



Appeal Decision

Site visit made on 25 April 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 22 May 2023

Appeal Ref: APP/L3815/W/22/3307155
72 Lockgate Road, Sidlesham PO20 7QQ

- 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 Lockgate Nurseries (Mr Peter Ryan) against the decision of Chichester District Council.
 - The application Ref: SI/22/00094/FUL dated 15 January 2022, was refused by notice dated 4 July 2022.
 - The development proposed is replace existing redundant greenhouse with 2no. chalet bungalows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) Whether the proposed accommodation would meet an essential need for additional permanent on-site accommodation in the countryside in accordance with development plan policy, and
 - b) The effect of the proposal on the character and appearance of the local area.

Reasons

Issue a) Countryside

3. The appeal site lies outside of a settlement boundary within the countryside. It is a horticultural smallholding and comprises a detached dwelling together with a variety of outbuildings and other structures, including glasshouses and open farming land. The surrounding area also has a variety of detached dwellings, farmsteads and horticultural smallholdings, interspersed with more open farmland. Whilst the site would not fall to be considered as an isolated site in the countryside, it is within the countryside and some distance from any settlement with a range of facilities and services.
4. The proposal would replace an existing but unused greenhouse with two chalet bungalows. Both would be similar in appearance with identical footprints and 3 bedrooms each. They would be sited side by side to the east of the access into the site off Lockgate Road.

5. Policy 2 of the Chichester Local Plan 2015 (Local Plan) sets out the development strategy and settlement hierarchy and in respect of the countryside stipulates that development is restricted to that *which requires a countryside location or meets an essential local rural need or supports rural diversification* and cross refers to Policies 45 and 46. The policy is clear that new housing would not generally be acceptable within the countryside unless there is a specific need for it to be there.
6. The Council has referred in particular to Policy 45 of the Local Plan in respect of this proposal and again the policy makes clear that development will be granted where it requires a countryside location and *meets the essential small scale and local need which cannot be met within or immediately adjacent to existing settlements*. The policy then sets out three criteria which require to be met in respect of granting planning permission for sustainable development, including that the proposal is well related to an existing farmstead or group of buildings or established settlement; is complementary to and does not prejudice viable agricultural operations or other viable uses, and that the proposal would have minimal impact on the landscape and rural character of the area.
7. The third policy reference in the refusal notice relates to Policy 37 of the Local Plan which is a criteria based policy relating to accommodation for agricultural and other rural workers. The policy requires each of the 5 criteria to be met in relation to development proposals to meet the accommodation needs of full time workers in agriculture forestry or other businesses requiring a countryside location.
8. It is for an Appellant to provide the information he considers supports his case at the appeal stage and in order to counter the reasons for refusal, in addition to any information already provided at the application stage. In support of the proposal, the Appellant provided a statement of case alongside the Design & Access Statement and a further paper setting out daily activities and tasks per calendar month. There is a further statement in response to the Council's letter of 8 February 2021 and a reply to an email from the Council of 28 April 2022 as well as a Sustainable Construction and Design Statement alongside the appeal statement. I have taken each of these into account in my consideration of the appeal.
9. I have sympathy with the Appellant and have no doubt that he relies on the help and support of two of his children and their families. I understand that at the moment they all live together in the existing house, but that they are looking for their own homes to enable them independence and to start their own families. However, this on its own does not indicate an essential need to have their homes on the site itself, rather than in the vicinity and travelling to the site each day.
10. The Appellant has provided a monthly calendar of tasks as well as daily tasks and I can understand that the business is labour intensive. However, this information does not demonstrate an essential need for overnight accommodation on the nursery, in addition to the existing property for undertaking any of the listed tasks. Although limited details have been provided, the Appellant has referred to the need for some overnight activities, for example, the need to maintain ventilation and temperatures within the

greenhouses, but this requirement would not in itself justify the proposal for two additional dwellings at the property, in addition to the existing dwelling.

11. The Appellant has referred to the security needs at the property and I have taken into account the Appellant's information that there was a break in a little while ago with a considerable loss of valuable equipment. However, that in itself does not provide evidence for the need for further and separate self contained residential accommodation on site, over and above the existing property. I also have no information as to why the Appellant does not consider that more extensive security by way of entrance arrangements and security on site would not resolve this issue.
12. The Appellant refers to the difficulties of finding accommodation in the local area, but there is no specific information before me to demonstrate the searches that have been undertaken or the availability or otherwise of properties in the local area; I am therefore unable on the basis of the information provided to conclude that this is not an option for either of his two children and his families. This does not persuade me that this can be regarded as demonstrating an essential need for further accommodation at the nursery.
13. I also agree with the Council that there is no information before me to demonstrate that the proposed dwellings would be no larger than required to meet the operational needs of the business, which is one of the criteria under Policy 37 of the Local Plan. Nonetheless this information on its own would not overcome the other concerns raised under this issue.
14. I have taken all the evidence and information provided by the Appellant into account, but it does not persuade me that the proposed accommodation would meet an essential need for additional permanent on-site accommodation in the countryside. The proposal would therefore not accord with Policies 2, 37 and 45 of the Local Plan as set out above as well as the National Planning Policy Framework (Framework) with particular reference to paragraphs 79 and 80, all of which amongst other matters seek to promote and support sustainable development in the countryside.

Issue b) Character and Appearance

15. The two new dwellings would be within the footprint of the existing vacant greenhouse, although would be taller to accommodate first floor accommodation. They would both be of similar size and design. At the current time, the appearance of the site is of a horticultural business with the existing dwelling to the western side of the holding. The two dwellings would introduce additional residential development into a new area of the site which has historically been in horticultural use. This would spread the extent of residential development within the site across the whole frontage and would create a more intensive residential appearance to the site. This would detract from the rural nature of the surrounding area.
16. Were no other matters of concern and planning permission were to be granted I consider that the Council's concerns regarding amenity space and boundary treatments could be addressed through conditions.
17. I therefore conclude that the proposed development would harm the character and appearance of this countryside area. This would conflict with Policies 2, 33 and 37 of the Local Plan as well as the Framework and in particular Section 12,

all of which seek, amongst other matters for a high quality of design which respects the local context.

Other Considerations

18. The Appellant has made a number of general references to other developments permitted in the local area. It is a fundamental planning principle that each proposal must be judged on its individual merits. Very little information has been provided by the Appellant regarding the other developments to which he refers and they do not therefore persuade me to a different view given the harm I have concluded in this case.
19. I have noted the sustainability initiatives introduced already and those proposed which are to be commended, but they would not, by themselves, outweigh the harm I have concluded regarding the principle of residential development as proposed in the countryside.
20. Were no other matters of concern and planning permission were to be granted it would be possible to explore appropriate mechanisms to ensure that the two dwellings were restricted to family members or others strictly associated with the horticultural business and not available on the open market. Indeed, Policy 37 of the Local Plan sets out that where permission for a new dwelling is granted, it will be the subject of a condition to limit occupancy to a person solely or mainly or last working in the locality in agriculture, forestry or other rural business.

Planning Balance and Conclusion

21. I have noted that the Council cannot currently demonstrate a five year housing land supply. Paragraph 11 d) of the Framework is therefore engaged which states that planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed and as set out in Footnote 7 to the paragraph, or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The Council has advised that the appeal site is within the zones of influence for two Special Protection Areas and given the nature of the development to create 2 additional residential dwellings, the proposal would have a significant effect upon the European designated sites. As a result, and in accordance with the Framework it takes the view that the tilted balance is not engaged. I have been provided with no contrary information to counter the Council's position in this regard.
23. I have nonetheless had regard to the lack of a five year housing land supply, and the socio-economic benefits associated with the proposal. However, I have found that the proposal would not be a sustainable form of development in terms of its location and form. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

24. For the reasons given above and having regard to all other matters raised, I conclude that the scheme fails to accord with the development plan taken as a whole, and there are no material considerations, including the Framework, that indicate a decision other than in accordance with the development plan. Therefore, this appeal should be dismissed.

L J Evans

INSPECTOR