



Appeal Decision

Site visit made on 1 October 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2019

Appeal Ref: APP/L3815/W/19/3232132

Land South of Telephone Exchange, Selsey Road, Sidlesham, Chichester

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 W Hughes against Chichester District Council.
 - The application Ref SI/18/02925/FUL, is dated 5 November 2018.
 - The development proposed is described as proposed private stable block and associated hardstanding. New access to the Highway.
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Decision

1. The appeal is allowed, and planning permission is granted for proposed private stable block and associated hardstanding. New access to the Highway, at Land South of Telephone Exchange, Selsey Road, Sidlesham, Chichester, in accordance with the terms of the application, Ref SI/18/02925/FUL, dated 5 November 2018, and the plans submitted with it, subject to the attached schedule of conditions.

Preliminary Matters

2. The appeal results from the Council's failure to determine the application within the prescribed period. No formal decision on the application has been made, as jurisdiction was transferred from the Local Planning Authority once the appeal was formally accepted by the Inspectorate. The application was however referred to the Chichester District Planning Committee, who resolved not to contest the appeal.
3. I am aware of the Council's decisions to refuse two applications¹ for the stationing of caravans for residential purposes by gypsy-traveller families, which were subsequently appealed. These appeals² are however not directly related to the proposal before me, which I am required to determine separately, on its individual merits.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, having particular regard to the site's location within the countryside.

Reasons

5. Located within an area of primarily rural character, the appeal site forms part of a large open field, which lies at the corner of Selsey Road and Keynor Lane.

¹ Local Planning Authority References SI/17/02640/FUL and SI/18/01173/FUL.

² APP/L3815/W/18/3209145 and APP/L3815/W/18/3209147.

The proposed scheme would enable the construction of a stable block to the South of the Telephone Exchange building, and include the formation of a vehicular access onto Selsey Road.

6. Policy 2 of the Chichester Local Plan – Key Policies 2014-2029 (LP) sets out the development strategy and settlement hierarchy for the area administered by the Council. In addition to Chichester City, Policy 2 identifies a number of settlement hubs and services villages which should be the focus for new development. LP Policy 45 seeks to limit development in the countryside to a number of restricted circumstances. Having regard to the information before me, it is accepted that the proposed development necessitates a countryside location and would meet the essential, small scale and local need required by Policy 45.
7. The proposal would be sited within proximity to the telephone exchange building and other residential properties located on the western side of Selsey Road which, to a large extent, are characterised by their varied appearance. As a result, it is considered that the scale and design of the proposed building would not detract from the character and appearance of the surrounding area.
8. Having regard to the submitted information and my observations as part of the site visit, and in the absence of substantive evidence to the contrary, I conclude that the proposal would not unacceptably harm the character and appearance of the area. I therefore find no conflict with LP Policies 2, 45 and the design aims of LP Policy 40, but also LP Policy 55, which deals specifically with equestrian development.

Other Matters

9. A number of concerns have been raised by interested parties, which include Sidlesham Parish Council and local residents. Some of these reservations relate to the effect of the development on the character and appearance of this rural area, and the setting of the Grade II Listed Muttons Farmhouse, which fronts Keynor Lane. The stables would however be constructed at some distance away from the Grade II Listed Building. No concerns have been raised by the Council in that particular regard, and I see no justification to disagree with that approach.
10. I have also noted the concerns in respect of the effect of the development on highway safety, particularly by reason of the proposed vehicular access onto Selsey Road. Whilst the Parish Council indicates that an embargo was imposed by the County Surveyor in respect of new access onto the B2145, this does not appear to be supported by substantive evidence. The proposed scheme has been considered by the Local Highway Authority, who have agreed a number of changes with the appellant, including a suitable turning area and access arrangements for vehicles towing a horse box, as well as appropriate visibility splays. On this basis, the Local Highway Authority is satisfied that the development would not unacceptably prejudice highway safety, and there are no reasons for me to take a different view.
11. The effect of the proposal on protected species and Pagham Harbour³ has been appropriately addressed within the Preliminary Ecological Appraisal⁴ prepared

³ Pagham Harbour is identified as a Local Nature Reserve, Ramsar Site, Site of Special Scientific Interest and Special Protection Area.

⁴ Project No: P3026, dated 2 January 2019.

by The Ecology Co-op, and subsequent letter dated 14 March 2019, which includes the results of an overwintering bird survey undertaken on site. These documents recommend a number of measures to be implemented as part of the proposal, which can be appropriately conditioned.

12. The Flood Risk Assessment⁵ (FRA), which has been carried out by Paul Timmins (Your Environment), confirms that the site lies within Flood Zone 2 and partially within Flood Zone 3. The proposal constitutes a 'less vulnerable' form of development which, having regard to the Environment Agency's Flood Risk Vulnerability Classification, is considered acceptable within Flood Zones 2 and 3. Whilst the proposed access may not be usable during a 1 in 200-year event, the Environment Agency has confirmed that this would be mitigated by the alternative access onto Keynor Lane for evacuation. The site lies within an area of low risk of river flooding and is not exposed to risks of pluvial flooding, but the FRA nevertheless indicates that the site is at Medium risk of groundwater flooding. Therefore, ground investigations would be required to determine the wider groundwater level and the soil permeability. This can be secured by a suitably worded condition.

Conditions

13. I have considered the conditions suggested by the Council, making minor amendments where necessary, to ensure compliance with the tests as set within the Framework and the Planning Practice Guidance. In addition to the standard time limit, I have imposed a condition specifying the relevant drawings, as this provides certainty.
14. Conditions requiring further details of materials, boundary treatments, soft and hard landscaping are considered necessary to safeguard the character and appearance of the area. I have also imposed conditions to secure the provision of turning areas, vehicular access and visibility splays, which are required in the interests of highway safety.
15. Conditions relating to renewable energy sources and hard surfacing are considered necessary in the interests of sustainability, and to prevent unacceptable levels of water run-off. Additionally, to ensure that the scheme does not increase the risk of localised flooding, I shall impose conditions relating to drainage. As all necessary infrastructure would in all likelihood have to be installed during the groundworks phase, these details would need to be submitted to and approved by the Local Planning Authority prior to development starting on site. The appellant has confirmed his agreement to this pre-commencement condition.
16. A condition requiring the submission of a scheme for the disposal of waste is also attached to prevent pollution, which should include a preclusion of the burning of waste on site. Any significant burning of waste would additionally be covered by other legislation. A separate condition in that regard is therefore not considered necessary.
17. To protect the living conditions of neighbouring residents, I shall impose conditions restricting the use of the site and external lighting within the plot. It is also necessary to attach a condition which would provide a mechanism to

⁵ Report Number: YE5301, dated November 2018.

deal with potential contamination to preserve the environment and the health and safety of future occupiers.

Conclusion

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

S Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 000 Rev 2, 001 Rev 3, 100 Rev 2.
- 3) The development hereby permitted shall be carried out in full accordance with the submitted documents: The Ecology Co-op Environmental Consultants, 14th March 2019 and Preliminary Ecology Appraisal 2nd January 2019, Ref.P3026, unless otherwise agreed in writing by the Local Planning Authority.
- 4) No development shall commence until details of the proposed overall site wide surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme. The drainage scheme shall be implemented and maintained as agreed in perpetuity.
- 5) Notwithstanding any details submitted no construction of the walls and roofs to the building hereby permitted shall be undertaken until a full schedule of all materials and finishes and samples of such materials to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.
- 6) Prior to first occupation of the stables and use of the land hereby permitted details of the existing (those to be retained) and proposed boundary treatments shall be provided in accordance with a scheme that

shall first be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

(a) a scaled site plan showing the location and lengths of the boundary treatments and scaled elevations, and

(b) details of the materials and finishes.

Thereafter, the boundary treatments shall be maintained as approved in perpetuity.

- 7) The development hereby permitted shall not be first brought into use until full details of the hard and soft landscaping have been submitted to and agreed in writing by the Local Planning Authority.
- The details shall include: a scaled site plan indicating the planting scheme for the site showing the schedule of plants and positions, species, plant sizes (at time of planting) and proposed numbers/densities. In addition, the scheme shall include details of all existing trees and hedgerows on the land including details of any to be retained, together with measures for their protection during the course of the development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site and shall include the planting of a native hedge along the front of the application site.
- The landscaping scheme shall also include full details of any proposed hard landscaping showing any external hard surfaces and their positions, materials and finishes.
- The works shall be carried out in full accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice.
- The approved scheme shall be carried out in the first planting season after practical completion of first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as it reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.
- 8) The development shall not be occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Block Plan 001 Rev 3.
- The access and visibility splays shall be retained free of obstruction for their intended purpose.
- 9) The development shall not be occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.
- 10) The land use and stable building hereby permitted shall not be brought into use until the method of disposal of waste arising from the keeping of horses and the stables, including the preclusion of the burning of waste on the site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the land and stables are brought into use and shall thereafter be maintained and operated in the approved manner in perpetuity.

- 11) Any discharge of washings from the stables and/or yard area must first drain into a soakaway or treatment system so that any discharge to ground is at least 10 metres from any watercourse.
- 12) 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.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the building hereby permitted and associated land subject to this application shall only be used for the private keeping of horses and as a private stables and shall not be used for any other purpose whatsoever, including the staging of public events, gymkhanas, livery purposes or for use as a riding school.
- 14) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. The development shall not be first occupied until:
 - i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority; and
 - ii) Where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use; and
 - iii) A verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

END OF SCHEDULE