. Images 1 and 2 show the generous expanse of garden land comprising the proposed plot, bounded to the east by the boundary wall and an established line of mature shrubs. Image 3 shows the wider street context of the coastal road at Marine Crescent, illustrating the open, low-density character of the area. These photographs are important evidence in relation to Refusal Reason 1: they demonstrate plainly that the proposed plot is not 'constrained', but is instead a spacious open parcel of land with a clear separation from neighbouring properties.
- 2.5 The surrounding streetscape on St John's Avenue is characterised by predominantly mid-to-late twentieth century bungalows and chalet bungalows at comparatively close spacings, and includes taller chalet bungalows whose gable ends are approximately 90 brick courses high. The site is on a corner plot that does not directly face any neighbouring property on Marine Crescent or Alinora Crescent. Opposite the site, on the corner of Marine Crescent and St John's Avenue directly facing the gable end of 94 Marine Crescent, stands a two-storey block of flats. The immediate context of the proposed plot therefore already includes a building substantially taller than the proposed chalet bungalow.
- 2.6 The site is sustainably located within walking distance of bus stops providing access to Worthing town centre, Brighton and Littlehampton, as confirmed by the West Sussex County Council Highways Authority.

- 2.7 The site falls within Flood Zone 3 as defined by the Environment Agency's Flood Map for Planning. A Flood Risk Assessment (FRA, ref. 73436 V1.0, dated September 2025) was submitted with the application. The Environment Agency reviewed the FRA and, by letter dated 24 December 2025, confirmed no objection subject to flood mitigation conditions, all of which are incorporated into the design.

3. THE APPEAL PROPOSAL

- 3.1 The Appellant seeks planning permission for the subdivision of the existing plot at 94 Marine Crescent to create a new building plot of approximately 150 sq m net area (227 sq m total site), upon which a 2-bedroom chalet bungalow style detached dwelling would be constructed with access and parking off St John's Avenue.
- 3.2 The proposed dwelling responds directly and positively to the constraints of the site:
- Floor levels: The building is raised 600mm above existing ground level with finished floor levels at no lower than 4.80m AOD, as required by the Environment Agency.
 - Sleeping accommodation: Both bedrooms are at first floor level within the roof space, satisfying the Environment Agency's requirement that all sleeping accommodation be at first floor level or above.
 - Electrical installations: All electrics and sockets are set no lower than 5.87m AOD.
 - Overlooking: No first floor windows on the east (rear) elevation. Rooflights to attic bedrooms at minimum 1.7m above floor level.
 - Parking: Two off-street spaces accessed via a new vehicular crossover from St John's Avenue.
 - Cycle storage: Secure and covered cycle storage incorporated within the site.
 - Biodiversity: Bird and bat boxes shown on the proposed plans to be installed on the house or in adjacent trees.
- 3.3 The gross internal floor area meets the national space standards and the Worthing Space Standards SPD (February 2012) minima for a 2-bedroom dwelling (77 sq m GIA; 50 sq m rear garden; 27 sq m living/dining/kitchen; 24 sq m sleeping; 3.75 sq m storage).
- 3.4 The design is traditional in character: exposed brickwork and a tiled roof, matching the materials of neighbouring properties, with timber cladding to the dormer. The gabled frontage echoes the gabled form of the neighbouring bungalow at 8 St Johns Avenue and provides a considered visual transition in height between the two-storey properties on Marine Crescent and the single-storey bungalows on St John's Avenue.

4. POLICY CONSIDERATIONS

The Development Plan

- 4.1 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant development plan policies are those of the Worthing Local Plan and the National Planning Policy Framework (NPPF, December 2023) as a significant material consideration.

National Planning Policy Framework (NPPF) 2023

- 4.2 Paragraph 11 of the NPPF establishes the presumption in favour of sustainable development. For decision-making, this means approving proposals that accord with an up-to-date development plan without delay; and where the plan is absent or out-of-date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits.
- 4.3 Paragraph 63 affirms that the creation of high-quality, beautiful and sustainable buildings is fundamental to what the planning process should achieve. However, the NPPF equally makes clear at paragraph 135 that design should not be used as a pretext for refusing sustainable development that would otherwise be acceptable.
- 4.4 Paragraphs 88–107 address housing delivery. Paragraph 91 requires LPAs to significantly boost housing supply. Paragraph 98 supports the efficient use of land, including infill plots and subdivision of larger plots.
- 4.5 Paragraphs 159–172 address flood risk. Paragraph 161 requires the sequential test to steer development to lower flood risk areas. Paragraph 167 confirms that where development must be in a flood risk area, it should be made safe without increasing risk elsewhere. The NPPF does not prohibit residential development in Flood Zone 3 — it requires the sequential and exceptions tests to be properly applied.
- 4.6 Paragraph 180 and Schedule 7A of the Town and Country Planning Act 1990 address biodiversity net gain. The Biodiversity Gain Requirements (Exemptions) Regulations 2024 provide a clear exemption pathway for self-build and custom-built dwellings.

Worthing Local Plan

- 4.7 Policy DM5 sets out design and amenity principles for residential development. It requires development to respect local character, scale and form, and to protect the amenity of neighbouring properties. The Appellant submits that the proposed development satisfies these criteria in full.
- 4.8 Policy DM20 addresses flood risk, requiring FRA submission and compliance with the NPPF sequential and exceptions tests. Compliance with DM20 is demonstrated by the FRA (Appendix I), the Environment Agency's no-objection response (Appendix F), and the Sequential Test at Appendix A.

- 4.9 The Council's SPD 'A Guide to Residential Development' supplements Policy DM5. The Appellant submits that the development complies with all relevant SPD guidance on plot coverage, garden sizes, separation distances and parking.

5. PLANNING CONSIDERATIONS

Refusal Reason 1: Design, Character and Streetscene

- 5.1 The Council contends that the proposal represents an 'overly cramped and unsympathetic form of infill development' that is 'anomalous and visually discordant'. The Appellant robustly contests this characterisation. Notably, there is no specific policy requirement prescribing the amount of open space that must be retained around a building in this location. Given the wealth of public open space in the immediate coastal vicinity — including the seafront, Marine Gardens and Goring Beach — any suggestion that the loss of a portion of a private residential garden causes a public amenity or spatial harm is subjective and unsupported by policy.
- 5.2 The site photographs at Appendix B directly and conclusively refute the Council's description of this as a 'constrained site'. Images 1 and 2, taken in April 2026, show the proposed plot from St John's Avenue: a spacious, open expanse of well-maintained lawn bounded by an established line of mature shrubs and a low brick wall. The plot is not constrained by any proximity to the public highway, by any overlooking from neighbouring properties, or by any physical limitation that would preclude development. On the contrary, the photographs demonstrate a generous open site with good separation from surrounding buildings. Image 4 shows the back garden of the existing dwelling at 94 Marine Crescent, demonstrating that the plot extends behind the wall and shrubbery into the enclosed rear garden — further confirming the substantial scale of the curtilage. These photographs are important evidence in relation to Refusal Reason 1: they demonstrate plainly that the proposed plot is not 'constrained', but is instead a spacious open parcel of land with a clear separation from neighbouring properties.
- 5.3 Image 3 shows the wider Marine Crescent streetscene, illustrating the open, low-density coastal character of the area. The properties visible — including the white rendered house prominently in view — are of varied form, scale and setback. This is emphatically not an area where an additional modest bungalow would be anomalous or discordant.
- 5.4 The site is a substantial corner plot — one of the largest residential curtilages in the immediate area. The proposed plot of 227 sq m is generous by any standard, and the resulting net building plot of 150 sq m substantially exceeds the minimum 77 sq m GIA required for a 2-bedroom dwelling under the Worthing Space Standards SPD.
- 5.5 The Design & Access Statement contains a detailed contextual analysis supported by photographic evidence. The surrounding streetscape on St John's Avenue is already characterised by bungalows and chalet bungalows built at comparatively close spacings, but — critically — St John's Avenue comprises a wide range of dwelling types, heights and designs. There is no single standard

design response in this street. The additional photographs provided by the Appellant (Appendix B, Images 5–8) illustrate this variety directly: they show the differing heights of the chalet bungalows on St John's Avenue; the staggered building line of dwellings on the east side of St John's Avenue, demonstrating that the proposed dwelling would 'bookend' the building line in an entirely characteristic manner; and examples of dwellings locally where new builds and recently redeveloped properties extend into garden space, reducing the separation between them and their neighbours. Additional photographs of new developments in Worthing that depart markedly from the design of surrounding properties are also provided for context. This evidence conclusively demonstrates that an alternative design approach — such as the proposed chalet bungalow — does not equate to design harm in this location. The proposed new dwelling introduces no new typology: it is a chalet bungalow of traditional brick and tile construction, consistent with the vernacular character of the area. A comparable new-build property was approved at 149 Alinora Crescent in October 2017, demonstrating that infill development of this type has been accepted in the locality. The height variation on St John's Avenue is material and quantifiable: the gable ends of the taller chalet bungalows on the street measure approximately 90 brick courses in height, significantly exceeding the height of their immediate single-storey neighbours. The photographs at Appendix B show two such chalet bungalows sitting directly alongside lower bungalows without incongruity. Of particular relevance to Refusal Reason 1, there is also a two-storey block of flats on the corner of Marine Crescent and St John's Avenue, directly opposite the gable end of 94 Marine Crescent and the proposed plot. The presence of a two-storey building immediately opposite the appeal site is a decisive contextual point: it establishes that the immediate visual context of the proposed dwelling already includes buildings substantially taller than the proposed chalet bungalow, and that the streetscene is not the uniformly low-rise scene the Council's refusal reason implies.

- 5.6 The Lustrells Crescent appeal precedent (Appendix C, APP/Q1445/W/22/3291040) is directly in point. In that case the Council raised essentially identical concerns — that the proposed bungalow on a corner garden subdivision would be 'inappropriate and cramped with an uncharacteristic subdivision being over-development and impinging upon the character and appearance of the site, streetscene and the wider area' (Inspector paragraph 5). Inspector Cramond rejected those concerns in their entirety, finding that 'bungalows in the locality are side by side and this scheme would appear in that idiom' and that 'when constructed as planned the overall development will not appear as over-development or alien; there will be another relatively innocuous bungalow in the road at this junction compatible in the local scene' (Inspector paragraphs 6 and 7). The Inspector concluded that the proposal was 'an aesthetically reasonable and effective modest development to bring about the productive creation of a new home having regard to local character and appearance attributes' (Inspector paragraph 8). The present appeal site is highly comparable in typology, coastal suburban context and the nature of the refusal grounds. The Inspector's reasoning in APP/Q1445/W/22/3291040 applies with equal force here.
- 5.7 The gabled frontage echoes the gabled form of the neighbouring bungalow at 8 St Johns Avenue and provides a thoughtful transition in scale between the larger properties on Marine Crescent and the bungalows to the north. Far from being anomalous, the proposal delivers exactly the kind of contextually sensitive design response that national and local design policy encourages.
- 5.8 In summary, the site photographs, the contextual analysis and the Lustrells Crescent precedent together demonstrate that the proposed development would sit comfortably within the established streetscene. Refusal Reason 1 is not supported by the evidence.

Refusal Reason 2: Residential Amenity

- 5.8 The Council contends that the proposed dwelling would have an unacceptably harmful impact on the residential amenities of neighbouring dwellings. The Appellant submits that this concern is not justified:
- 94 Marine Crescent (parent dwelling): The proposed plot is to the north. The sun tracks east to west via the south: the development causes no overshadowing or loss of sunlight to 94 Marine Crescent at any time.
 - 8 St Johns Avenue (adjacent to the north): The chalet bungalow is one-and-a-half storeys in appearance. The bungalow at No.8 steps back from the shared boundary and its south-facing elevation contains no principal windows. There is no material loss of daylight, sunlight or outlook.
 - 92 Marine Crescent (to the rear/east): The rear elevation faces the rear garden of 92 Marine Crescent at a minimum separation of 3.7m (north) and 5.7m (south). No first floor windows are proposed on the east elevation. Rooflights to attic bedrooms are positioned at minimum 1.7m above floor level, preventing overlooking of 92 Marine Crescent's garden.

- Highway safety: West Sussex County Council Highways Authority (19 December 2025) confirmed no unacceptable impact on highway safety. Two parking spaces are sufficient. Visibility at the access is adequate.
 - Environmental Health: The Senior Environmental Health Officer, Michael Lavender MCIEH AMIOA, confirmed on 12 December 2025 that there are 'no adverse EH comments for this application'.
- 5.9 The Lustrells Crescent precedent (Appendix C) is again directly relevant on amenity grounds. Inspector Cramond found that the host property retained 'a very useable and private outside space' and that the proposed new dwelling would have 'a reasonable, useable modest sized garden quite sufficient to provide good quality private outdoor amenity space' (Inspector paragraphs 11 and 12). Critically, the Inspector found no conflict with the relevant amenity policies despite the Council's concerns. The same Inspector reasoning applies here: the proposed dwelling is carefully designed to avoid overlooking, and the parent property at 94 Marine Crescent retains well in excess of the minimum garden requirement.
- 5.10 The combined no-objection position of all five statutory and technical consultees is a powerful material consideration in favour of the proposal. Not one of the bodies with specialist expertise in the relevant amenity matters raised objections. The Council's own consultees provided no support for refusal on amenity grounds. Refusal Reason 2 is not well-founded.

Refusal Reason 3: Flood Risk and Sequential Test

- 5.10 The Council refused permission in part on the ground that no sequential test was submitted with the application. The Appellant accepts that the site lies within Flood Zone 3 and that the sequential test is required. However:
- (a) The Flood Risk Assessment demonstrates the development is safe and flood-resilient. The FRA (Appendix I, ref. 73436 V1.0) demonstrates that the development can be made safe through specific mitigation: all sleeping accommodation at first floor level; FFL at no lower than 4.80m AOD; all electrics at no lower than 5.87m AOD. These measures are built into the design from the outset.
 - (b) The Environment Agency has no objection. The EA reviewed the FRA and by letter of 24 December 2025 (Appendix F) confirmed no objection, subject to the flood mitigation conditions. The EA's initial objection — made solely because no FRA had been submitted — was entirely resolved on submission of the FRA. The EA is the statutory flood risk authority; its no-objection position is a highly material consideration.
 - (c) The Sequential Test (Appendix A) demonstrates no reasonably available alternative sites exist. A full Sequential Test has been prepared and is at Appendix A. It concludes that no comparable self-build infill plots are reasonably available in Flood Zone 1 or 2 within Worthing Borough, and that the exceptions test is satisfied.
 - (d) The development meets the exceptions test. The development provides clear sustainability benefits — housing delivery, efficient land use, meeting self-build register demand, sustainable location — that outweigh the flood risk; and the

FRA demonstrates to the EA's satisfaction that the development will be safe throughout its lifetime without increasing flood risk elsewhere.

- 5.11 The deficiency identified by the Council — absence of a sequential test at application stage — has been fully remedied. Refusal Reason 3 does not justify dismissal of this appeal.

Refusal Reason 4: Biodiversity Net Gain

- 5.12 The Council refused permission due to the absence of a S106 Unilateral Undertaking confirming the self-build/custom-build exemption from mandatory biodiversity net gain under the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 5.13 The Appellant makes the following submissions. First, the development is intended as a self-build/custom-build dwelling within the meaning of the Self-build and Custom Housebuilding Act 2015. A S106 Unilateral Undertaking to this effect will be submitted to the Planning Inspectorate in advance of the appeal determination, removing the basis for this reason for refusal entirely. Second, the Appellant notes that other self-build schemes in Worthing have not been subject to S106 legal agreements to secure the self-build exemption from BNG. The use of a S106 in this case is therefore inconsistent with the Council's own practice and should not be required: a planning condition securing self-build occupation is a sufficient and proportionate mechanism. Third, even if the self-build exemption is not accepted, the BNG requirement for a single small dwelling is capable of satisfaction through a planning condition requiring submission and approval of a Biodiversity Gain Plan prior to commencement — the proposed plans already incorporate bird and bat boxes, and the generous garden areas provide scope for additional habitat enhancement. Fourth, the absence of a S106 undertaking at application stage is a procedural deficiency capable of remedy; it is not an irremediable planning harm that justifies permanent refusal of permission.

Overall Planning Balance

- 5.13 The Lustrells Crescent appeal (Appendix C) confirms that Inspectors are willing to allow exactly this type of modest garden subdivision bungalow development in coastal Sussex against LPA refusals on character and amenity grounds, provided the design is appropriate and the impacts on amenity are managed. The appeal was conducted by Lyondale — the same Appellant — providing the Inspector with direct organisational experience of successfully arguing these matters before the Inspectorate. The Inspector's findings in APP/Q1445/W/22/3291040 are a material consideration of significant weight that this Inspector should take into account.
- 5.14 The proposed development would deliver a modest, well-designed 2-bedroom self-build dwelling on a spacious underutilised residential plot in a sustainable coastal location, meeting a demonstrable need for small homes in Worthing. The proposal makes efficient use of land in accordance with the NPPF, responds positively to flood risk constraints through robust design measures, and has received no-objection responses from all statutory and technical consultees. Each of the four reasons for refusal either mischaracterises the evidence, has been remedied by this Statement, or is capable of resolution by

condition or legal undertaking. There is no irremediable planning harm. The appeal should be allowed.

6. CONCLUSIONS

- 6.1 For the reasons set out in this Statement, the Appellant respectfully submits that the appeal should be allowed and planning permission granted, subject to appropriate conditions.
- 6.2 The planning precedent at Appendix C — APP/Q1445/W/22/3291040, 91 Lustrells Crescent, Saltdean, Brighton — is a material consideration of significant weight. In that case, Inspector Cramond allowed an appeal against refusal for a 2-bedroom detached bungalow on a garden subdivision at a coastal Sussex road junction, on essentially identical grounds to those cited here. The Inspector rejected the LPA's cramped/over-development/amenity concerns in full and found the proposal to be an 'aesthetically reasonable and effective modest development'. That appeal was conducted by Lyondale, the Appellant in the present case. The Inspector in this appeal is respectfully asked to give the Lustrells Crescent decision significant weight as a closely comparable precedent.
- 6.3 The site photographs at Appendix B directly contradict the Council's characterisation of the site as 'constrained'. The proposed plot is an open, spacious parcel of garden land with good separation from neighbouring properties. The proposed chalet bungalow is a contextually appropriate, traditionally designed dwelling that would sit comfortably within the existing streetscene. Refusal Reason 1 is not justified.
- 6.3 The development would not cause unacceptable harm to the residential amenity of neighbouring properties. Every relevant statutory and technical consultee confirmed no objection. Refusal Reason 2 is not justified.
- 6.4 The flood risk concerns have been fully addressed through the FRA (which satisfied the Environment Agency) and the Sequential Test at Appendix A (which demonstrates no reasonably available lower-risk alternatives). The exceptions test is met. Refusal Reason 3 is remedied.
- 6.5 The biodiversity net gain concern is capable of resolution by S106 Unilateral Undertaking confirming self-build status, which the Appellant will provide. Refusal Reason 4 is capable of remedy and does not justify dismissal.
- 6.6 The Inspector is respectfully requested to allow this appeal and grant planning permission for the subdivision of the existing dwelling plot at 94 Marine Crescent, Goring-by-Sea, Worthing, to provide a 2-bedroom chalet bungalow style detached house in the rear garden with parking accessed off St John's Avenue, subject to appropriate conditions as recommended by the statutory consultees.

APPENDIX A

SEQUENTIAL TEST: FLOOD RISK

94 Marine Crescent, Goring-by-Sea, Worthing, BN12 4JH

Appeal ref: AWD/1520/25

Date: 5 April 2026

Prepared by: Lyondale on behalf of the Appellant

1. PURPOSE AND METHODOLOGY

- 1.1 This Sequential Test has been prepared to support the Section 78 appeal against the refusal of AWD/1520/25. Reason for Refusal 3 states that the LPA cannot be satisfied, in the absence of a sequential test, that alternative sites at lower flood risk are not reasonably available.
- 1.2 This test has been prepared in accordance with paragraphs 159–172 of the NPPF (December 2023), the Flood Risk and Coastal Change Planning Practice Guidance (MHCLG, updated 2024), Policy DM20 of the Worthing Local Plan, and the Technical Guidance to the NPPF: Flood Risk.
- 1.3 Methodology: (1) Define the development and its requirements. (2) Define the geographical search area. (3) Identify potentially available alternative sites. (4) Assess each site's flood zone. (5) Assess whether lower-risk sites are reasonably available to meet the need. (6) Apply the exceptions test. (7) Set out conclusions.

2. THE DEVELOPMENT AND ITS REQUIREMENTS

- 2.1 The proposed development is the construction of a single 2-bedroom self-build/custom-build chalet bungalow dwelling on a subdivided residential plot.

Parameter	Description
Development type	Single self-build/custom-build residential dwelling
Number of dwellings	1 (one)
Bedroom provision	2 bedrooms
Plot size	Approximately 150 sq m net building plot (227 sq m total site)
GIA	Meets Worthing Space Standards SPD minimum of 77 sq m
Tenure	Self-build / custom-build owner-occupied
Access	Off St John's Avenue, Goring-by-Sea
Special requirements	Backland / garden subdivision plot; self-build; chalet bungalow typology appropriate to suburban Goring-by-Sea context

- 2.2 The development has characteristics that constrain the pool of alternative sites. It is a self-build project requiring a plot, not a completed house. The applicant has an existing connection to the land. These factors narrow the range of genuinely comparable alternatives.

3. SEARCH AREA

- 3.1 The PPG states that the sequential test should consider 'the geographical area in which the development is proposed, taking into account the purpose of the development and the catchment of users it is intended to serve.'
- 3.2 The search area is defined as the administrative boundary of Worthing Borough. This is appropriate because: (a) self-build plots are inherently local in nature; (b) the identified housing need is Borough-wide; and (c) extending the search area would be disproportionate to the small scale of the development.

4. FLOOD ZONE CONTEXT IN WORTHING

- 4.1 Worthing Borough occupies a coastal location on the West Sussex coast. The Environment Agency's Flood Map for Planning identifies extensive areas within the Borough as Flood Zone 2 or 3, particularly in the coastal strip between the seafront and the A259, and in areas adjacent to the River Teville. Much of the existing built-up residential area is already in Flood Zone 2 or 3. Rigid application of the sequential test would effectively preclude all residential development across large swathes of the existing built urban area, contrary to the NPPF's objectives for housing delivery and efficient land use.
- 4.2 The PPG confirms that the sequential test should be applied proportionately, having regard to the scale and nature of the development proposed. For a single self-build dwelling, a pragmatic approach is appropriate.

5. ASSESSMENT OF ALTERNATIVE SITES

- 5.1 The following assessment considers the principal categories of site that might constitute 'reasonably available alternative sites at lower flood risk' within Worthing Borough.

(a) Worthing Borough Council's Housing Land Supply (HELAA sites)

- 5.2 The sites identified in the Council's Housing and Economic Land Availability Assessment are in the main larger sites intended for volume housebuilder or housing association delivery. They are not available as individual plots for self-build purchasers. A self-build applicant cannot purchase a plot on a large allocated site unless the developer has specifically set aside individual plots — which is not the case for the HELAA sites. The PPG on Self-build and Custom Housebuilding specifically notes that the availability of plots on large allocated sites does not substitute for the availability of individual infill plots.

(b) Registered Self-Build Plots within Worthing Borough

- 5.3 Worthing Borough Council maintains a Self-Build and Custom Housebuilding Register under the 2015 Act (as amended). The existence of the Register demonstrates that the Council recognises the distinct nature of self-build demand and the shortage of suitable self-build plots within the Borough. No

publicly advertised self-build plots in Flood Zone 1 or 2 within Worthing Borough that are comparable in character, location and accessibility to the appeal site were identified during this assessment, conducted by reference to Rightmove, Zoopla and local estate agent listings.

(c) Garden / Backland Subdivision Plots in Lower Flood Zones

5.4 The appeal proposal is specifically a backland subdivision of a large residential garden corner plot with independent access from a secondary street. Garden subdivision plots are site-specific by their nature. No comparable plots meeting these characteristics were identified in Flood Zone 1 or 2 within Worthing Borough.

5.5 Summary of site search findings:

Site category	Flood Zone	Available for self-build?	Conclusion
HELAA allocated housing sites	Predominantly FZ1/FZ2	No	Not available as individual self-build plots.
Registered self-build plots in FZ1	FZ1	None identified	No comparable plots in FZ1 identified in Worthing Borough.
Registered self-build plots in FZ2	FZ2	None identified	No comparable plots in FZ2 identified in Worthing Borough.
Garden/backland plots in FZ1 or FZ2	FZ1/FZ2	None identified	No comparable corner plot garden subdivisions with independent access in lower-risk zones.
The appeal site (94 Marine Crescent)	FZ3	Yes	Available. FRA demonstrates development is safe. EA confirms no objection.

6. THE EXCEPTIONS TEST

6.1 The NPPF exceptions test requires: (a) that the development provides wider sustainability benefits that outweigh the flood risk; and (b) that the development will be safe for its lifetime without increasing flood risk elsewhere.

6.2 Limb (a) — Wider Sustainability Benefits:

- Provision of a new 2-bedroom dwelling meeting an identified local need for small homes in Worthing, supporting the Council's housing delivery objectives and national housing supply targets.
- Efficient use of a large residential garden plot, consistent with NPPF paragraph 98.
- A self-build dwelling, meeting the Council's statutory duty under the Self-build and Custom Housebuilding Act 2015 to grant sufficient development permissions to meet registered demand.

- Sustainable location: walking distance of bus stops serving Worthing, Brighton and Littlehampton. The Highway Authority confirmed the site is 'sustainably located'.
- New housing in an established residential area where infrastructure is already in place.
- Biodiversity enhancements including bird and bat boxes.

6.3 Limb (b) — Development Safe for its Lifetime:

- Finished floor levels at 4.80m AOD — above the 1-in-100-year plus climate change flood level.
- All sleeping accommodation at first floor level or above, consistent with EA guidance for FZ3.
- All electrical installations at 5.87m AOD, above predicted extreme flood levels.
- SuDS drainage scheme required by conditions recommended by WSP and Southern Water, ensuring no increase in surface water flood risk.
- The Environment Agency is satisfied that the flood risk mitigation measures are adequate for the development to be safe throughout its lifetime.

6.4 Both limbs of the exceptions test are satisfied. The development passes the exceptions test in accordance with paragraph 167 of the NPPF.

7. CONCLUSIONS OF SEQUENTIAL TEST

- 7.1 The search of Worthing Borough has found no reasonably available alternative sites at lower flood risk (Flood Zone 1 or 2) that could accommodate the proposed development. The exceptions test is satisfied. The Sequential Test supports the grant of planning permission for the proposed development at 94 Marine Crescent, Goring-by-Sea, Worthing, BN12 4JH, subject to the flood mitigation conditions recommended by the Environment Agency.

APPENDIX B

SITE PHOTOGRAPHS

94 Marine Crescent, Goring-by-Sea, Worthing, BN12 4JH

Photographs taken April 2026

The following photographs were taken in April 2026 and show the appeal site and surrounding streetscene. They are provided as evidence in support of the grounds of appeal, particularly in relation to Refusal Reason 1 (design and character). The photographs demonstrate that the proposed plot is a spacious, open parcel of land well separated from neighbouring properties, and that the surrounding streetscene is of an open, low-density coastal character entirely consistent with the proposed chalet bungalow. Additional photographs provided by the Appellant show: (a) the back garden of 94 Marine Crescent, illustrating the full extent of the plot behind the wall and shrubbery; (b) the varying heights of the chalet bungalows on St John's Avenue (the gable ends of the taller chalet bungalows measured at approximately 90 brick courses in height); (c) the staggered building line on the east side of St John's Avenue; (d) the two-storey block of flats on the corner of Marine Crescent and St John's Avenue, directly opposite the gable end of 94 Marine Crescent; and (e) examples of new build and recently redeveloped dwellings in the locality that extend into garden space or differ in design from surrounding properties. These photographs have been provided by the Appellant and are inserted as Images 4–8 below.



Image 1: View of the side garden offering the front portion of the proposed plot from St John's Ave (south end) looking east. The open lawn with mature shrubs and brick wall will be removed extending the plot into the enclosed back garden. (please see image 2). 8 St John's Ave bungalow is visible behind



Image 2: View of the enclosed back garden



Image 3: View of Marine Crescent from the junction with St John's Avenue, looking west along the coastal road. The open, low-density suburban character of the area is clearly shown, with properties of varied form and scale. This context is entirely consistent with the proposed chalet bungalow development.



Image 4: Rear garden of 94 Marine Crescent, viewed from an elevated vantage point across the junction of Marine Crescent and St John's Avenue. The photograph shows the generous scale of the rear curtilage with its established lawn, mature shrubs and palm tree, confirming that the plot extends well beyond the front boundary wall and shrubbery. The seafront, open grass verge and coastal open space visible beyond illustrate the wealth of public open space in the immediate vicinity of the appeal site.



Image 5: Two-storey block of flats situated on the corner of Marine Crescent and St John's Avenue, directly opposite the gable end of 94 Marine Crescent. This establishes that the immediate visual context of the proposed plot already includes a building substantially taller than the proposed chalet bungalow.



Image 6: Streetscene looking along St John's Avenue from a different angle, showing (left) the two-storey flats, (centre) a single-storey bungalow, and (to the right of centre) a taller chalet bungalow with a visibly higher roof ridge. The image demonstrates in a single frame both the two-storey context opposite the site and the height variation that already exists between properties on St John's Avenue. The open grass and seafront are visible to the left.



Image 7: A taller chalet bungalow on St John's Avenue (centre of frame) adjacent to a lower single-storey bungalow. The gable end of the taller chalet bungalow measures approximately 90 brick courses in height. This evidences material height variation along St John's Avenue and confirms that chalet bungalows of comparable scale to the proposed dwelling already form part of the established character of the street.



Image 8: A further example of a taller chalet bungalow on St John's Avenue, showing the prominent front-facing gable, side-gable form and pitched tiled roof. The property demonstrates the chalet-bungalow typology and the variety of roof forms and heights found within the street, against which the proposed dwelling would sit comfortably.



Image 9: the staggered building line of the dwellings to the east side of St John's Avenue. The photos demonstrate that the proposed new build would 'bookend' the build line.

APPENDIX C

PLANNING PRECEDENT

Appeal Decision APP/Q1445/W/22/3291040

91 Lustrells Crescent, Saltdean, Brighton, BN2 8FL

Inspector D Cramond BSc MRTPI | Decision date: 28 July 2022

APPEAL ALLOWED

1. RELEVANCE TO THIS APPEAL

- 1.1 This Appendix reproduces and analyses the key findings of Inspector D Cramond BSc MRTPI in Appeal Decision APP/Q1445/W/22/3291040, dated 28 July 2022. That appeal was conducted by Lyondale (the Appellant in the present case) and resulted in the grant of planning permission for a 2-bedroom detached single storey dwelling on a garden subdivision at a road junction in coastal Sussex, against a refusal by Brighton & Hove City Council on grounds of character, appearance and residential amenity.
- 1.2 The parallels with the present appeal are striking and the decision is a material consideration of significant weight:
 - Development type: A 2-bedroom detached single storey (bungalow) dwelling — identical typology to the proposed chalet bungalow at 94 Marine Crescent.
 - Site: A garden subdivision plot at the junction of two residential roads — identical site arrangement to the appeal site.
 - Coastal Sussex location: Saltdean, Brighton — the same coastal Sussex suburban context as Goring-by-Sea, Worthing.
 - Streetscene: Characterised by detached bungalows in an established residential area — identical character description to St John's Avenue and Marine Crescent.
 - Refusal grounds: Character and appearance (cramped, over-development, anomalous) and residential amenity — identical in substance to Worthing Borough Council's Reasons 1 and 2 in the present case.
 - Outcome: Appeal allowed in full by the Inspector.
 - Appellant: Lyondale Ltd — the Appellant in the present case.

2. KEY FINDINGS OF THE INSPECTOR

Character and Appearance

- 2.1 The LPA's case (paragraph 5 of the decision) was that the proposed building would be 'inappropriate and cramped with an uncharacteristic subdivision being over-development and impinging upon the character and appearance of the

site, streetscene and the wider area.' This is substantively identical to Worthing Borough Council's Refusal Reason 1 in the present case.

- 2.2 Inspector Cramond rejected this case entirely. On the question of building lines and junction character, he found (paragraph 6):

'I am not persuaded that building lines on either street, such as they are, need rigid adherence to protect streetscene qualities. Just in the way that front garden treatment varies between open plan style and dense vegetation so a slight variance in building line would not jump out as jarring on the eye or inappropriate in character terms. Bungalows in the locality are side by side and this scheme would appear in that idiom.'

- 2.3 On the question of cramped appearance, the Inspector found (paragraph 7):

'I am satisfied that when constructed as planned the overall development will not appear as over-development or alien; there will be another relatively innocuous bungalow in the road at this junction compatible in the local scene.'

- 2.4 The Inspector's overall conclusion on character (paragraph 8) was that the appeal scheme would be:

'an aesthetically reasonable and effective modest development to bring about the productive creation of a new home having regard to local character and appearance attributes.'

- 2.5 These findings apply with equal force to the present appeal. The proposed chalet bungalow at 94 Marine Crescent is an appropriate and contextually responsive bungalow on a spacious corner garden plot in an area characterised by bungalows. It is no more 'cramped' or 'over-development' than the Lustrells Crescent scheme which the Inspector allowed.

Living Conditions and Residential Amenity

- 2.6 The LPA's case on amenity (paragraph 10 of the decision) was that the scheme would result in loss of garden space to the host property and that the new dwelling would not have adequate private amenity space.

- 2.7 Inspector Cramond rejected this case, finding (paragraph 11) that the space remaining to the host property provided 'a very useable and private outside space', and finding (paragraph 12) that the proposed new dwelling would have 'a reasonable, useable modest sized garden quite sufficient to provide good quality private outdoor amenity space.'

- 2.8 These findings are squarely on point for the present appeal. The parent property at 94 Marine Crescent retains approximately 102 sq m of rear garden — exceeding the Council's minimum 100 sq m requirement. The proposed new dwelling achieves a minimum rear garden of 78 sq m, with parking, a bike store and private amenity space to the front. These provisions comfortably satisfy the same standard of assessment applied by Inspector Cramond.

3. CONCLUSIONS ON THE PRECEDENT

- 3.1 Appeal Decision APP/Q1445/W/22/3291040 is a directly comparable, recently decided precedent from the same Inspector grade (BSc MRTPI). It demonstrates that the Planning Inspectorate has considered and allowed

precisely this type of development — a 2-bedroom detached bungalow on a garden subdivision at a coastal Sussex road junction — against refusal on essentially identical grounds to those cited by Worthing Borough Council in the present case.

- 3.2 Consistency in decision-making is an important principle of the planning system. The Appellant invites the Inspector to give this precedent significant weight and to apply the same reasoning to reach the same conclusion: that the proposed development is a modest, contextually appropriate addition to the residential street scene that would not cause unacceptable harm to the character of the area or the amenity of neighbouring occupiers, and that planning permission should accordingly be granted.
- 3.3 A copy of the full Appeal Decision APP/Q1445/W/22/3291040 (5 pages plus schedule of conditions) accompanies this Statement. The cover letter from the Planning Inspectorate to Mr Alex Martin, Lyondale Ltd, dated 28 July 2022 (ref: APP/Q1445/W/22/3291040) confirms the identity of the Appellant's representative.

End of Appendix C.

The full text of Appeal Decision APP/Q1445/W/22/3291040 (Inspector D Cramond, 28 July 2022) is appended immediately following this page.



Appeal Decision

Site visit made on 30 June 2022 **by D Cramond** BSc MRTPI

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

Decision date: 28 July 2022

Appeal Ref: APP/Q1445/W/22/3291040

91 Lustrells Crescent, Saltdean, Brighton, BN2 8FL

- 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 & Mrs Dennis Burnett against the decision of Brighton & Hove City Council.
- The application Ref BH2021/03083, dated 20 August 2021, was refused by notice dated 27 October 2021.

- The development proposed is the erection of 1no two bedroom detached single storey dwelling (C3) on land east of existing dwelling, incorporating removal of existing garage, landscaping and parking.
-

Decision

1. The appeal is allowed and planning permission is granted for is the erection of 1no two bedroom detached single storey dwelling (C3) on land east of existing dwelling, incorporating removal of existing garage, landscaping and parking at 91 Lustrells Crescent, Saltdean, Brighton, BN2 8FL in accordance with the terms of the application, Ref BH2021/03083, dated 20 August 2021, subject to the conditions on the attached schedule.

Preliminary Matter

2. I use the Council's description of development which is more precise than the application form; I note the Appellants also use this on the appeal form. **Main Issues**
3. The main issues are the effect of the proposal on the: • character and appearance of the locality; and
- living conditions for existing and future residents.

Reasons

Character and appearance

4. The proposed building plot is 91 Lustrells Crescent's side garden area, alongside the roads at the junction of Lustrells Crescent and Ridgewood Avenue. The street scene is predominantly characterised by detached bungalows. The area is of established residential character and has a pleasant

suburban appearance. The proposal is as described above and would embody a bungalow with a fully hipped roof.

5. The Council is concerned that the proposed building would be inappropriate and cramped with an uncharacteristic subdivision being over-development and impinging upon the character and appearance of the site, streetscene and the wider area.

6. In contrast to the Council, I do not read this junction location as particularly open given the existing vegetation and the garage and I am not persuaded that building lines on either street, such as they are, need rigid adherence to protect streetscene qualities. Just in the way that front garden treatment varies between open plan style and dense vegetation so a slight variance in building line would not jump out as jarring on the eye or inappropriate in character terms.

Bungalows in the locality are side by side and this scheme would appear in that idiom. I accept that garden scale behind the new building would not be reflective of the mathematical norm but that is not something which would be read in the streetscene and I deal with practicality of garden space under the second main issue.

7. The site slopes down to the east and this change in level would help visually separate the two homes, reduce any impression the scheme was cramped, and mean the new property would be more subtle in the wider scene generally. I am not sure that two dimensional plans do the scheme justice but I am satisfied that when constructed as planned the overall development will not appear as over-development or alien; there will be another relatively innocuous bungalow in the road at this junction compatible in the local scene.

8. In summary the appeal scheme would be an example of an aesthetically reasonable and effective modest development to bring about the productive creation of a new home having regard to local character and appearance attributes.

9. Policies CP12 and CP14 of the Brighton & Hove City Plan Part One (CP) are relevant. Taken together and amongst other matters they seek well designed sustainable development that should protect the character and local distinctiveness and generally have architectural merit. I conclude that the proposal would not conflict with these policies; it would not be inappropriate and harmful to the site, street scene or wider area.

Living conditions

10. The Council is concerned that the scheme would result in the loss of garden space to the host property, such that living conditions of that family unit would be compromised, and also that the proposed new dwelling would not have adequate private amenity space.

11. I examined that space which would remain available to the host property and was impressed by its sense of scale and versatility. On plan the rear garden may not look to be of large dimensions but with the use of levels, varied hard and soft landscape, and a west facing end, I consider this to be a very useable and private outside space. Couple this with a not insignificant front landscaped area and a useful generous hardstanding in the south west corner and to my mind there need be no issues raised over outside amenity space provision for the existing home.

12. The proposed dwelling is a tighter proposition but even here one would have a available a small and private rear space which while north facing would gain some east and west light entrance. More significantly there is scope for an appreciable area to the front south east corner. I fully accept this lies alongside the highway but as the existing fence and hedge arrangement shows it is quite practicable for this to be a private space, and it would have a good degree of direct sunlight. Again, the dwelling would have a useable hardstanding as part of the new curtilage. Taken in the round the planned modest sized dwelling

would have a reasonable, useable modest sized garden quite sufficient to provide good quality private outdoor amenity space.

13. Brighton & Hove Local Plan Saved Policies HO5 and QD27 are pertinent. Taken together and amongst other matters they seek to ensure that any residential proposal would provide a good standard of amenity and space for future occupiers and that there is suitable protection of amenity for those alongside new development. Given the foregoing I would conclude that the appeal scheme would not conflict with these policies.

Other matters

14. The Council acknowledges it does not have a five-year housing land supply and I would add that I have considered the planning history and a previous appeal decision relating to this site (Ref APP/Q1445/A/07/2046336). I would comment that the form of this application is at variance from the 2006 scheme, there have been changes to the host property and garden, boundary treatment has altered, the City Plan was not in place, the housing supply situation did not appear to be suboptimal as it presently stands, and national planning guidance was not available in the National Planning Policy Framework format. I am therefore led to reach a different decision to my colleague in 2008.

Conditions

15. The standard commencement period should apply. A condition that works are to be carried out in accordance with listed, approved, plans is put forward; I would agree to provide certainty. External materials need to be agreed in the interests of amenity. Refuse and recycling arrangements should be fixed in the interests of residential amenity as should cycle parking in the interests of encouraging sustainable travel. Parking space control should be applied in the interest of highway safety and convenience and landscaping agreement should be reached to protect visual amenity and help with the provision of good quality living conditions. To assist with provision of homes for people with disabilities I agree with the Council on the issue of an accessible and adaptable dwelling being secured. In the interests of sustainable development and to accord with CP Policy CP8 I shall apply suggested conditions relating to energy efficiency and maximum water consumption. I agree with the Council's proposition on bee brick and swift box provision in the interests of biodiversity.

16. I would agree with the Council that 'permitted development' rights ought to be removed appropriately in the interests of visual and residential amenity. This is such an unusual site arrangement with its restrictive nature, relationship to roads and potential for prominence that exceptional controlling circumstances should apply.

17. On occasions I include some variation from the wording set out by the Council in order to aid precision and accord with national guidance and legislation.

Overall conclusion

18. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the locality or on living conditions for existing or future residents. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR

SCHEDULE OF CONDITIONS (12)

1. The development to which this permission relates shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1362022/01 and /02.
3. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
4. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
5. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
6. The residential unit hereby approved shall not be occupied until it has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
7. The residential unit hereby approved shall not be occupied until it has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum water consumption (to include a fixed factor of

water for outdoor use of 5 litres per person per day for in accordance with the optional requirement defined within Approved Document G of the Building Regulations).

8. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

9. A bee brick shall be incorporated within the external wall of the dwelling hereby approved and shall be retained thereafter.

10. Three (3) swift bricks/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

11. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used; b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants and including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;

c. details of all boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

12. The dwelling hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.