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# Appeal Decision

Site visit made on 25 April 2024

**by N Perrins BSc (Hons), MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 August 2024**

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**Appeal Ref: APP/Y3805/W/23/3331496**

**Land adjacent 2 Brighton Road, Lancing, West Sussex BN15 8RH**

- 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 Peter Creasey against the decision of Adur District Council.
  - The application Ref: AWDM/0813/23.
  - The development proposed is the erection of a single, three storey, three bedroom dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I am aware that the Council refused planning application Ref: AWDM/1541/23 for a smaller dwelling than is proposed in this appeal and which is subject to a separate appeal<sup>1</sup>. Notwithstanding this, I have assessed this appeal proposal on its own merits in reaching my decision.

## Main Issues

3. The main issues are the effect of the proposed development on:
  - (i) the character and appearance of the area; and
  - (ii) coastal change and related biodiversity impacts.

## Reasons

### *Character and appearance*

4. The appeal site is an open area of land located between Brighton Road to the north and Lancing beach to the south. The site comprises grassland and shingle, a single bar gate and low level planting fronting onto the beach. The site forms part of a larger open gap of grassland and shingle that sits between a linear strip of mainly residential development to the east, and a row of beach huts to the west. To the north is Milford Court, which is a large and visible block of flats, and a care home called Drumconner. The character of the area is mainly residential with a range of dwelling types and sizes.

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<sup>1</sup> APP/Y3805/W/24/3336671

### The principle of development

5. The site is located within the Built Up Area Boundary (BUAB) for Lancing, within which the principle of development is normally acceptable. It is evident from the information before me that there are no planning policies or other designations that specifically prohibit residential development on this site.
6. However, the Council contend that the principle of development is fundamentally unacceptable due to the impact that developing this open plot would have on the character of the area. The Council also contend that this view is supported by conclusions reached in a previous planning appeal for a temporary car park<sup>2</sup> and a subsequent enforcement appeal<sup>3</sup> on the site.
7. I have reviewed the extracts from the previous appeal decisions. I agree that they have some weight in so far that they recognise that the site contributes positively to the character and appearance of the area as open, undeveloped land that helps to provide separation between existing residential development and beach huts along the coastal frontage.
8. As I observed on my site inspection, the open gap that includes the appeal site contrasts with the built coastal frontage. The gap as a whole evidently contributes positively to the character of the area. That said, this does not automatically mean that a reduction in the gap would result in unacceptable harm to the character of the area, particularly when a sizeable proportion of it lies outside of the appeal site.
9. Moreover, the previous appeal decisions were assessing the impact of a fundamentally different type of development than that being considered in this appeal. They were also determined against a previous Local Plan that has since been replaced by the Adur Local Plan 2017 (the Local Plan). I have not been provided with details of the previous local plan policies and the extent they were material to the conclusions reached in the previous appeal decisions. Notwithstanding this, I am not satisfied that the previous appeal decisions conclusively establish that no development could ever be acceptable on the site as each case must be considered on its own merits based on the current Local Plan policies.
10. In this regard, I attach great weight to the fact that the appeal site is located within the BUAB as identified in the Local Plan where development is normally considered to be acceptable in principle subject to other policy considerations. Therefore, I find that the principle of residential development on the site is acceptable given its location within the BUAB. Beyond the matter of principle, it is necessary to consider whether the design of the proposal is acceptable with regard to its setting and overall impact on the character of the area.

### Design

11. In this regard, there is a clear distinction between the scale and type of development along the coastal frontage adjacent to the appeal site and that on the opposite side of Brighton Road. Accordingly, whilst the larger developments nearby such as Milton Court would frame the proposal to a degree, they do not provide justification in themselves for the scale, form and appearance of the appeal proposal. The scale of buildings on the coastal frontage is much lower

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<sup>2</sup> APP/Y3805/A/12/2171317 and

<sup>3</sup> APP/Y3805/C/12/2184781 and APP/Y3805/C/12/2184785

- with buildings predominantly being two storeys in height. Any development on the appeal site must, therefore, closely relate to the design, scale and form of development on the coastal frontage rather than what exists on the opposite side of Brighton Road.
12. In this regard, the dwellings closest to the appeal site at No 2 and No 4 Brighton Road are two storeys in height and comprise a modest and understated design in terms of appearance, scale, bulk and roof form. Accordingly, they provide an appropriately scaled bookend to the developed frontage before the land transitions to grassland and beach huts.
  13. In contrast, the appeal proposal comprises a three-storey flat roofed contemporary design that would be a marked and prominent design change from the adjacent properties that are characterised by their more traditional vernacular with hipped roofs. The height, bulk and scale of the proposal would also be significantly greater than No 2. Nor would the proposal relate well to the scale and design of No 4 and its recessed pitch roof due to the appeal proposal's full width and flat roofed second storey. Overall, the proposal would be an overly large, and dominant dwelling with a functional appearance that would not represent high quality design or assimilate successfully with the character and appearance of the area.
  14. The proposed width of the dwelling would be tightly positioned within the plot close to boundaries. When considered together with the scale and appearance, the proposal would result in a marked reduction in the gap between the end of the built up frontage and the beach huts. The harm that would be caused to the function of the gap by the appeal proposal due to its excessive size and scale would result in a form of development that would not respect or enhance the character of the site and area.
  15. The appellant has drawn attention to contemporary dwellings nearby along Brighton Road at Nos 12, 12a and 18a and 18b as well as the three storey building Admiral Court. Nos 12, 12a, 18a and 18b appear as they have been erected as pairs with similar design features that blend in appropriately with their surroundings. This would not be achieved in this case as the excessively large, modern and functional design would adversely contrast with the adjacent development and unacceptably change the character of this open site at the end of the built up area. These other examples, therefore, do not justify the harm that I have identified as their specific contexts are different to the appeal site.
  16. For these reasons, the proposal would unacceptably harm the character and appearance of the area contrary to Policy 15 of the Local Plan, which requires that development should be of high architectural quality and respect and enhance the character of the site and the prevailing character of the area. Whilst Policy 13 of the Local Plan was referred to in the decision notice, this policy relates to development outside of the BUAB, which is not applicable in this case given the site's location within the built up area.

#### *Coastal Change and Biodiversity*

17. The appellant has provided a detailed overview of the concept of coastal squeeze and how it is being managed in Lancing through the ongoing implementation of the Beachey Head to Selsey Shoreline Management Plan

- 2006 (SMP). The Council has not disputed the information presented other than stating that they are not satisfied that the issue has been properly addressed.
18. It is evident that the SMP has a policy of 'Hold the Line' and the Environment Agency (EA) appears active in maintaining coastal defences including the shingle beach adjacent to the site in order to protect the coastline. The effect of this, from the information before me, is that the appeal site is located beyond the existing coastal defences and, therefore, not able to be colonised by migrating coastal habitats due to the presence of those defences. In effect, coastal squeeze has already occurred as a result of the sea defences in place, and would not be exacerbated or be affected by the proposed development.
  19. In terms of impacts on biodiversity, the application was supported by an Ecological Impact Assessment (EcIA). The EcIA confirms that the appeal site is not subject to any statutory or non-statutory protections, and comprises neutral grassland and other hedgerow habitats as opposed to any priority habitats.
  20. Accordingly, the EcIA identifies that the overall ecological value of the site is low and the development would be unlikely to cause significant harm. Nonetheless, the proposal includes mitigation in the form of a compensatory area of vegetated shingle planting as well as enhancements through the installation of bird boxes. These measures could be secured by condition, which the appellant has confirmed they would be willing to accept.
  21. To conclude, the proposal would not have an adverse impact with regard to coastal squeeze. I also find that the proposal subject to conditions would not result in harm, beyond the initial construction phase, to biodiversity on a site of relatively low ecological value. I am, therefore, satisfied that the proposal with conditions is acceptable with regard to coastal change and biodiversity and does not conflict with Policy 31. The proposal also is consistent with Chapter 14 of the Framework relating to coastal change.
  22. The Council's decision notice refers to the proposal being contrary to Policy 30 of the Local Plan, which relates to protecting green infrastructure. The officer's report refers to Policy 30 in the context of biodiversity, which is covered more specifically in Policy 31 of the Local Plan. Accordingly, I do not consider Policy 30 to be applicable to this main issue.

### **Planning Balance and Conclusion**

23. The Council can currently demonstrate only 3.45 years of deliverable housing supply. In these circumstances Paragraph 11 of the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. I am aware that proposed changes to the Framework are being consulted upon at present, although they would only have limited weight at this stage. I note, however, that the proposed updated Framework, would retain the presumption in favour of development being applied in circumstances such as those before me, which I consider further below.
24. In terms of adverse effects, the proposal would significantly harm the character and appearance of the area by virtue of the scale, siting, design and appearance of the proposed dwelling. The development would be contrary to

Policy 15 of the Local Plan in this regard, a policy that remain consistent with the Framework in so far as it promotes high standard of design sympathetic to local character. This policy is also consistent with paragraph 180 of the Framework that requires decisions to maintain the character of the undeveloped coast. I thus attach substantial weight to this conflict and associated harm.

25. Set against this, the development would provide one additional dwelling on a small brownfield site in an accessible location in a context with some limited economic benefits through the construction phase and through local expenditure by future residents.
26. Taking all matters into consideration, and notwithstanding the great weight I have attributed to the scheme's benefits, I conclude that whilst the principle of development on this site is appropriate, the adverse impacts of the appeal scheme would significantly and demonstrably outweigh the benefits when considered against the Framework as a whole. Therefore, the Framework's presumption in favour of sustainable development does not apply, and there are no material considerations that indicate that the proposal should be determined other than in accordance with the development plan.
27. For the reasons given above I conclude that the appeal should be dismissed.

*N Perrins*

INSPECTOR