



Appeal Decision

Site visit made on 29 May 2020

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal A Ref: APP/C3810/W/19/3220136

Arundel Vineyard, Church Lane, Lyminster BN17 7QJ

- 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 & Mrs Andrew and Susan Byrne against the decision of Arun District Council.
 - The application Ref LY/8/18/PL, dated 10 April 2018, was refused by notice dated 2 August 2018.
 - The application is for: Change of use from Vineyard to garden amenity area serving Arundel Vineyard.
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Decision

1. The appeal is allowed and planning permission is granted for: Change of use from Vineyard to garden amenity area serving Arundel Vineyard, at Arundel Vineyard, Church Lane, Lyminster BN17 7QJ, in accordance with the terms of the application, Ref LY/8/18/PL, dated 10 April 2018, and the plans submitted with it, 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 and re-enacting that Order with or without modification), no buildings, gates, fences, walls or other means of enclosure shall be erected.

Preliminary Matters

2. At my site visit it was apparent that the change of use has already occurred. I have dealt with other appeals on this site and these are the subject of separate decisions.

Main Issues

3. Based on the Council's report, the main issues are the effect of the appeal development on:
 - the character and appearance of the area, and
 - the gap between Arundel and Littlehampton.

Reasons

Character and Appearance

4. In respect of this main issue, the Council's decision refers to Policy C SP1 of the Arun District Council Local Plan 2011-2031, adopted July 2018 (the Local Plan).

The appeal site is outside of the Built-Up Area Boundary as defined in the Local Plan. For the purposes of Policy C SP1, such land is defined as countryside and is recognised for its intrinsic character and beauty. Policy C SP1 permits development in such areas where it is for one of the purposes specified in the policy.

5. One such purpose specified in Policy C SP1 is quiet, informal recreation. There is no evidence that the relevant land in this case is or would be used for any purpose other than this. As I saw at my site visit, the land is mostly covered by lawn, with some trees and planting. To that extent, it does appear more formal than open countryside. But, as is stated by the Council in its questionnaire, the site is enclosed and not easily seen from any public viewpoints. Therefore, any visual effects of the change of use from outside the site are particularly limited.
6. The Council is concerned the garden area is excessive to serve the dwelling. But no explanation has been provided of what evidence or policy is relied on to substantiate this concern. The Council also states that a garden of this size would increase the value of the dwelling further increasing the difficulty for finding future occupants who could satisfy the occupancy condition which the dwelling is subject to. But no evidence has been provided which satisfies me this is the case.
7. Considering all of the above points, I conclude on this main issue the appeal development does not harm the character or appearance of the area. Accordingly, in this regard I find no conflict with Policy C SP1 of the Local Plan.

The gap between Arundel and Littlehampton

8. The appeal site is identified in the Local Plan as part of a gap between the settlements of Arundel and Littlehampton. Policy SD SP3 describes such gaps as generally open and undeveloped. The policy seeks to protect them to prevent coalescence between settlements and to retain the separate identity of settlements.
9. Development within such gaps is permitted by Policy SD SP3 only if:
 - a. It would not undermine the physical and/or visual separation of settlements;
 - b. It would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development;
 - c. It cannot be located elsewhere; and
 - d. It maintains the character of the undeveloped coast;
 - e. or, if a subsequent Development Plan Document (DPD) or Neighbourhood Plan deems it appropriate through an allocation;
 - f. If a subsequent DPD or Neighbourhood Plan deems it appropriate through an allocation.
10. In this case, given the enclosed nature of the appeal site and the lack of built development forming part of the appeal development, I am satisfied that none of the above criteria are offended by the appeal development and that there is no significant effect on the gap between Arundel and Littlehampton as a result of the appeal development. Accordingly, I find no conflict with Policy SD SP3.

Other Matters

11. I note there is concern expressed in representations received that the appeal development may harm the adjacent Lyminster Conservation Area, the setting of the adjacent listed building of Lyminster House and views to Arundel. But in my judgement, given the enclosed nature of the appeal site and the lack of built development forming part of the appeal development there is no such harm in this case.
12. There are also concerns expressed by third parties about future development of the appeal site. But there is no evidence that any such proposals would not be subject to planning control in the usual way.
13. I am also aware the site may be adjacent to a biodiversity opportunity area. But there is no evidence of harm as a result of the appeal development in this respect.
14. My attention has been drawn to covenants that the land may be subject to. But these are not for me to consider within the scope of an appeal under section 78 of the above Act.
15. I am aware of concern about errors relating to boundary lines shown on drawings provided. However, from the information available to me, the errors described in the representations received have no material effect on the appeal development before me or on the ownership of the land concerned and so any such errors make no difference to my overall conclusion in this case.

Conditions and Conclusion

16. The appellant has suggested a condition to restrict new buildings and enclosures on the land. I agree such restrictions are necessary in the interests of the character and appearance of the area and to ensure the gap between Arundel and Littlehampton is maintained. Subject to a condition to this effect, for the reasons given above I conclude that the appeal should be allowed.

L Perkins

INSPECTOR