

Appeal Decision

Site visit made on 24 January 2017

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 3rd March 2017

Appeal Ref: APP/L3815/W/16/3163693

Land adjacent to 51 Stane Street, Halnaker, Chichester, West Sussex PO18 0NF

- 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 Malcolm Knight against the decision of Chichester District Council.
 - The application Ref BX/16/01909/FUL, dated 14 June 2016, was refused by notice dated 13 September 2016.
 - The development proposed is described as 'new 2 bedroom single storey oak framed self-catering holiday unit'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Malcolm Knight against Chichester District Council. This application will be the subject of a separate Decision.

Main Issues

3. Whether the proposed development would be appropriately sited in a rural location; whether it would result in development with an unnecessary reliance on the private motor vehicle and whether it would conserve the landscape and scenic beauty of the South Downs National Park (SDNP), with regard to light spill.

Reasons

Rural Location

4. The appeal site is an area of grass that includes a timber outbuilding, located near to 51 Stane Street and fronting onto that road. It falls outside any identified settlement boundary in open countryside. The SDNP is to the rear of the appeal site.
 5. I note that the appeal development would not be sited close to many main/major/national tourist attractions, such as the main settlements within the SDNP or Chichester. However, it would be located close to Goodwood Estate, although there are limited footpaths and cycle routes from the appeal site to it. It would also be located close to the SDNP and a range of other localised places of interest, which would be within walking or cycling distance, even though I agree that there are limited formal routes in the locality. It would also be located close to a range of local services and facilities such as a
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pub, church, grocery store/newsagents and café, which are brought to my attention. In addition, it would be located so as to benefit from bus services, one a request service, to Chichester and other locations and some national tourist attractions. Prospective occupiers would have some choice regarding mode of travel to access a range of services and tourist attractions. I am therefore not convinced that it would result in an unnecessary reliance upon the private motor vehicle as stated in the Council's reasons for refusal. Even though prospective users would be likely to travel to the accommodation by private motor vehicle, a choice of transport would be available. I accept use of a private motor vehicle may be easier for prospective users of the tourist accommodation, but I have no substantive evidence to demonstrate that they would be likely to find use of a private vehicle preferable to using public transport.

6. Further, the appeal development would replace an existing structure albeit it bigger. It would be located in a rural locality, close to the SDNP. As it would be intended to be rural tourist accommodation, then it follows that a rural location would be required. I have no evidence before me that it could be accommodated elsewhere, but any location outside the countryside would not have the same attractions for the intended tourists. Whilst it may be the case that other, more appropriate sites are available within existing built up settlements, no substantive evidence is before me in this regard and such locations would not provide countryside tourist accommodation.
7. For all these reasons, the appeal development would be appropriately sited in a rural location and would not result in development with an unnecessary reliance on the private motor vehicle. Overall, it therefore would not undermine the underlying objectives of LP Policy 30, in this regard. That policy seeks to balance the provision of visitor facilities against the need to safeguard the landscape, character and environment. It would also accord with LP Policy 1, in this regard, which promotes sustainable development.

Light Spill

8. There would be limited space between the appeal building and the SDNP. Even though there is a thick band of trees and planting and a ditch to the rear of the proposed building, much of that planting and trees is deciduous and would enable light to spill through. Although some control could be exercised over removal if land nearby were within a conservation area as suggested by the Council, this would not overcome my concern. I note that there is development nearby, which would have the effect of increasing ambient light levels. However, I did not observe any building in the locality so close to the SDNP boundary with similar patterns of glazing. In the absence of substantive evidence to the contrary, even though the proposed development is small scale and its rear glazing would be broken up, the appeal proposal would be likely to increase light levels close to the SDNP and result in harmful light spill, so as to adversely affect its tranquillity and character. I have taken into account the views of both parties on the use of a condition to overcome this concern. I have limited substantive evidence to assure me that the use of tinted glazing would mitigate my concern and am not convinced that it would be appropriate for living accommodation and have concerns that the use of blinds could be enforced through the planning regime. As the proposed development would be small scale, a condition to secure a revision of that elevation through a condition would not be appropriate.

9. I note that the appeal development would provide suitable accommodation for people with disabilities, would utilise sustainable resources and materials and would be designed with renewable energy resources, would support local businesses and attractions and provide additional planting and additional natural habitats. However, none of these matters overcome the concern raised above.
10. I conclude that the appeal development would fail to conserve the landscape and scenic beauty of the SDNP, with regard to light spill. It would not be sensitively designed to maintain the tranquillity and character of the area. In this regard it would fail to accord with LP Policy 30. For the same reason, in this regard, it would also be contrary to LP Policy 1.

Other Matters

11. The appellant, in its design and access statement, suggests that the ditch which is close to the boundary of the appeal site is included within a Scheduled Ancient Monument. If this were the case, as the appeal development would be small scale and separated from the ditch, although close, no harm to that designation would be a consequence of this appeal.
12. In coming to the above assessments, I have had regard to the views of my Colleague in determining a previous appeal at the same site (APP/L3815/A/00/1049393). However, that appeal was for an office and store and is not directly comparable to the appeal before me. However, where material to my decision, I have generally concurred with the views of that Inspector.
13. As I have found that the appeal development would not accord with the Development Plan policies set before me and no material considerations are before me to outweigh that conflict, it would not fall within the definition of sustainable development as set out throughout the National Planning Policy Framework.

Conclusion

14. For the above reasons, and taking all other matters raised into consideration, I conclude the appeal should be dismissed.

R Barrett

INSPECTOR