



Appeal Decision

Site visit made on 9 March 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/L3815/W/20/3261348

Stockers Farm Salthill Road, Fishbourne PO19 3PY

- 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 Penfold against the decision of Chichester District Council.
 - The application FU/20/01726/FUL, dated 9 July 2020, was refused by notice dated 3 September 2020.
 - The development proposed is a replacement dwelling, detached car barn and associated works (alternative proposal to extant permission FU/19/02841/FUL).
-

Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling, detached car barn and associated works (alternative proposal to extant permission FU/19/02841/FUL) at Stockers Farm, Salthill Road, Fishbourne PO19 3PY in accordance with the terms of the application, FU/20/01726/FUL, dated 9 July 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. There is an extant planning permission granted under FU/19/02841/FUL for a replacement dwelling on the site. The Council confirms in its statement that the replacement dwelling proposed in this appeal is the same as that permitted under FU/19/02841/FUL.
3. More recently, an appeal has been allowed¹ and planning permission granted for the removal of existing storage containers and erection of a storage barn for storage purposes ancillary to the residential property known as Stockers Farm under FU/20/00878/FUL. The detached car barn and associated works proposed as part of the current appeal is an alternative to this recently allowed scheme. The decision is therefore material to the current appeal, and I have had regard to it in my reasoning.

Main Issues

4. The Council raises no objection to the part of the proposal for a replacement dwelling, having granted planning permission for a replacement dwelling under FU/19/02841/FUL. The proposed replacement dwelling is the same as the permitted scheme in all regards including layout, scale, appearance and means of access. The focus of attention for this appeal is therefore on the remaining part of the proposal which relates to the car barn and associated works.

¹ APP/L2815/W/20/3257151

5. The main issues are whether the car barn and associated works is justified in this location, and its effect on the character and appearance of the area.

Reasons

Justification for storage barn

6. Stockers Farm consists of an extensive area of grassland, woodland and lakes within which there are two barns and various storage containers. One barn is currently used to store the appellant's car collection and other domestic paraphernalia. The other barn, which would be demolished to make way for the replacement dwelling, is used partly as a dwelling and also for the storage of vehicles and equipment used to maintain the property.
7. In considering the storage barn subject of FU/20/00878/FUL, the Inspector concluded that there was a justified need for another barn on the site as a replacement for that to be demolished, in so far as it would meet an identified need to help maintain the grounds of Stockers Farm, and would also facilitate the removal of existing storage containers and external storage areas.
8. The current appeal scheme proposes to swap the purposes of the barns, with the proposed barn and associated hardstanding used to house the appellant's car collection, and the retained barn used to house maintenance equipment and associated vehicles such as a tractor and grass cutter. Together they would provide a slightly smaller amount of storage space than that which was found to be justified by the previous Inspector.
9. There is currently an application for a Certificate of Lawfulness² to use the retained barn for the purposes of storage, restoration, servicing and maintaining a private collection of vehicles including ancillary workshop, open storage area and wash-down area. While it is not the purpose of this appeal to reach a conclusion on the lawful use of the retained barn, I note that the Council has not raised any objection to its use for the storage of a private car collection, and the previous Inspector took account of that use in arriving at his decision.
10. Having regard to the storage needs that are already being carried out in the retained barn, the functional needs of the holding for the storage of maintenance vehicles and equipment which will require replacement space once the barn currently used for that purpose is demolished to make way for the replacement house, and the benefit of removing storage containers and other external storage, I conclude that there is a justified need for the proposed car barn and associated facilities on the site.

Character and appearance

11. The proposed car barn would be located in the same position as the storage barn permitted under FU/20/00878/FUL. Although it would be located some distance from the proposed dwelling, I agree with the previous Inspector that in this case the location relates well to the existing barn to be retained, grouping ancillary uses and structures in one position with shared access and hardstanding.

² 20/03334/ELD

12. Although the proposed car barn would be a sizeable structure, it would be somewhat shorter in length and height to that permitted under FU/20/00878/FUL. As such, in terms of bulk it would have a slightly lesser impact than the structure already permitted.
13. The Council criticises the appearance of the proposed structure as being less utilitarian and more domestic in form and design than the permitted storage barn. However, in my view the simple elevations clad with trapezoidal wall panels and timber sliding doors would not appear out of place alongside the retained barn or its countryside setting, and the overall rectangular shape and flat roofed form would echo the design of the proposed dwelling in a manner that would be complementary but would still appear ancillary to it in terms of its function.
14. Views of the site are limited by surrounding trees and hedgerows, and would be further screened by the tree planting shown on the proposed site plan. The proposed car barn would have no greater impact on the rural qualities of the area than the extant permission for a larger storage barn, and the removal of existing storage containers and other external storage would be of benefit visually. I conclude that the proposed car barn and associated works would not have a harmful impact on the character or appearance of the area. The proposed development would therefore comply with policies 1, 2, 45, 47 and 48 of the Chichester Local Plan: Key Policies 2014-2024, which require new development to respect the landscape and rural character of the countryside.

Conditions

15. I have considered the conditions suggested by the Council, as well as those imposed on the permissions granted under FU/19/02841/FUL for a replacement dwelling and FU/20/00878/FUL for an alternative storage barn on the site. I have imposed those conditions which I consider meet the guidance in paragraph 55 of the National Planning Policy Framework, subject to minor redrafting in the interests of consistency and precision.
16. In addition to the standard time limit, a condition listing the approved plans is necessary in the interests of certainty. A condition requiring the development to be carried out in accordance with a bat report is necessary to avoid harm to protected species.
17. Conditions relating to external materials, and hard and soft landscaping, are necessary in the interests of the character and appearance of the area. Given the extensive and currently open nature of the site it is necessary to restrict certain permitted development rights in relation to boundary treatments and lighting in the interests of the rural character and appearance of the area. However, I see no justification for imposing conditions restricting normal domestic extension permitted development rights or the use of the roof of the dwelling as a balcony.
18. Because of the size and degree of separation of the car barn from the dwelling, it is reasonable and necessary to impose a condition limiting its use for purposes incidental to the dwelling.
19. The appellant notes that there is no condition imposed on FU/20/00878/FUL requiring the removal of external storage areas or containers. However, their removal is referred to in the submitted plans and therefore clearly intended;

and I have had regard to their removal as a material benefit in my decision. I therefore consider that a condition requiring the removal of the storage containers and external storage, other than where shown to be retained on the approved plans, is necessary in the interests of the appearance of the site and wider countryside.

Conclusion

20. I conclude that the appeal should be allowed.

Guy Davies

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: 0003/P03, 004/P03, 005/P05, 1001, 1002, 1003, 1004, 1005, 1006, and 107.
- 3) The development hereby permitted shall be carried out in accordance with the Phase 1 Bat Survey Report dated 6 December 2019 by Batscan Bat Surveys.
- 4) No development comprising of the construction of the walls and roofs of the development shall take place until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes.
- 5) The replacement dwelling hereby permitted shall not be occupied until details of hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. The details shall include a scaled site plan indicating a planting scheme for the site showing the schedule of plants and positions, species, plant sizes (at time of planting) and proposed numbers/densities. In addition, the scheme shall include details of all existing trees and hedgerows on the land including details of any to be retained, together with measures for their protection during the course of the development. The scheme shall make provision for the conservation and enhancement of biodiversity on the application site. The landscaping scheme shall also include details of any proposed hard landscaping showing any external hard surfaces and their positions, materials and finishes, and boundary treatments including any walls or fences.
- 6) The hard and soft landscaping works shall be carried out in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is earlier. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced by the end of the

next planting season with others of species, size and number as originally approved.

- 7) 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 fences, walls or other means of enclosure shall be erected, constructed or established on the application site without the prior written permission of the Local Planning Authority.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the lights including measures proposed to reduce light spill. Once approved, the lighting shall be maintained in accordance with the approved lighting scheme with no further lighting installed.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the detached car barn hereby permitted shall be used only as a storage building incidental to the dwellinghouse hereby permitted and for no other purpose whatsoever and from which it shall not be let, sold separately, or severed thereafter.
- 10) The storage containers and externally stored materials along the boundary to the east of the car barn shall be removed in their entirety from the site, other than where shown to be retained on the approved plans, within 1 month of completion of the car barn hereby permitted or its first use whichever is the sooner, and thereafter there shall be no external storage or containers sited within the application site other than where shown on the approved plans.

***** End of Schedule of Conditions *****