



Appeal Decision

Site visit made on 21 September 2021

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 January 2022

Appeal Ref: APP/L3815/W/20/3255114

Unit 2, Ten Acres, Cemetery Lane, Woodmancote, Westbourne PO10 8RZ

- 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 Funnell (Funnell & Howard Ltd) against the decision of Chichester District Council.
 - The application Ref WE/19/03206/FUL, dated 24 December 2019, was refused by notice dated 12 June 2020.
 - The development proposed is described as 'change of use of site for B8 storage of privately owned and commercial vehicles, with ancillary offices and stores (retrospective).'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) published on 20 July 2021 sets out the Government's planning policies for England. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties have had the opportunity to make comments on this matter, and I have had regard to the updated Framework in determining this appeal.
3. Since the determination of the planning application subject to this appeal, the preparation of the Westbourne Neighbourhood Plan (NP) has progressed. It has recently been approved at a referendum and the Council subsequently resolved to make the Westbourne Development Plan in September 2021. The parties have been provided the opportunity to submit comments regarding the Westbourne NP during the course of the appeal.
4. The planning application and fee were originally submitted in error to South Downs National Park Authority. The appellant has however confirmed that this matter was addressed immediately, thus enabling the application to be assessed and determined by Chichester District Council.
5. The site has previously been used as an HGV operating centre with open storage, ancillary offices and stores, which were subsequently considered as part of enforcement and planning appeals¹. These decisions constitute an important material consideration, which the main parties have referred to, and which I have had regard to for the determination of the appeal before me.

¹ APP/L3815/C/17/3180903 & APP/L3815/W/17/3179768.

6. The description of development as detailed on the application form has been amended in subsequent documents. I have adopted the description included on the appeal form, which sets out precisely the nature of the development.
7. The development has taken place, and I have therefore determined the appeal on the basis that planning permission is being sought retrospectively.

Main Issues

8. The main issues are:

- Whether the appeal site constitutes a suitable location for the development, having regard to local and national planning policies;
- The effect of the development on the rural character and appearance of the surrounding countryside, and the living conditions of neighbouring residents, with particular regard to outlook; and
- The effect of the development on the provision of Gypsies, Travellers and Travelling Showpersons' plots.

Reasons

Location

9. Policy 2 of the Adopted Chichester Local Plan: Key Policies 2014-2029 (LP) sets out the Development Strategy and Settlement Hierarchy for the area administered by the Council. The appeal site lies within an area of rural character, outside the defined Settlement Boundary for Westbourne. In such locations, referred to as the Rest of the Plan Area outside the settlements listed in Policy 2, development is restricted to that which requires a countryside location or meets an essential local rural need or supports rural diversification, in accordance with LP Policies 45 and 46.
10. As noted above, the appeal site lies outside a Settlement Boundary which is, for planning policy purposes, identified as the countryside. In accordance with LP Policy 45, development in the countryside is only permitted in restrictive circumstances. It requires a countryside location and an essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements. Moreover, LP Policy 45 supports sustainable development proposals, subject to several criteria being cumulatively met.
11. This approach is also supported by Policies OA1 and OA2 of the Westbourne NP, which only support development proposals outside the defined Settlement Boundary in a number of restrictive circumstances, and provided that the development accords with other policies contained in the NP.
12. The appellant's submissions indicate that the previous unauthorised use of the site as an HGV operating centre has ceased, as the operational activities have been moved to a Lorry Parking facility. Planning permission is nevertheless sought retrospectively to use the site for the storage of a number of vehicles, including large commercial show vehicles, vintage cars and tractors, as well as business records and tools.
13. As a small business, I understand that the appellant has experienced difficulties in securing suitably located premises. The appellant's submissions indicate that the site's continued use for storage purposes is required for the business to

continue to be able to operate to its fullest potential, and refer to LP Policy 3, which allows for small-scale employment, notably in appropriate circumstances where commercial demand exists.

14. This is not however supported by detailed evidence explaining why the appeal site is considered suitable for this storage use, and very limited information has been presented to demonstrate that the development requires a countryside location or meets an essential rural need. In particular, the appeal is not supported by substantive evidence, for example showing which sites were considered by the appellant within the sub-regional centre or settlement hubs defined by LP Policy 2, as well as the reasons for discounting them.
15. The site lies within a relatively remote area, which is accessed by an unmade track and does not appear to be well connected to the wider transport network. Based on my own observations, there is no doubt that the use which the appellant is seeking consent for would be better suited to a commercial or industrial park, on the outer edge of an urban settlement. For the foregoing reasons, the appeal scheme cannot be regarded as sustainable development, not only by reason of its location, but also because it does not meet the cumulative requirements set out by LP Policy 45.
16. My attention has been drawn to a planning application² for the storage of HGVs, which was approved by the Council in 2005 on a site described by the appellant as being similarly located in the countryside. There is however limited information before me regarding this development, and I cannot therefore be certain that the circumstances of this particular scheme represent a direct parallel to the appeal before me, notably in terms of context and development plan policy.
17. Given the above, the appeal site does not constitute a suitable location for B8 storage, despite the small scale of the development. Accordingly, I find that the appeal scheme fails to accord with LP Policies 1, 2 and 45, but also Policies OA1 and OA2 of the Westbourne NP.

Character and appearance

18. The appeal site lies within an area, which is predominantly characterised by small clusters of residential development generally set back from the road and surrounded by open fields. The site is located at some distance away from the main transport network, and is accessed by an unmade road, which is also designated as a public right of way. These characteristics give the area a pleasant rural feel.
19. The site is partly screened from the road frontage by an established hedgerow, and from the wider area by the mature trees bordering the former army compound. However, despite the level of screening provided by the existing vegetation and high level close boarded fencing, the appeal development is distinctly noticeable from Cemetery Lane, especially from the access into Ten Acres.
20. In particular, the two storey shipping containers and the storage building unduly stand out as prominent features, which detract significantly from the rural character of the site's surroundings. The harm is exacerbated by the forms of boundary treatment and paraphernalia associated with the appeal

² Local Planning Authority Reference 03/00283/COU.

development, which give the site an uncharacteristic industrial appearance. I also share the concerns raised by the Council regarding the noise and disturbance resulting from the storage use of the site, which would harmfully contrast with the intrinsic quality and relative tranquillity normally associated with the countryside.

21. As noted in the previous appeal decisions, 'the outlook of some of those living close to the site has resulted in clear views of the high shed; the double-height containers and the machinery/vehicles which are higher than the surrounding close boarded fence', and represent the most visibly noticeable elements. Whilst this was in respect of the unauthorised use of the site as a HGV operating centre, the appeal development has a similar detrimental effect on the outlook from neighbouring plots, due to their proximity and the perception that the site gives as a small industrial estate.
22. It is accepted that bringing the storage containers to single height would to some extent reduce the visual impact of the development. However, the structures and vehicles stored within the site would still protrude above the boundary fence, and would therefore still have a detrimental effect on the area and outlook from neighbouring properties. In that regard, there are no conditions which could be imposed to overcome the harm caused by the development.
23. The appellant has referred to the siting of storage containers and commercial uses which are taking place on the adjacent site, but I understand that this scrap yard is unauthorised and subject to ongoing enforcement action. It is therefore considered of limited relevance to this appeal.
24. The appeal development causes unacceptable harm to the rural character and appearance of the area, and the living conditions of neighbouring residents, having particular regard to outlook. It therefore fails to accord with LP Policies 33, 45 and 48, Policy LD1 of the Westbourne NP and paragraph 130 of the Framework. Amongst other things, these seek to ensure that development proposals respect and enhance the landscape character of the surrounding area and site, and have no adverse impact on the tranquil and rural character of the locality, and neighbouring amenity.

Effect on the provision of plots for Gypsies, Travellers and Travelling Showpeople

25. The appeal site lies within an area which comprises a number of pitches providing accommodation for Gypsies, Travellers and Travelling Showpeople. Planning permission³ was granted in 2016 for the creation of four Travelling Showman plots on land which partially falls within the appeal site's red outline. The Council understands that the Travelling Showpersons' pitches have been constructed and occupied to the north of the appeal site, and the consent is therefore considered to have been partially implemented.
26. LP Policy 36 seeks to safeguard sites for Gypsies, Travellers and Travelling Showpeople within the District. Although the Council has met the need for pitches over the plan period as identified within LP Policy 36, several appeal decisions have recently found that the Council does not have a five year supply of sites. This is as a result of the need for 66 additional pitches, which was

³ Local Planning Authority Reference 15/04086/FUL.

identified as part of the Gypsy, Traveller and Travelling Showpeople Assessment 2019.

27. Allowing the appeal would prevent the implementation of the consent for the provision of four Travelling Showperson's plots in full. It would lead to the loss of an authorised pitch for which there is an established need. My attention has been drawn to a planning application⁴ for the creation of nine units of accommodation for both Gypsies and Travelling Showpersons which could compensate for the loss of the Travelling Showman's plot previously permitted on the appeal site. However, I have been presented with no substantive evidence to demonstrate that this application has been approved by the Council, thus limiting the weight which can be afforded to this consideration.
28. Having regard to the available information, I find that the appeal scheme would lead to the loss of an approved Travelling Showperson's plot, which would be contrary to the aims of LP Policy 36, but also the Government's Planning Policy for Traveller Sites (August 2015) and paragraphs 62 and 74 of the Framework.

Planning Balance and Conclusion

29. The appeal site forms part of an area historically used as an army camp. As such the site is regarded as previously developed land, which the Framework seeks to encourage the use of. However, the presented benefits associated with the development are outweighed by the harm which I have identified, and there are no exceptional circumstances to justify a temporary consent in this instance. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR

⁴ Local Planning Authority Reference 18/01730/FUL.