
Appeal Decision

Site visit made on 16 February 2021

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2021

Appeal Ref: APP/L3815/W/20/3261808

Land South of Tranjoeen, Bracklesham Lane, Chichester

- 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 J Partridge against the decision of Chichester District Council.
 - The application Ref EWB/20/02001/FUL, dated 6 August 2020, was refused by notice dated 8 October 2020.
 - The development proposed is New access to the highway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I undertook an unaccompanied site visit. I was able to view the site and surroundings in satisfactory detail from the adjacent road.
3. Revised plans were submitted following submission of the planning application. These were accepted by the Council. My decision is also based upon them.

Main Issues

4. The main issues are
 - The effect on biodiversity, with particular regard to bats; and
 - The effect on the character and appearance of the area.

Reasons

Biodiversity

5. A significant area of hedge would be removed to create the new access. The Council maintain that bats, a protected species, use this hedgerow, and this has not been disputed by the appellant. Reference is also made to dormice using the hedgerow. No formal ecological surveys appear to have been undertaken. It is a well-established principle¹ that the presence or otherwise of protected species, and the extent to which they may be affected by proposed development should be established before planning permission is granted. That has not occurred here.

¹ As set out in paragraph 99 of Government Circular 06/2005: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system

6. The appellant argues that they could remove the hedgerow without planning permission. However, this would involve a significant amount of work given the amount of hedge that would need to be removed. It would have the effect of opening the field to the busy adjacent road, with no clear purpose. It has not therefore been demonstrated that there is a real prospect of such works occurring if the appeal is not successful. This does not amount to a persuasive justification for the harm to bats that would occur, were permission to be granted for this development and the necessary removal of hedgerow.
7. In conclusion, there is an unacceptable risk of harm to biodiversity, particularly bats. The proposal therefore conflicts with policy 49 of the Chichester Local Plan, together with the relevant parts of the National Planning Policy Framework ("the Framework") which seek to ensure that the biodiversity value of sites are safeguarded and harm to protected species is avoided.

Character and Appearance

8. Bracklesham Lane at this point is predominantly surrounded by open fields with hedgerows on either side. This gives the area a predominantly rural character. There are a number of existing openings provided along the road, providing vehicular access for residential and agricultural purposes.
9. The new access would follow the precedent set by these existing openings so would not in principle appear out of place. In views from the road the appearance of the existing hedgerow would be largely recreated, albeit partly at a different height. The gate would blend in-to its surroundings due to its functional and utilitarian design, which is typical of rural areas.
10. The total extent of bound material would be minimal and the development in this respect would blend in with the adjacent main road. This use of this surface would also prevent debris and mud from the field being dragged on to the road. In this and other respects, the development would be functional in its appearance. Whilst it would appear slightly more formal than other accesses along the road, the development would not be visually obtrusive or detract from the wider rural surroundings.
11. These considerations lead me to the view that the proposal would not lead to harm to the character and appearance of the area. There is no conflict with either policy 45 or 48 of the Chichester Local Plan which seeks, amongst other things, to ensure that development proposals respect the local landscape character and do not result in an adverse impact on the tranquil and rural character of the area. Nor does the proposal conflict with the Framework in this respect, which shares similar objectives.

Other Matters and Conclusion

12. The proposal would serve a function in terms of providing safe vehicular access to the field. It is argued that this would represent an improvement over the existing access to the field, which could be stopped up. I have taken in to account the suggested conditions which could be imposed, including the appellants agreement to a condition requiring the subsequent approval and implementation of a landscape management plan. However, these considerations do not justify the proposal in the face of the possible harm to bats and the inadequate survey information provided in this respect. In the absence of this, the principle of development cannot be supported.

13. Overall, whilst the proposal would be acceptable in terms of its effect on the character and appearance of the area, there would be unacceptable harm to protected species, specifically bats. The proposal therefore conflicts with the development plan when it is considered as a whole, and there are no other considerations that outweigh this finding. In conclusion, the appeal should be dismissed.

Neil Holdsworth

INSPECTOR