

Appeal Decision

Site visit made on 24 April 2017

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

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

Decision date: 11 May 2017

Appeal Ref: APP/L3815/W/17/3167253

136 Almodington Lane, Almodington, Earnley PO20 7JR

- 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 M Romaniuk against the decision of Chichester District Council.
 - The application Ref E/16/02934/FUL, dated 5 September 2016, was refused by notice dated 28 November 2016.
 - The development proposed is to replace 2 outbuildings with a new dwelling and attached garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

Main Issues

2. The main issues are:
 - i) Whether the proposal would result in an acceptable pattern of development, with particular regard to settlement strategy and accessibility to services;
 - ii) The effect of the proposed development on the character and appearance of the area; and
 - iii) The effect of the proposed development on the Chichester and Langstone Harbour and Pagham Harbour Special Protection Areas (SPAs).

Reasons

3. The appeal site consists of a flat grassed area and two unassuming outbuildings, adjacent to residential property at 136 Almodington Lane (No 136). The buildings are well set back from the lane, but clearly visible in public views from there. It is proposed to remove the outbuildings and erect a single dwelling in roughly the same position. The new house would share the existing access onto the lane, which also serves No 136 and the glasshouses behind the appeal site.

Pattern of development

4. The area is distinctly rural in character, comprising a mixture of open fields, agricultural and horticultural holdings and scattered residential properties, interspersed with occasional generally small scale commercial premises. The
-

site lies outside any Settlement Boundary (SB) defined by Policy 2 of the adopted Chichester Local Plan: Key Policies 2014 – 2029 (CLP), which sets out the development strategy and settlement hierarchy for the district, and clearly focuses and directs development to specified settlements. Outside the SBs, in the Rest of the Plan Area, Policy 2 specifically restricts development to that which requires a countryside location, meets an essential local rural need, or supports rural diversification in accordance with CLP Policies 45 and 46.

5. The proposed new dwelling, being set outside a defined SB, would not accord with the general principle of Policy 2, the apparent aim of which is to ensure that development takes place in a sustainable manner that respects the identified settlement pattern and character of the district. No significant evidence has been provided to demonstrate that the proposed house is essential to the countryside location, as would be required by Policy 45. I note that it is proposed that family members would occupy the new house, allowing generations to live together alongside the horticultural business. However, personal circumstances or preferences can seldom outweigh general planning considerations and do not outweigh the conflict with the development plan in this case. Furthermore, there is no significant evidence that an additional dwelling is justified in connection with the horticultural business.
6. The appellant accepts that the site lies in open countryside but considers that there is reasonable access to facilities and public transport such as can be expected in a countryside location. While the site is not visually isolated from other built development, it is nonetheless functionally isolated from most services and facilities, with such provisions in the vicinity of Almodington Lane being very limited. Furthermore, I saw during my visit that the lane generally does not have a pedestrian footway, is unlit, and I saw no bus stops nearby. As a result I consider it likely that occupiers of the new house would favour the private car to access everyday local services and those further afield. Moreover, accessibility to local services would be insufficient to suggest that one additional dwelling here would lend significant support to the local community.
7. I conclude that the proposed development would not result in an acceptable pattern of development, with particular regard to settlement strategy and accessibility to services. It would therefore conflict with Policy 2 of the CLP, the relevant requirements of which are set out above.
8. Reference is also made by the Council to Policy 1 of the CLP. I have had regard to this as a general sustainable development policy but it is not as location-specific as Policy 2 and, as such, has not been determinative in my considerations.
9. The appellant is of the view that the new dwelling would consolidate development nearby, make efficient use of space, and that the provision of one dwelling would balance in favour of the scheme. However, the benefits associated one additional dwelling would be modest, and would not outweigh the clear conflict with the adopted settlement strategy.

Character and appearance

10. The site has a pleasant, open appearance, which is softened from the lane by several broadleaf trees. The existing buildings are not of any particular merit, but they are modest and commensurate in type and scale with the rural

setting. The proposed house would occupy the approximate position of the two outbuildings and would have a similar overall footprint. However, the house would be taller than the outbuildings, and the dormers and flat-roofed connecting link would also add to an increased sense of bulk arising from the height, scale and massing of the proposal. The detailed design and appearance would be unmistakably residential in nature, and this would be reinforced by the fenestration and glass Juliette balcony in the front elevation. For these reasons the proposal would conflict with Policy 33 of the CLP, which among other things seeks to ensure that new residential development respects and where possible enhances the character of the surrounding area, the site and its setting, including in terms of proportion, form, massing, height, size, scale and detailed design.

11. Furthermore, the driveway across the existing grassed area, together with the likely residential paraphernalia such as bins, would add to the change in character and appearance of the site from principally agricultural/horticultural to residential. This would be clearly visible from the road between the existing trees. In these respects the proposal would be out of keeping with the character of the surrounding area and its setting in the landscape, contrary to the corresponding requirements of criterion 4 of Policy 33.
12. I conclude that the proposed development would harm the character and appearance of the area. It would therefore conflict with Policy 33 of the CLP, the relevant requirements of which are set out above.

SPAs

13. The Council advises that the site lies within the 3.5km and 5.6km zones of influence for the Pagham Harbour and Chichester and Langstone Harbours SPAs. It is established that any development resulting in a net increase in the number of dwellings within the zones of influence, without avoidance or mitigation measures, would be likely to have a significant effect on the SPAs within the meaning of the Conservation of Habitats and Species Regulations 2010.
14. Policies 50 and 51 of the CLP set out appropriate mitigation measures, which in the case of one dwelling would be likely to be a financial contribution towards specified management and mitigation projects. Such measures would normally be secured by way of a S106 Unilateral Undertaking (UU). In this case, no such UU has been provided to the appeal, and it is also not clear whether the necessary undertaking has already been received by the Council.
15. In the absence of evidence to the contrary, I cannot be satisfied that there would be no likely significant effects arising from the development and that it would not affect the overall integrity of the Pagham Harbour and the Chichester and Langstone Harbours SPAs. I therefore conclude that the proposal would conflict with Policies 50 and 51 of the CLP, the relevant requirements of which are set out above.

Other Matters

16. I have considered the appellant's opinion that the proposed house would add to the Council's required contribution to housing supply from windfall development. However, the Council advises that it is currently able to demonstrate five years' supply of deliverable sites for housing, as required by

Paragraph 49 of the Framework, which is not disputed by the appellant. This necessarily, in my judgment, reduces the weight to be afforded to additional housing provision in an area that conflicts with up-to-date, adopted development plan policy.

17. Reference has been made to a potential fallback position under Class Q of the national permitted development rights, which may allow for the conversion of the outbuildings to residential use. However, there are certain limitations associated with Class Q rights, including that the external dimensions of the dwelling must not extend beyond those of the existing building at any point. On the basis of the evidence before me, a dwelling of the scale and nature proposed would be outside the scope of the rights afforded by Class Q. Accordingly, I am only able to give this fallback position very limited weight, which does not alter my findings above.

Conclusion

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

Catherine Jack

INSPECTOR