



Appeal Decision

Site visit made on 30 September 2019

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2019

Appeal Ref: APP/L3815/W/19/3232474

Land to north of 20 Wessex Avenue, East Wittering PO20 8NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Leake against the decision of Chichester District Council.
 - The application Ref EWB/19/01036/OUT, dated 9 April 2019, was refused by notice dated 5 June 2019.
 - The development proposed is erection of 1no bungalow.
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Decision

1. The appeal is allowed, and outline planning permission is granted for erection of 1no bungalow at Land to north of 20 Wessex Avenue, East Wittering PO20 8NP in accordance with the terms of the application, Ref EWB/19/01036/OUT, dated 9 April 2019, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The application was submitted in outline with details of access provided for consideration. All other matters are reserved for future approval.

Main Issue

3. The main issue in this case is whether the site provides an appropriate location for a new bungalow.

Reasons

4. The appeal relates to an area of garden to the side of 20 Wessex Avenue, which is the final property in a cul-de-sac of bungalows. The site is bounded by dense mature hedging on three sides and this provides strong enclosure to the plot and clear visual separation with neighbouring farmland.
5. The southern site boundary, abutting No 20, is contiguous with the settlement boundary for East Wittering and Bracklesham. The Chichester Local Plan¹ (CLP) defines this as a 'Settlement Hub'. CLP Policy 2 is permissive of some housing growth, with East Wittering and Bracklesham identified as a strategic development location. There is a policy presumption in favour of sustainable development within the settlement boundary; development outside the boundary is restricted to that which requires a countryside location or meets an essential local rural need or supports rural diversification.

¹ Adopted Chichester Local Plan Key Policies 2014-2029

6. CLP Policy 45 is permissive of development outside settlement boundaries, where it requires a countryside location and meets the essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements. Although the policy construction does not preclude new housing, it is clear from reading the policies together that the intention is to strictly control market housing in the countryside. Sustainable development is, however, supported where it can be demonstrated that certain criteria have been met.
7. The proposal would comply with those criteria. The site is well related to buildings within East Wittering and its development would not prejudice any agricultural operations on neighbouring farmland. The strong boundary treatment means that the site is read as part of Wessex Avenue; a modest bungalow of similar design to others in the road would be a logical termination of the cul-de-sac and it would have no impact on the landscape and rural character of the surrounding area.
8. There is no dispute that East Wittering is a suitable location for new housing. The village has a good range of everyday facilities, with the site lying a short walk or cycle from the primary school and the central shopping area at The Parade. The proposal would support local services and thereby help to maintain the vitality of the rural community, compliant with paragraph 78 of the National Planning Policy Framework (the Framework). It would not create an isolated home in the countryside of the sort that national planning policy seeks to avoid.
9. The parties agree that the site comprises previously developed land. The CLP seeks at paragraph 19.23 to prioritise the redevelopment of sustainably located previously developed sites, where development is essential in the countryside. Likewise, the Framework promotes the effective use of land, particularly 'brownfield' land. This weighs in favour of the scheme, particularly given the location of the site which is well related to the services and facilities within an existing settlement.
10. The Council states that it is able to demonstrate 5.7 years supply of deliverable housing sites. It argues that the indicative strategic housing number for East Wittering and Bracklesham (180) has been achieved. Be that as it may, there is no ceiling to housing delivery. The Government's policy is to significantly boost the supply of homes, and the proposal would have a small but nonetheless beneficial role in meeting this objective. Paragraph 68 of the Framework explains that small sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.
11. The proposal would help to achieve the economic, social and environmental objectives set out within paragraph 8 of the Framework. It would constitute sustainable development and would comply with national planning policy and the second clause of CLP Policy 45. Although there is policy conflict arising from the site's location outside of the settlement boundary, the particular facts of this case indicate a decision otherwise than in accordance with the development plan. Accordingly, I conclude that the site provides an appropriate location for a new bungalow.

Appropriate Assessment

12. The appeal site lies within the Zone of Influence of the Chichester and Langstone Harbour Special Protection Area. The effects of the proposal on this designation must be considered in combination with other plans and projects in

the area. It is impossible to rule out likely significant effects through increased recreational disturbance. Appropriate Assessment is therefore required under The Conservation of Habitats and Species Regulations 2017 (the Regulations). This need be no more than proportionate to the case.

13. The appellant has submitted a signed unilateral undertaking which secures a financial contribution in accordance with CLP Policy 50 and the joint mitigation strategy outlined in Phase III of the Solent Disturbance and Mitigation Project. The contribution would be effective beyond all reasonable scientific doubt in mitigating or avoiding adverse effects on the protected site.
14. As competent authority for the purposes of Regulation 63 of the Regulations, I am satisfied that the proposal would not adversely affect the integrity of the European protected site, having regard to its conservation objectives. The planning obligation would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. It would therefore comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Conditions

15. In addition to the standard conditions for outline permissions I have imposed a condition specifying the relevant drawings as this provides certainty. To minimise pollution and disturbance to existing residents during the construction phase a condition is necessary to require the submission, prior to development commencing, of a Construction and Environmental Management Plan.
16. To prevent flooding, a condition is needed to require the submission, for the Council's written approval, of a surface water drainage scheme. A condition is also necessary to secure details of how the development will comply with CLP Policy 40 in connection with sustainable design and construction.
17. Although layout is a reserved matter it is reasonable to attach conditions to ensure the provision of parking and turning areas, covered and secure cycle parking spaces and refuse and recycling storage facilities, in accordance with relevant development plan policies.
18. Additional conditions have been suggested in relation to landscaping, boundary treatments and external materials, but these are not required as landscaping and appearance are reserved matters.

Conclusion

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

Robert Parker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing 1 - Location Plan and Drawing 2 - Block Plan.
- 5) No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. Thereafter, the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the local planning authority. The CEMP shall provide details of the following:
 - (a) the anticipated number, frequency and types of vehicles used during construction;
 - (b) the provision made for the parking of vehicles by contractors, site operatives and visitors;
 - (c) the loading and unloading of plant, materials and waste;
 - (d) the storage of plant and materials used in construction of the development;
 - (e) the erection and maintenance of security hoarding;
 - (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway;
 - (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles;
 - (h) measures to control the emission of noise during construction;
 - (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety;
 - (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas; and
 - (k) waste management including prohibiting burning.
- 6) 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. The bungalow shall not be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the approved surface water drainage scheme.

- 7) No development shall be carried out above slab level until a strategy outlining details of the sustainable design and construction for all the bungalow, including water use, Building for Life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved (including but not limited to charging electric vehicles) has been submitted to and approved in writing by the local planning authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the local planning authority.
- 8) The bungalow hereby permitted shall not be occupied until its associated parking space(s) and turning area(s) have been laid out within the site in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority to ensure vehicles may enter and leave the site in forward gear. The parking/turning areas shall be used and retained exclusively for their designated purpose.
- 9) The bungalow hereby permitted shall not be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the local planning authority in writing. Thereafter, the cycle parking shall be retained for that purpose in perpetuity.
- 10) The bungalow hereby permitted shall not be occupied until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. Thereafter, the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

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