



Appeal Decision

Site visit made on 22 May 2020

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 June 2020

Appeal Ref: APP/L3815/C/20/3245624

Red Barn, Selsey Road, Sidlesham, West Sussex PO20 7NE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Asa Williams against an enforcement notice issued by Chichester District Council.
 - The enforcement notice was issued on 18 December 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a building in the approximate position shown on the attached plan.
 - The requirements of the notice are:
 - (i) Demolish the said building; and
 - (ii) Remove the resultant debris from the Land.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a building in the approximate position shown on the plan attached to the notice, on land at Red Barn, Selsey Road, Sidlesham, West Sussex PO20 7NE, subject to the following condition:
 - 1) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), the building hereby permitted shall be used for the storage of equipment for forestry purposes relating to the use of the land and for no other purpose including commercial forestry purposes, or forestry purposes unrelated to the needs of the land.

Reasons

2. The enforcement notice states that the building results in an over development of the site by reason of its siting, design, external appearance and overall height. Therefore, in the context of this reason for issuing the notice, I consider the main issue for the ground (a) appeal is the effect of the development on the character and appearance of the area.
3. The appeal site is in the countryside outside of a defined settlement boundary. In such a location, Policy 45 of the Chichester Local Plan: Key Policies 2014-2029 (the Local Plan) states that development will be granted 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.
4. The appeal building is within a woodland and the evidence indicates the building is for the storage of tools for managing the woodland. The Council accepts that the woodland requires maintenance and that keeping tools on the land is not unreasonable. I see no reason to disagree with this position and therefore I am satisfied that a building for this purpose requires a countryside location and meets the need test set out in Policy 45.
 5. Three specific criteria are set out in Policy 45, all of which the policy states must be met. First, the development must be well related to an existing farmstead or group of buildings or located close to an established settlement. The appeal building is a considerable distance from other buildings. However, it is within the woodland surrounded by trees and is far from the boundaries of the site. Moreover, whilst it is a relatively tall triangular prism shape, it sits comfortably beneath the canopy of the surrounding trees. As such, views of the building are limited from anywhere except the area in the woodland immediately around the building. This is a significant material consideration in this case which must be balanced with this criterion of Policy 45.
 6. Second, Policy 45 requires that the development is complementary to and does not prejudice any viable agricultural operations on a farm and other existing viable uses. There is no evidence that the appeal development adversely affects any agricultural operations or other uses and so I am satisfied there is no conflict with this criterion of Policy 45.
 7. Third, Policy 45 states that developments requiring a countryside setting must ensure that their scale, siting, design and materials would have minimal impact on the landscape and rural character of the area. The appeal building is sensitively clad in timber and discreetly sited. Despite the tall apex of its roof, it is a relatively small structure in terms of floorspace and volume and so overall this criterion of Policy 45 is satisfied.
 8. Considering all of the above points, in my judgement, the appeal development does not harm the character or appearance of the area. Accordingly, in respect of the above main issue, overall, I find no conflict with Policies 1, 2, 40, 45 or 48 of the Local Plan. Nor do I find conflict with Section 2, 12 or 15 or paragraphs 58 or 170 of the National Planning Policy Framework (the Framework), all of which are identified in the notice.
 9. The Council has suggested conditions which I have considered taking account of advice in the Framework and Planning Practice Guidance. No use of the building is stated in the breach of planning control in section 3 of the notice. Moreover, use of the building for purposes other than that described above may have different effects. Therefore, a condition stating and limiting the use of the building is necessary and reasonable in the circumstances of this case.

Other Matters

10. Specific attention has been drawn to Policies 22, 49, 50 and 51 of the Local Plan and to paragraphs 175 and 177 of the Framework. In broad terms, together these policies relate to coastal management, biodiversity and habitat sites. However, no explanation has been provided of how these policies are relevant in this case or what harm may arise from the appeal development in

respect of these policies. In particular I note that Policies 50 and 51 concern net increases in residential development which is not what the development before me is for.

11. Moreover, I note that in its questionnaire the Council has confirmed the appeal site is not in or adjacent to or likely to affect a Site of Special Scientific Interest and that protected species are not likely to be affected by the appeal development. As such, reference to the above policies makes no difference to my overall conclusion in this case.
12. It has been alleged that the building is a habitable structure. However, having seen inside the building, there is no evidence this is the case, and, were it to be used for anything other than as specified in condition 1, above, it would be open to the Council to consider the expediency of further action under Part VII of the above Act.

Conclusion

13. For the reasons given above I conclude that the appeal succeeds on ground (a) and planning permission is granted.

L Perkins

INSPECTOR