



Appeal Decision

Site visit made on 31 May 2022

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 08 June 2022

Appeal Ref: APP/L3815/W/21/3287123

Chapel Barn, Chapel Lane, Funtington PO18 9AW

- 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 Ms Gail Gower against the decision of Chichester District Council.
 - The application Ref FU/21/01681/FUL, dated 27 May 2021, was refused by notice dated 3 August 2021.
 - The development proposed is construction of tennis court with fence enclosure and soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. By withdrawing a householder application for a similar proposal and submitting the full application referred to in the banner heading above, the appellant accepted that the proposal would include a change of use from 'equestrian for the purpose of training and teaching horsemanship' to residential curtilage. So, whilst the change of use is not referred to in the description of development given on the application form and used in the banner heading above, I shall consider it.

Reasons

3. The main issue is the effect that the proposed development would have on the character and appearance of the surrounding area.
4. The broadly flat irregular shaped appeal site is outside the built-up area boundary of any settlement designated in the Chichester Local Plan Key Policies 2014-2029 (LP), so it is, in policy terms in the countryside. The site is at the far end of the single track Chapel Lane, beyond a camp site and Well House, and near an outbuilding beyond the appeal dwelling and its garden at Chapel Barn. The surrounding landscape includes open arable fields partly edged by trees and hedgerows to roughly north, paddocks to roughly south, and blocks of woodland including ancient woodland to roughly east and west. So, the surroundings have a rural character and largely open appearance.
5. The site was granted planning permission by the Council in 2006 for 'Change of use from agricultural to equestrian for the purpose of training and teaching horsemanship'. Because most of the site includes part of a paddock and the very end of the track, its rural character and largely open appearance are in keeping with its countryside surroundings.

6. LP Policy 1 reflects the presumption in favour of sustainable development in the National Planning Policy Framework (Framework). In line with LP Policy 1, LP Policy 2 sets out the settlement hierarchy for the District, and it says that outside Chichester city and the Settlement Hubs, the Service Villages will be the focus for new development and facilities. In the Rest of the Plan Area outside the Settlement Boundaries of the settlements listed in LP 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.
7. LP Policy 45 states that within the countryside, outside Settlement Boundaries, development will be granted where it requires a countryside location and meets an essential small scale and local need which cannot be met within or immediately adjacent to existing settlements. As LP Policy 46 applies to proposals for the conversion and re-use of existing buildings in the countryside, it is not relevant to the proposal.
8. The appeal dwelling, its garden and its outbuilding, are mainly on one side of the track that turns roughly north east by the dwelling. The proposal would change the use of the north part of the rest of the land under the control of the appellant, on the other side and at the end of, and including a small part of, the track, to garden land. Whilst the land to roughly south of the site would stay as a paddock, the site would be roughly as large as the area of land including the dwelling, its garden, the outbuilding, and most of the track. The tennis court would be sited long side on to, but well away from, the roughly north east boundary with the ancient woodland, and the rest of the site would include soft landscaping.
9. There is almost nothing to explain why the site is no longer needed for its present use. Moreover, whilst the present use would not usually be met within settlement boundaries, there is little to explain why the proposal, which would typically be met within or close to a settlement boundary, would need to be located in the countryside. So, whilst the court and further garden would be private benefits for the appellant and her visitors, including for their health and wellbeing, and it would avoid the need for the appellant to travel to use a public court, there is little to explain why the proposal would need to be within the countryside, or why it would be essential, in terms of LP Policy 45.
10. A small part of the court would be sited on what is said to have been a sand school. However, as the Council says that it appears to be an area of grass in its 2013 aerial map, and that there is no planning history for the sand school, it provides little support for the proposal. So, because the proposal would extend the existing residential use up to the woodland boundary and southwards into the open paddock, the proposal would harmfully encroach into the surrounding countryside, contrary to LP Policies 1, 2 and 45.
11. The court surface and its fence would be green in colour. Even so, due to the substantial rectangular plan form and broadly flat manufactured surface of the court and the height, scale and man-made rectilinear form of the enclosure, the tennis court would have a hard-edged built-up character that would contrast starkly with the mainly open mostly grassy paddock, and so, it would look incongruous. The soft landscaping including native trees and nut bearing trees and/or shrubs within the wider site are intended to screen the tennis court in most views. However, as that planting could not reasonably be

controlled by condition for more than a few years, it could not be relied upon to screen the tennis court in the long term.

12. Also, as it would not be possible to control residential paraphernalia, including garden furniture, gazebos, play equipment and so on, within the site, their suburban character and domestic appearance would be at odds with the rural surroundings. So, because of its siting, residential character and developed appearance, the proposal would harmfully extend the existing residential development into the landscape, to the detriment of its rural character.
13. The proposal would not cause a loss of the best and most versatile agricultural land. However, because the court would be well away from the existing dwelling and Well House next door, and well beyond the outbuilding, it would be poorly related to the existing buildings, contrary to LP Policy 45. Also, whilst the proposal would not be readily visible from the main road to roughly south, it would be seen by occupiers of and visitors to the appeal dwelling and Well House and by users of the camp site from the nearby part of Chapel Lane.
14. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to LP Policies 1, 2 and 45, and LP Policy 48 which aims for proposals to have no adverse effect on the rural character of the area, and to respect and enhance the landscape character of the surrounding area and site. It would also be contrary to the Framework which seeks to achieve well-designed places and for development to be sympathetic to local character, including the landscape setting, and which aims to recognise the intrinsic character and beauty of the countryside.

Conclusion

15. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
16. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR