
Appeal Decision

Site visit made on 6 July 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 26 July 2017

Appeal Ref: APP/L3815/W/17/3169956

Maudlin Mill, Stane Street, Maudlin, Westhampnett, Chichester, West Sussex PO18 0PD

- 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 Luke Leleu (Hamlet Homes Ltd) against the decision of Chichester District Council.
 - The application Ref WH/16/02827/FUL, dated 23 August 2016, was refused by notice dated 21 November 2016.
 - The development proposed is development of workshop with office over.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Luke Leleu (Hamlet Homes Ltd) against Chichester District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - i) the effect of the proposed development on the character and appearance of the surrounding area;
 - ii) whether the site access would be suitable having regard to highway safety.

Reasons

Character and appearance

4. The site is part of a larger commercial site set within the countryside, with farm buildings to the north-east but otherwise surrounded by fields to the north, north-west and on the opposite sides of the adjacent Stane Street and Sidengreen Lane to the south and south-west respectively.
5. Stane Street is characterised by its pleasant sense of rural openness with the verdant nature of its roadside, including mature trees and other vegetation, being a key and distinct contributing factor.
6. The wider commercial site includes a large green metal clad building and has extant planning permission for another large industrial building allowed on

appeal Ref APP/L3815/W/16/3142294. However, the existing building is set well back from the road and largely screened from view by the roadside vegetation on the approaches to the site. It is only more clearly visible from immediately in front of the site access but still not dominantly so due to the degree of setback. It is set significantly further from Sidengreen Lane and again significantly screened or softened by intervening vegetation. It is therefore not a prominent feature in the context of those nearby public vantage points.

7. The extant scheme would also be set well away from both Stane Street and Sidengreen Lane and similarly screened or softened, and therefore again not a prominent feature from those vantage points. Furthermore, although the appeal site itself includes some existing rubble and brambles adjacent to the vehicular access, they are not of such prominence as to be significantly detracting features in the context of the adjacent streetscene.
8. The proposed two storey building would be largely screened in any views from the north, including from the South Downs National Park, by the existing adjacent building and, if built, the extant one, and by boundary vegetation. However, it would be positioned in a significantly more prominent location in respect of Stane Street than those existing and extant buildings, being immediately adjacent to the site's access. As such, there would be limited scope for screening or softening from the roadside vegetation and it would be clearly visible when passing the site and on the closer approaches. That would be regardless as to whether or not any existing trees would be removed due to the positioning of the proposed building.
9. I do not consider that the proposed first floor fenestration and Juliette balcony would necessarily appear overly domesticated in appearance. However, due to the building's height, proximity to the road, and generally utilitarian appearance, it would introduce a jarring and incongruous feature into the otherwise predominantly verdant setting of Stane Street in the vicinity of the site.
10. For the above reasons, I conclude on this issue that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. As such, it would be contrary to policy 48 of the Chichester Local Plan: Key Policies (the Local Plan) which, amongst other things, requires there to be no adverse impact on the rural character of the area, and that proposals respect and enhance the landscape character of the surrounding area. It would also be contrary to the National Planning Policy Framework (the Framework) in respect of this issue, which in paragraph 17 states that planning should, amongst other things, take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside.
11. Policy 45 of the Local Plan, referred to in the Council's reason for refusal, sets out that within the countryside, outside of Settlement Boundaries, development will be granted where it requires a countryside location. The criteria in that policy relating to landscape and rural character of the area relates to such development. In this case, I have received no substantive evidence to indicate that the proposal would require a countryside location and so that policy criteria would not apply.

Highway safety

12. I have had regard to concerns relating to whether or not the existing access would be fit for purpose to serve the development. However, I have also had regard to the existing potential commercial use of the wider site, regardless as to whether or not it is currently operational as such, and the extant permission that has been granted.
13. There is limited information as to the nature of vehicular activity relating to the appeal proposal. However, the proposal would be of relatively small scale compared with the existing building and extant scheme on the wider commercial site. It is therefore unlikely that movements and activity would be materially different to those that could currently take place on the site or in the future were the extant scheme implemented. There would also remain a substantial area within the site and wider commercial site for the turning of large vehicles. Although the access drive is not in very good condition, appropriate improvements could be secured by condition were the appeal allowed.
14. For the above reasons, I conclude on this issue that the site access would be unlikely to pose a risk to highway safety. As such, it would accord with policy 39 of the Local Plan which, amongst other things, requires development to have safe and adequate means of access and internal circulation/turning arrangements for all relevant modes of transport. It would also accord with the Framework in respect of this issue which in paragraph 32 states decisions should take account of whether safe and suitable access to the site can be achieved for all people.

Planning balance

15. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. That presumption in favour of sustainable development is reflected in policy 1 of the Local Plan.
16. The proposal would relate to an existing wider employment site and in this respect I have had regard to policy 26 of the Local Plan which relates to existing employment sites. That policy supports development of employment floorspace and proposals which make more efficient use of underused employment sites. I have also had regard to paragraph 28 of the Framework which states that local and neighbourhood plans should support the sustainable growth and expansion of all types of businesses and enterprise in rural areas.
17. The appellant claims that the proposal would enable the full and proper management of the wider site, including its observation from the first floor office. However, I have received insufficient substantive evidence to demonstrate that the existing building and extant proposal could not operate efficiently without that proposed, or that other means of observation or security, such as the use of CCTV cameras, could not be utilised. I have therefore afforded only moderate weight to this factor.
18. I have found that the site access would be unlikely to pose a risk to highway safety. However, that does not deflect from my finding that the proposed development would cause unacceptable harm to the character and appearance

of the surrounding area. That harm would also outweigh any operational benefits, to which I have afforded only moderate weight, and any local employment benefits associated with adding only a relatively small building to the wider employment site. As such it would not be a sustainable form of development.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR