



Appeal Decision

Site visit made on 30 April 2018

by C Jack BSc(Hons) MA MA(TP) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2018

Appeal Ref: APP/Y9507/W/17/3191287

Arun Cottage, The Street, Bury RH20 1PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Graham Morrison against South Downs National Park Authority.
- The application Ref SDNP/17/01998/FUL, is dated 3 April 2017.
- The development proposed is the demolition of existing dwelling and erection of replacement dwelling with associated landscape design.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and erection of replacement dwelling with associated landscape design at Arun Cottage, The Street, Bury RH20 1PA in accordance with the terms of the application, Ref SDNP/17/01998/FUL, dated 3 April 2017, subject to the schedule of conditions to this decision.

Preliminary Matters

2. The appeal results from the Authority's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, I note the assessment and conclusions submitted in the Authority's report to Planning Committee dated 17 January 2018 and the related minutes of that meeting. It was resolved that the application would have been approved and therefore the appeal would not be contested by the Authority. I have treated this as the basis of the decision the Authority would have made, had it been empowered to do so.
3. Interested parties raised a number of concerns during the course of the application, including in relation to the effect that the proposed development would have on the character and appearance of the area and to consistency with local planning policy, with particular reference to the emerging Bury Neighbourhood Plan. I have drawn on these concerns, together with other evidence before me, to inform the main issues in this appeal.
4. The application has been subject to revisions during the course of consideration by the Authority. The associated amended plans were before the Authority at the time of its Committee resolution. I am therefore satisfied that no party would be prejudiced by my consideration of the amended scheme, and I have determined the appeal on that basis.

Main Issues

5. In light of the above, I consider that the main issues in this appeal are
 - i) whether the proposal would be an appropriate form of development in this location, having regard to relevant local planning policies and
 - ii) the effect of the proposal on the character and appearance of the area, including the Bury Conservation Area.

Reasons

Local planning policy

6. The parties agree that the site lies outside the existing defined settlement boundary for Bury. It also lies outside the settlement boundary identified in Policy 1 of the emerging Bury Neighbourhood Development Plan (BNDP), which has reached referendum stage. However, saved Policy H12 of the Chichester District Local Plan First Review 1999 (CDLP), makes provision for one-for-one replacement dwellings in rural areas, subject to various criteria including in relation to 'small dwellings' which does not apply in this case, and protecting the character and appearance of the area. Emerging BNDP Policy 4 also makes provision for residential development outside the settlement boundary, provided it is in accordance with development plan policies and subject to various criteria. The appeal site is not on agricultural land and is situated adjacent to existing residential properties. Furthermore, including in light of my reasoning for the second main issue, I am satisfied that the scheme accords with the other relevant criteria of this policy.
7. I therefore conclude that the proposed development would be an appropriate form of development in this location, having regard to relevant local planning policies, including saved Policy H12 of the CDLP and emerging BNDP Policy 4, the relevant requirements of which are set out above. I note that emerging Policy SD30 of the Pre-Submission South Downs Local Plan (draft SDLP) proposes net increase restrictions for replacement dwellings outside settlement boundaries. However, the draft SDLP has not yet been examined and the extent of any outstanding objections to this policy is not clear. It therefore attracts very little weight in this appeal and does not alter my findings for this main issue.

Character and appearance

8. The site lies in the Bury Conservation Area (BCA) and the South Downs National Park (SDNP). The new dwelling would be significantly larger than the existing bungalow. However, this is not currently expressly precluded by relevant local planning policies. Moreover, the proposed design and materials take reference from the local area and the history of the site, and the building would be partly set down, which would limit its overall prominence in the landscape. While it would be visible from various public viewpoints, including the adjacent public right of way, this would be principally against the backdrop of other residential properties nearby, together with existing and proposed trees and landscaping. As a result the proposal would not be unduly imposing in public views, or result in the loss of significant views. The proposal would represent an enhancement in the overall appearance of the site, which is currently somewhat degraded. I note that the Authority's landscape adviser holds no objection to the amended scheme, and I see no significant reason to disagree.

9. I therefore conclude that the proposal would not harm the character and appearance of the area and would accord with saved Policies H12 and BE11 of the CDLP, which respectively and among other things seek to ensure the development would not detract from its surroundings. It would also accord with the relevant requirements of emerging BNDP Policy 4, and BNDP Policy 2, which seeks to ensure that the built character of development responds to the heritage and character of the area. In forming this view, I have given great weight to conserving the landscape and scenic beauty of the national park.
10. In light of the above, I further conclude that the proposal would not harm the character or appearance of the BCA, the significance of which I consider from my visit to principally derive from its historic fabric and landscape setting. I therefore find no conflict with saved Policy BE6 of the CDLP, which among other things seeks to ensure that development in conservation areas would preserve or enhance the special architectural or historic character of the area. The proposal would also accord with the relevant expectations of the National Planning Policy Framework in this regard.

Other Matters

11. It has been suggested that the granting of planning permission for the proposed development would be a precedent for other development nearby. However, there is no significant evidence before me that similar proposals are particularly likely to come forward, or that significant harm would necessarily ensue. In any event, each case must be considered on its own merits.

Conditions

12. I have considered the Authority's suggested conditions. Where necessary I have altered the conditions for clarity and to ensure compliance with the relevant tests. In addition to the standard time limit for commencement, I have imposed a condition specifying the approved plans as this provides certainty. Conditions relating to materials, levels, landscaping, tree protection, lighting and the restriction of permitted development rights are necessary in the interests of the special character and scenic beauty of the national park. A construction and environment management plan is necessary to ensure the satisfactory operation of the construction phase. Conditions 3, 4, 5, 7 and 11 require details to be approved before development commences. This is necessary because these conditions may affect the design of the scheme and construction site operation.

Conclusion

13. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed and planning permission granted.

Catherine Jack

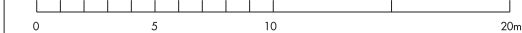
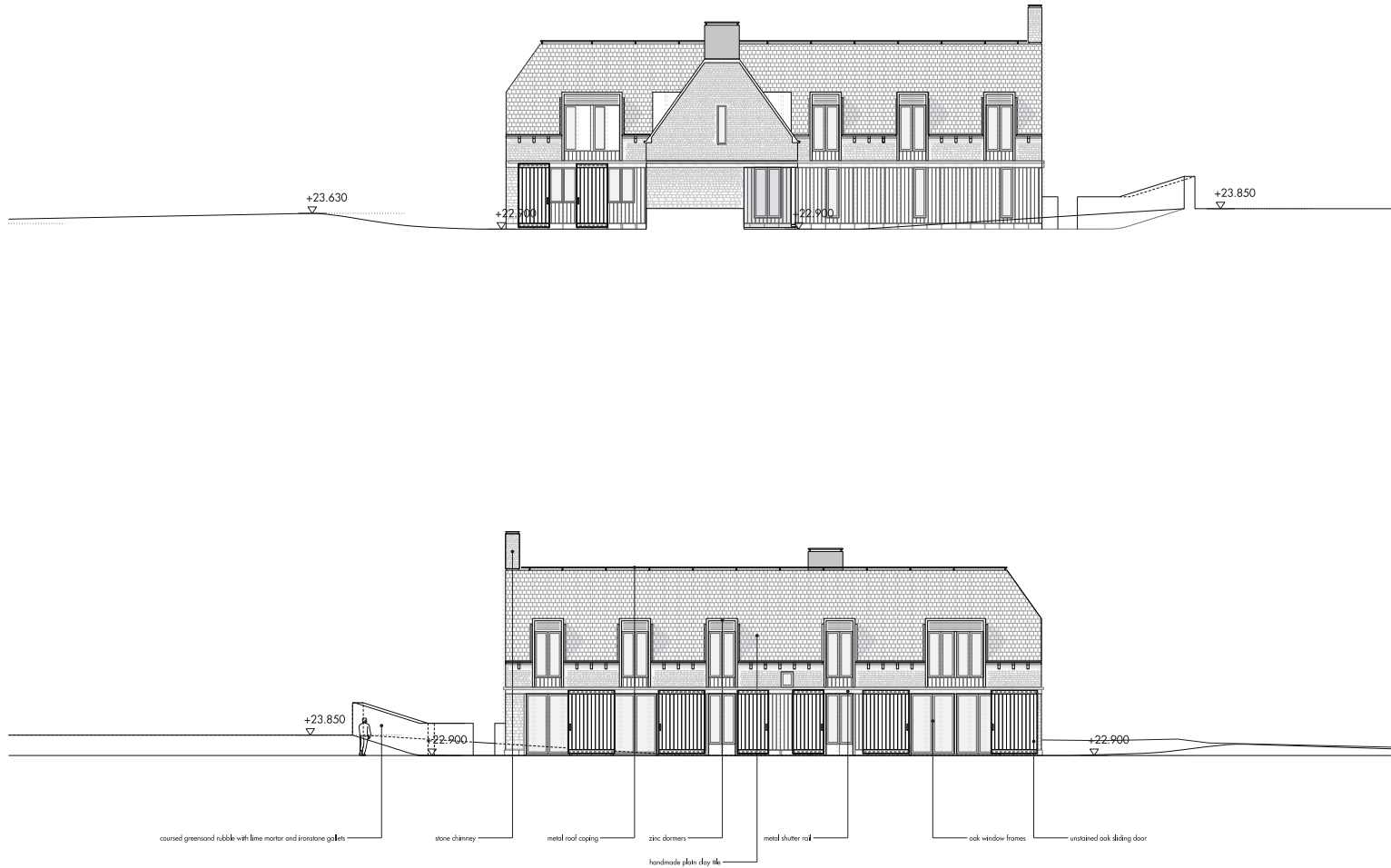
INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1010_01_06_006 R1; 1010_01_06_007 R1; 1010_01_06_008 R1; 1010_01_06_009 R1; 1010_01_06_010 R2; 1010_01_06_011 R2; 1010_01_06_012 R1; 1010_01_06_013 R1; 1010_01_06_014 R2; 1010_01_06_015 R1; 1010_01_06_016 R1; and 1010_01_06_017 R1.
- 3) No development shall take place until details and samples of all external facing materials and finishes and rain water goods have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved samples and details.
- 4) No development shall take place until details including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
- 5) No development shall commence until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, including all boundary treatments and other means of enclosure. The scheme shall also include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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.
- 7) No development shall take place, including demolition, until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise previously agreed in writing by the local planning authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order

revoking and re-enacting that Order with or without modification), no building, structure or other alteration permitted by Classes A to E and G of Part 1 Schedule 2 shall be erected or made on the site.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwelling hereby permitted.
- 10) No external lighting shall be installed either on the building or anywhere within the site. This exclusion shall not prohibit the installation of sensor-controlled security lighting which shall be designed and shielded to minimise light spillage beyond the site boundary.
- 11) No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the construction period. The CEMP shall provide details of the following:
 - (a) the anticipated number, frequency and types of vehicles used during construction,
 - (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
 - (c) the loading and unloading of plant, materials and waste,
 - (d) the storage of plant and materials used in construction of the development,
 - (e) the erection and maintenance of security hoarding,
 - (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
 - (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
 - (h) measures to control the emission of noise during construction,
 - (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
 - (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
 - (k) waste management including prohibiting burning.



REV	DATE	DESCRIPTION	BY
01	14.11.2017	FOR INFORMATION	PS
02	20.11.2017	FOR INFORMATION	PS

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ARUN COTTAGE, BURY, WEST SUSSEX
PROPOSED ELEVATIONS
GENERAL ARRANGEMENT
1010_01_06_010
SCALE 1:100 8A1 1:2008A3

R2
revision



REV	DATE	DESCRIPTION	BY
01	14.11.2017	FOR INFORMATION	JA

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ARUN COTTAGE, BURY, WEST SUSSEX
PROPOSED SITE PLAN
GENERAL ARRANGEMENT
1010_01_06_007
SCALE 1:200 @A1 1:400@A3

R1
revision

