
Appeal Decision

Site visit made on 30 June 2020

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2020

Appeal Ref: APP/L3815/C/19/3228025

Land at Donnington Manor Farm, Selsey Road, Donnington, Chichester, West Sussex PO20 7PL

- 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 H Brown against an enforcement notice issued by Chichester District Council.
- The enforcement notice, numbered D/9, was issued on 28 March 2019.
- The breach of planning control as alleged in the notice is without planning permission, the change of use of the land to a commercial storage use (within Class B8 of the Schedule of the Town and Country Planning (Use Classes) Order 1987).
- The requirements of the notice are:
 - (i) Cease using the land for commercial storage;
 - (ii) Remove all the storage containers from the land;
 - (iii) Remove all the hardstanding from the land, and
 - (iv) Following compliance with (i), (ii) and (iii) above, level the land and reseed with grass.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 9th July 2020.

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 change of use of the land to a commercial storage use (within Class B8 of the Schedule of the Town and Country Planning (Use Classes) Order 1987) at Land at Donnington Manor Farm, Selsey Road, Donnington, Chichester, West Sussex PO20 7PL subject to the conditions in the attached schedule.

The ground (a) appeal and the deemed application

2. Having regard to the reasons for issuing the notice, the main issue is whether the site is a suitable location for the development having regard to the development strategy, including its effect on the character and appearance of the siting and surrounding area.

Suitable location

3. The site is within the open countryside, a short distance from the village of Stockbridge which lies adjacent to Chichester bypass. A development strategy and settlement hierarchy are set out in Policy 2 of the Chichester Local Plan: Key Policies Adopted July 2015 (CLP). New development is directed to Chichester City, settlement hubs and service villages. In the rest of the plan area, development is restricted to that which requires a countryside location or meets an essential local rural need or supports rural diversification in accordance with the specified policies.
4. Policy 45 of the CLP relates to development in the countryside, which will be permitted where it requires a countryside location and meets an essential, small scale and local need which cannot be met within or immediately adjacent to existing settlements. It states that permission will be granted for sustainable development in the countryside where all three listed criteria are met. The criteria require the development to be well related to an existing farmstead or group of buildings, not to prejudice any viable agricultural or other operations, and have a minimal impact on the landscape and rural character of the area.
5. In terms of CLP Policy 2, the development supports the diversification of Donnington Manor Farm from its agricultural base. The development is relatively small scale, comprising twenty storage containers. While it has not been demonstrated that there are no suitable alternative sites within nearby built up areas, the appellant's evidence indicates that the majority of the users of the storage containers are either based at the farm or within the surrounding area. I am therefore satisfied that it requires a countryside location.
6. In terms of the criteria 1 and 2 of CLP Policy 45, the site is well related to the existing farmstead and group of farm buildings. I have seen no evidence that it would prejudice the viability of existing operations at the site.

Character and appearance

7. The storage containers are located on a large area of hardstanding, close to the entrance to the site. The site is surrounded by a bund alongside Selsey Road the access driveway, which serves the main farm buildings, and existing buildings. The bunds are planted with closely spaced trees and as a result the site is well screened from the surrounding countryside. While I appreciate that the trees were in leaf at the time of my site visit, even during the winter months it would be reasonable to assume that the bund and vegetation provide a degree of screening, as demonstrated by the Council's photographs.
8. There is a variety of building styles on the wider site, with smaller traditional farm buildings closer to Selsey Road, and much larger modern buildings behind them. The latter are clad in green painted corrugated steel sheets and are prominent in views from the entrance to the site and the surrounding countryside. While I acknowledge that the site was previously undeveloped, in the context of the existing buildings close to the site the utilitarian appearance of the storage containers and large area of hard-surfacing do not appear incongruous or at odds with the rural setting. The site is visually contained by the access drive, Selsey Road and existing built form, and the development does not therefore appear as an intrusion into the open countryside. A condition can be imposed to prevent open storage, which would be harmful to the appearance of the site.

9. The appellant's evidence indicates that a low volume of traffic movement is generated by the development, and that the tenants are mostly local. In the context of the range of uses at the wider site at Donnington Manor Farm, I do not agree that the level of activity is harmful to the tranquillity of the rural area. Matters such as lighting and hours of use can be controlled through planning conditions.
10. For these reasons, I find that the site is a suitable location for the development, having regard to the development strategy, including its effect on the character and appearance of the site and surrounding area. As a result, it would not be in conflict with CLP Policies 2, 45 and 48, insofar as they seek to ensure that development is in accordance with the development strategy, and has a minimal impact on the landscape and rural character of the area. It would also not be in conflict with the guidance in the National Planning Policy Framework.

Conditions

11. The Council and the appellant have suggested conditions that could be imposed if the appeal is allowed. I have considered these in the light of the guidance in the National Planning Practice Guidance. Conditions preventing storage other than within the storage containers and controlling the use of external lighting are required in the interests of the character and appearance of the area.
12. The Council has suggested a condition controlling the hours of use. However, it seems to me that the intention is not to control the hours of use of the site for storage, but to prevent the site from being open to the public outside the specified hours. Such a condition is justified in the interests of the character and appearance of the area.
13. I do not see the need for additional landscaping, as the existing planting around the site provides effective screening.

Conclusion

14. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The appeal on ground (g) does not therefore fall to be considered.

N Thomas

INSPECTOR

Schedule of Conditions

- 1) The storage use shall not take place other than within the storage containers hereby permitted and at no time shall there be any open storage within the site.
- 2) No external lighting shall be installed.
- 3) The site shall only be open to the public between the following hours:
0700 - 1800 Mondays – Saturdays and not at all on Sundays.