
Appeal Decision

Site visit made on 25 January 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2021

Appeal Ref: APP/L3815/W/20/3260358

Longreach, 14A Chalk Lane, Sidlesham, West Sussex PO20 7LW

- 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 M Long against the decision of Chichester District Council.
 - The application Ref SI/20/01418/FUL, dated 8 June 2020, was refused by notice dated 20 August 2020.
 - The development proposed is replacement B1/B8 unit.
-

Decision

1. The appeal is allowed and planning permission is granted for replacement B1/B8 unit at Longreach, 14A Chalk Lane, Sidlesham, West Sussex PO20 7LW in accordance with the terms of the application, Ref SI/20/01418/FUL, dated 8 June 2020, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr M Long against Chichester District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are whether the proposal would accord with the development plan read as a whole and whether it would constitute a sustainable form of development.

Reasons

4. The appeal site lies within an agricultural holding and contains part of a large glasshouse. This building has been partitioned internally to create a separate unit no larger than 150 sqm at its northern end. The change of use of this floorspace from agriculture to Use Class B1/B8 has been established through a Class R¹ notification.
5. At the time of my visit the unit was being used for classic car storage and the storage of equipment in connection with the appellant's business. I am thus satisfied that development under Class R has commenced within the 3 year period stipulated within the regulations and the building has entered a new planning chapter. B1 and B8 uses are lawful in perpetuity and for this reason it is perfectly legitimate to treat this as an existing employment site.

¹ Class R of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, as amended.

6. Policy 26 of the Chichester Local Plan: Key Policies 2014-2029 (CLP) relates to existing employment sites. This policy states that planning permission will be granted for development of employment floorspace, refurbishment, upgrading or modernisation of existing premises, and/or proposals which make more efficient use of underused employment sites and premises where it has been demonstrated, among other things, that there is no material increase in noise levels or unacceptable impacts relating to traffic movements, pollution or the appearance of the site in the landscape.
7. The appeal premises comprise an existing employment site and therefore the scheme falls to be considered against Policy 26. The new portal framed building would provide comparable floorspace to the glasshouse, but the functionality and environmental performance of the accommodation would be significantly improved due to the nature of its construction. The development would represent an upgrade or modernisation of the site and as such it would be acceptable in principle under Policy 26. I note that the Council has granted permission for replacement buildings at other sites where lawful commercial uses have arisen through permitted development rights.
8. The eastern half of the proposed building would provide two small offices for rent, one of which is likely to be occupied by the adjacent nursery. The western side would be a single B8 storage unit. Provisional terms have been agreed with a local business to rent this part – this business being the same one which currently rents the commercial part of the glasshouse. There is no compelling evidence to demonstrate that the appeal scheme would lead to a material increase in vehicle movements over the existing use. The Highway Authority has advised that there are no transport grounds to resist the proposal.
9. The proposed building would have negligible impact on the character and appearance of the area, due to its discreet siting, modest scale and close proximity to other structures. The development would be better insulated than the glasshouse and nearby residential properties would have greater protection against noise. Furthermore, there is no substantive evidence to indicate that the proposal would lead to artificial light intrusion or pollution of any kind. As such, the criteria attached to Policy 26 are met. There would be no conflict with CLP Policy 45 insofar as it seeks to protect landscape and rural character.
10. The Council's objection is based solely on the fact that the site lies outside of a designated settlement boundary where the CLP seeks to restrict development to that which requires a countryside location and meets an essential, small scale and local need which cannot be met within or immediately adjacent to existing settlements. However, this ignores Policy 26 and its support for the refurbishment or upgrading existing employment sites to make them more commercially attractive for business uses. This policy is relevant to sites across the District, including those within countryside locations, and its provisions are consistent with paragraphs 83 and 84 of the National Planning Policy Framework (the Framework) in seeking to support a prosperous rural economy.
11. The Council's decision is at odds with Policy 26 and with the conclusion in the officer report that the proposal is unlikely to result in a material increase in vehicular traffic. The latter contradicts the suggestion that the proposal would be unsustainable by reason of its heavy reliance on the private car. The proposal would be no more harmful than the status quo as regards the travel patterns it would generate, but it would be beneficial in improving the quality of

employment premises. There would be no conflicts with CLP Policies 1, 2 or 45 and the proposal would comply with the development plan read as a whole. It would be a sustainable form of development in terms of the Framework.

Other Matters

12. I have taken account of the concerns raised by local residents in relation to over-development of the site and the implications for flooding and ecology but on the basis of the information before me these matters would not constitute reasons to dismiss the appeal.
13. Neighbours have provided extracts from an appeal decision for 37 Chalk Lane. A full copy of that decision is not before me and I do not have any background to that case. Consequently, it is unclear whether the cases have any parallels. I have dealt with the proposal on its own merits.

Conditions

14. To provide certainty, I have attached a condition specifying the approved plans together with a condition requiring the materials to accord with those set out on the application form unless otherwise agreed. Further conditions are necessary to ensure that the damage to the glasshouse is made good and to secure the parking shown on the approved plans. I have not attached the Highway Authority's requested condition requiring the provision of an electric vehicle charging point as this is neither suggested by the Council nor justified by reference to a specific development plan policy.
15. The Council has suggested a condition restricting the use of the site to Classes B1 and B8. These uses have been subsumed into a new commercial use class. However, I consider that it is necessary and reasonable to impose a condition restricting the development to light industry, offices and/or storage bearing in mind the description of development on the application form and the fact that the proposal is being justified solely by reference to development plan policy on the improvement of existing employment sites.

Conclusion

16. For the above reasons, I conclude that the appeal should be allowed.

Robert Parker

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: Location Plan, Block Plan, Proposed Site Plan and Drawing 5 (Floor Plan and Elevations).
- 3) The development hereby permitted shall not be constructed other than in accordance with the materials specified on the application form, unless otherwise agreed in writing by the local planning authority.
- 4) The building hereby permitted shall not be occupied until the existing glasshouse structure has been made stable and any damage that may have occurred as a result of its partial demolition has been made good.
- 5) The building hereby permitted shall not be occupied until the vehicle parking spaces and turning areas have been constructed in accordance with the approved site plan. They shall thereafter be retained for their designated purpose.
- 6) The building hereby permitted shall be used solely for light industry, offices and/or storage and distribution. It shall be used for no other purpose without a grant of planning permission.

*** END ***