

# Appeal Decision

Site visit made on 27 June 2023

**by D Cramond** BSc MRTPI

**an Inspector appointed by the Secretary of State**

**Decision date: 18<sup>th</sup> July 2023**

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**Appeal Ref: APP/L3815/D/23/3316567**

**Brooks Farm Cottage, Brooks Lane, Bosham, West Sussex PO18 8JX**

- 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 Mrs Liz Brooks against the decision of Chichester District Council.
  - The application Ref BO/22/02553/DOM, dated 10 October 2022, was refused by notice dated 9 January 2023.
  - The development proposed is a detached garage with home office above.
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## Decision

1. The appeal is allowed and planning permission is granted for a detached garage with home office above at Brooks Farm Cottage, Brooks Lane, Bosham, West Sussex PO18 8JX in accordance with the terms of the application, Ref BO/22/02553/DOM, dated 10 October 2022, subject to the conditions in the attached schedule.

## Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the locality.

## Reasons

### *Character and appearance*

3. The appeal property is a detached dwelling with a large garden situated well beyond any settlement boundary. The locality is one of agricultural fields primarily, with the exception of an industrial estate which lies alongside the north of the house. A footpath runs to the east of the residential curtilage and vehicular access is via a lengthy narrow lane coming in from the north. The appeal proposal is as described above and is designed to accommodate 4 cars.
  4. The Council is concerned that the outbuilding would be dominant, incongruous and harmful to landscape and rural character due to siting, size, form, bulk and design. The authority acknowledges that recent planning permission (21/03319/DOM) exists for a not insignificant garage and home office building here but considers that the increased sizing and change to more substantial dormers front and rear would be a step too far.
  5. I found the specific planned site to be relatively well contained visually despite the proximity of the public footpath and also read as closely juxtaposed to the dwelling itself and the sizeable industrial estate. In this context I am not convinced that the increased footprint over and above the approved scheme
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should be a determining negative factor. The dormers would be lengthy but I take considerable comfort from the fact that they would be well set down relative to the ridge, stepped-in appreciably from the vertical elevations, and not have an excessive degree of glazing. Furthermore, I note that the height of the building would be as per the fall-back scheme, barn end hips are to be used on this occasion, and that suitable materials are to feature externally. My assessment is that the proposed development would result in minimal change to the overall scene and the aesthetic character of the area.

6. Policy 45 of the Chichester Local Plan (LP) is pertinent. The policy seeks to protect the environment of the countryside. Amongst other matters this is through restricting development to limited instances where such siting is necessary and a suitable sized and designed scheme would not be harmful to amenity, agriculture, landscape or rural character. The Bosham Neighbourhood Plan (NP) also has a range of relevant content including Policy 6 which aims for the protection of the tranquil and rural character of the area and its landscape qualities. In all the circumstances I conclude that the scheme would not conflict with these policies, the LP and NP generally, or the National Planning Policy Framework.

#### *Conditions*

7. The scheme should have the standard commencement condition. The Council suggests the requirement for materials to match the existing building. I agree this condition would be appropriate in the interests of visual amenity. I also agree that there should be a condition that works are to be carried out in accordance with listed, approved, plans; to provide certainty. Furthermore, the suggestion that any future use of the building be restricted is logical for amenity purposes as are the two conditions put forward for biodiversity and wildlife protection reasons. I shall thus apply the conditions put forward by the Council.

#### *Overall conclusion*

8. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the locality. Accordingly, the appeal is allowed.

*D Cramond*

INSPECTOR

#### **Schedule of Conditions (6)**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: 004A & 005A.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the building hereby permitted shall be used only for purposes incidental to the enjoyment of the dwellinghouse known and identified on the approved plans as Brooks Farm Cottage and for no other purpose
5. The development hereby permitted shall be carried out in strict accordance with the Bat Roost Assessment, prepared by Phillips Ecology (October 2021) and the methodology and mitigation recommendations they detail, unless otherwise agreed in writing by the authority.
6. The following ecological mitigation measures shall be adhered to at all time during construction;
  - a. The lighting scheme for the site must take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and Page 2 of 6 shielding. Guidance outlined in the new Bats and Lighting Publication produced by the Institution of Lighting Professionals and the Bat Conservation Trust "Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series publication should be adopted into the site plans ([http://www.bats.org.uk/news.php/406/new\\_guidance\\_on\\_bats\\_and\\_lighting](http://www.bats.org.uk/news.php/406/new_guidance_on_bats_and_lighting)).
  - b. Any brush, compost and/or debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.
  - c. If the Leylandii tree is removed then any gaps in vegetation to the site boundary should be filled in using native hedge species to maintain connectivity.
  - d. A precautionary approach can be undertaken on the site for reptiles, any removal of scrub, grassland or ruderal vegetation should be done sensitively and with a two phased cut