



Appeal Decision

Site visit made on 19 October 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Appeal Ref: APP/L3815/W/22/3294952

Littlemead Business Centre, Tangmere Road, Tangmere PO20 2EU

- 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 Richard Brooks of DJ & BA Brooks Limited against the decision of Chichester District Council.
 - The application Ref O/21/00992/FUL, dated 30 March 2021, was refused by notice dated 21 October 2021.
 - The development proposed is described as the erection of 10 new lettable E(a), E(g)(ii), (iii) and B8 units of differing sizes, including mezzanines and ancillary access slabs, onsite unallocated parking, cycle and communal bin area, planting.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It is noted that in some of the evidence the 2019 version of the National Planning Policy Framework (the Framework) has been quoted. Nevertheless, the salient matters are equitable to the current 2021 version which, for clarity, I have referred to in this decision.

Main Issues

3. The main issues are whether the proposed development would be a) appropriately located having regard to character and appearance of the area and need, and b) adequate in design and construction.

Reasons

Location

4. The appeal site forms part of a former school site located on Tangmere Road between the village of Tangmere and the area of Shopwyke. Shopwyke is on the outskirts of Chichester and has a large amount of ongoing residential development taking place. Most buildings within the former school site have been converted to commercial uses and are known collectively as Littlemead Business Centre. Although there is also a large building used as a children's nursery for sale, and a small residential development called The Kestrels.
5. The buildings on the former school site form a loose L shape and the appeal site is set behind them, with fields beyond. The appeal site was formally an area of grassed open space used by the nursery, though has now been laid to hardstanding and is being used for the storage of cars, portacabins and containers. It is separated from the fields and residential uses around it by a

mix of hedging and post and rail fencing and is accessible through the Littlemead Business Centre.

6. According to the appellant, under permitted development, the appeal site is being use temporarily for 3 years, for purposes set out in Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended). It is not the place of this appeal to confirm whether that is lawful or not. Nevertheless, the temporary nature described would mean that once the timeframe has expired the site would revert to its original lawful use.
7. The main parties agree the appeal site is within the countryside, as designated by the Chichester Local Plan: Key Policies 2014-2029 (LP) and is not adjacent to any settlements. The Council state the former school site, is an existing employment site.
8. Although the proposal would comply with the requirements in LP Policies 3 and 26 which support the retention and development of existing employment sites, its countryside location also requires compliance with LP Policy 45.
9. The proposal's construction would have a detrimental impact on the character of the countryside and permanently remove the buffer it creates between the pastoral landscape beyond and the existing buildings, notwithstanding the current temporary use. Therefore, its loss needs to be balanced against a clearly defined need which could not be met by a similar development within or immediately adjacent to the existing settlements within the district.
10. A general requirement for smaller scale units district wide is noted by the Council's Economic Development team. The appellant asserts there is a pent up demand for Littlemead Business Centre units and that the Shopwyke residential developments could create more demand for such units. However, this relies on conjecture and is not supported by independent evidence. The appellant has also submitted general statistics relating to the needs of rural businesses. Unfortunately, this information is too broad and does not specifically show why the site in question is best suited to fulfil the potential needs illuded too. Consequently, there is no justification for a specific essential, small scale and local need that the proposal would fulfil nor why this location is the only place it could be achieved.
11. The Framework recognises that land should be used effectively and paragraph 81 places significant weight on the need to support economic growth and productivity nationally. In relation to rural locations paragraphs 84 and 85 set out the need to continue such support but recognises that were possible this should take place on previously developed land, and sites that are physically well-related to existing settlements, should be encouraged. Paragraph 174 recognises the intrinsic character and beauty of the countryside and the wider benefits from natural capital. It is this balance that provides the context for LP Policy 45.
12. The limited access to the site via the Littlemead Business Park, and the appellants assertions that the site is idle, which is not born out by on site observations, are noted. Nevertheless, these matters do not overcome the lack of evidence necessary to support the proposal before me. I also note that the appellant considers areas within Oving (a nearby village) are developable and a previous approval shows the appeal site is sustainable but there is nothing before me to support these claims, so they do not alter my findings.

13. Therefore, it cannot be shown that the appeal site is the appropriate location for that proposed regarding character, appearance and need. It would be contrary to LP Policies 1, 2 and 45 and paragraphs 85 and 174 of the Framework, insofar as they relate to the need for a countryside location.
14. The Council has referred to LP Policies 8 and 39. Policy 8 sets out how the Council will provide and fund integrated transport measures for the district, which is not relevant to the matter at hand. Policy 39 seeks to ensure suitable and practical transport and parking measures. Although wording within the reason for refusal refers to this being problematic, this is not supported by any justification within the Council's officer report, which clearly states the proposal would comply with Policy 39. The West Sussex County Council Highways team have raised no objection on this matter, and with nothing before me stating otherwise, I conclude that Policy 39 has been included erroneously.

Design and construction

15. LP Policy 40 sets out specific criteria in relation to sustainable design and construction for non-domestic buildings. From the information submitted it is apparent some but not all the criteria could be met. The outstanding matters, as described by the Council's Environmental Strategy Officer, relate to the insulation and heating systems of the proposed buildings.
16. The appellant has stated that there is some overlap between these requirements and building regulations, and there is no contrary information before me. With that in mind, and due to the nature of the outstanding criteria, which are unlikely to visually alter the proposal, I am satisfied this could be dealt with by condition.
17. Consequently, the proposed development could be adequate in design and construction. Therefore, it would comply with LP Policy 40 and paragraph 154 of the Framework insofar as they seek to ensure sustainability of buildings to meet the challenges of climate change.

Other Matters

18. The lack of objections, including from Oving Parish Council, and the lack of harm to the use of neighbouring properties are noted. Nevertheless, these matters do not alter my findings on the main issues and a lack of harm cannot weigh for or against a proposal.
19. The Chichester district is in the catchment of the Chichester Harbour Special Protection Area (SPA) and is an area which needs action to be taken concerning nutrient neutrality. As I am dismissing the appeal for other reasons, I am not required to pursue this matter further.

Conclusion

20. For the reason above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR