



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: 19 March 2021

Appeal Ref: APP/L3815/W/20/3263856

4 Cow Lane, Sidlesham, Chichester PO20 7LN

- 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 A Fowler against the decision of Chichester District Council.
 - The application SI/20/01021/FUL, dated 10 April 2020, was refused by notice dated 3 August 2020.
 - The development proposed is demolition of an existing agricultural storage building and the construction of 1 no. 3 bed, 1.5 storey dwelling, ancillary to main dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal is accompanied by a unilateral undertaking which secures a financial contribution towards the provision of mitigation measures in respect of the Chichester and Langstone Harbours and Pagham Harbour Special Protection Areas. I address this undertaking under other matters.

Main Issue

3. The main issue is whether the site is a suitable location for the proposed development having regard to accessibility and local spatial policy.

Reasons

4. The Council's development strategy is based on focusing development in a settlement hierarchy starting with Chichester as the sub-regional centre, then settlement hubs and lastly service villages. The boundaries of these settlements are defined on the Policies Map of the Chichester Local Plan: Key Policies 2014-2029. Outside the defined settlements, policy 2 of the Local Plan restricts development to that which requires a countryside location or meets an essential rural need or supports rural diversification.
5. The appeal site lies outside any of the settlement boundaries as defined in the Local Plan. While there is a scatter of residential houses and other buildings along Cow Lane, the area is predominantly made up of grazing land and horticultural cultivation under glasshouses. I consider the site does therefore lie within the countryside.
6. Focusing development in settlements helps ensure that local services and facilities are accessible to new residents and reduces the need to travel by motor car. While I note that there are some local facilities nearby, including a primary school, these are limited in scope. The nearest defined settlements at

Selsey, East Wittering and Birdham are some distance away, outside easy walking or cycling distance. I have been given no information on the location or frequency of local bus services but there is no indication that any pass the site directly, and as Cow Lane is narrow without lighting or footways, walking to a bus stop along it would not be particularly welcoming. Occupants of the appeal scheme are therefore likely to use private motor vehicles to access day-to-day services and facilities.

7. The appellant suggests that the proposal satisfies policy 45 of the Local Plan by meeting a local need in respect of their own family circumstances. However, the need referred to in policy 45 relates to those needs which require a countryside location and cannot be met within or immediately adjacent to existing settlements. Residential accommodation unconnected with agriculture or horticulture does not fall within this definition. As the building would remain long after the personal circumstances of the appellant had changed, I place little weight in planning terms on the intention to use it as extended family accommodation.
8. The proposed residential dwelling, whether occupied in conjunction with the existing dwelling or not, does not require a countryside location, would not meet an essential rural need and would not support rural diversification. It would also be located in a position with poor accessibility to local services and facilities. For these reasons, I conclude that the site would not be a suitable location for the proposed residential development. It would as a result conflict with policies 2 and 45 of the Chichester Local Plan: Key Policies 2014-2029, which seek to focus new development within existing settlements or allocated sites unless required to be located in the countryside.

Other Matters

9. The site lies within the zone of influence of Chichester and Langstone Harbours and Pagham Harbour Special Protection Areas. When taken in combination with other residential development, the appeal proposal could potentially have an adverse impact on those areas through increased recreational pressure. The Council in partnership with conservation bodies has developed a mitigation strategy to avoid such harm arising. The appellant has committed to contribute financially towards the implementation of that strategy through a unilateral obligation. In the light of the undertaking the Council no longer contests the second reason for refusal on their decision notice. I place weight on the undertaking in helping to mitigate the harm that could potentially be caused to the sites of ecological importance. However, given my conclusion on the appeal, I do not need to undertake an appropriate assessment and have not considered this issue any further.
10. The appellant has drawn attention to the recent grant of planning permission for a new dwelling on the opposite side of Cow Lane to the appeal site¹. This would replace an existing building for which prior approval has been granted for conversion to a dwelling². Although the proposed development would also replace an existing building, no permission or prior approval has been sought to convert that building to a dwelling and therefore its suitability for such a use has not been tested or proven. The two cases can therefore be distinguished on this ground. The decision on the neighbouring scheme was a matter for the

¹ SI/18/01871/FUL and SI/19/02349/FUL

² SI/17/01007/PA3Q

Council. I have reached a decision on the appeal proposal based on my assessment of the relevant matters, as set out in the reasoning above and the planning balance below.

Planning Balance

11. The Council acknowledges that it is unable to demonstrate a 5 year housing land supply. For proposals involving the provision of housing, this means that the policies which are most important for determining the appeal are deemed to be out of date. That does not mean those policies should be ignored, but it does mean that planning permission should be granted unless, amongst other criteria, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole³.
12. Based on evidence supplied by the appellant, the current identified housing land is equivalent to 4.3 years' supply. This is a relatively small shortfall from the 5 years' supply required by Government policy. The Council is in the process of updating its Local Plan and has published an interim position statement for housing development aimed at reducing the shortfall and re-establishing a 5 year housing land supply. The emerging Local Plan is at an early stage in its development, and the interim position statement is not a statutory document. Therefore, both only carry limited weight.
13. The provision of an additional unit of accommodation would help address the shortfall in housing land supply. I recognise this as being a benefit of the scheme, albeit a modest one as the increase would be limited to one unit and the shortfall in housing land supply is small.
14. The appellant notes that no objection is raised by the Council to several issues considered at the application stage including the design of the building, impact on neighbouring properties, flood risk, access and parking. However, the lack of harm on these issues is a neutral consideration in the appeal rather than a benefit.
15. The provision of additional residential accommodation is a modest benefit. Balanced against this benefit is the significant harm that would be caused by the unsuitability of the location of the development. The location runs counter to the spatial strategy of the Council in guiding where new development should be located and would result in poor accessibility for future residents to local services and facilities. I consider that this harm would significantly and demonstrably outweigh the modest benefit of the appeal proposal. It follows that the presumption in favour of sustainable development is not engaged in this case. The development would therefore conflict with policy 1 of the Chichester Local Plan: Key Policies 2014-2029, which is similar to the advice given in paragraph 11 of the Framework.

Conclusion

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of the appeal should be made in accordance with the development plan unless material considerations indicate otherwise.

³ Paragraph 11 of the National Planning Policy Framework.

17. In this case I have found the location of the proposed development to be unsuitable and in conflict with the development plan when taken as a whole. I recognise the provision of another unit of residential accommodation would be a modest benefit, which is a material consideration, but this is not sufficient to indicate that my decision should be made other than in accordance with the development plan.
18. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR