



Appeal Decisions

Site visit made on 16 January 2024

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2024

Appeal A Ref: APP/L3815/W/23/3328042

Earnley Place, Clappers Lane, Earnley, West Sussex PO20 7JL

- 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 & Mrs C Leach against the decision of Chichester District Council.
 - The application Ref E/22/02539/DOM, dated 7 October 2022, was refused by notice dated 7 July 2023.
 - The development proposed is removal of existing single storey extensions to east elevation and construction of single storey extensions to the north, east and west elevations, internal alterations and fenestration changes. Alteration and repairs to existing garden wall and painting of entrance gates.
-

Appeal B Ref: APP/L3815/Y/23/3328043

Earnley Place, Clappers Lane, Earnley, West Sussex PO20 7JL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs C Leach against the decision of Chichester District Council.
 - The application Ref E/22/02540/LBC, dated 7 October 2022, was refused by notice dated 6 July 2023.
 - The works proposed are removal of existing single storey extension along east elevation. Construction of single storey extension on north elevation and 2 no. single storey lean-to extensions on east elevation, replacement link, internal alterations and fenestration changes. Alteration and repairs to existing garden wall and painting of entrance gates.
-

Appeal C Ref: APP/L3815/W/23/3326374

Earnley Place, Clappers Lane, Earnley, West Sussex PO20 7JL

- 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 & Mrs C Leach against the decision of Chichester District Council.
 - The application Ref E/22/02662/FUL, dated 21 October 2022, was refused by notice dated 30 June 2023.
 - The development proposed is demolition of existing pavilion outbuilding and erection of 1 no. dwelling with basement and swimming pool. New vehicular access and associated works.
-

These decisions are issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersede those issued on 30 January 2024.

Decisions

1. Appeals A and B are dismissed.
 2. Appeal C is dismissed.
-

Preliminary Matters

3. The three linked appeals relate to proposals at Earnley Place and within its grounds, a Grade II listed building. In view of the close relationship between them, this decision letter deals with all three to avoid unnecessary repetition.
4. **Appeals A and B** relate to the same scheme under different, complementary legislation and involve alterations and extensions to the house and the wall which encloses its garden. I have determined these appeals together in my reasoning.
5. The Council determined the schemes based on amended plans submitted during its consideration of the applications. The relevant plans are listed on the decision notices, and it is these I have relied on to make my decisions. Since the applications were determined planning permission and listed building consent has been given for various internal and external alterations, some of which are common to the works within **Appeals A and B**. I have had regard to these decisions¹ and requested copies of the relevant plans to enable me to make appropriate comparisons between those approvals and the proposals before me. However, the scheme for a swimming pool, associated hardstanding and access gates² approved by the Council was not relevant to my assessment of the appeal proposals.
6. **Appeal C** relates to a site which currently forms part of the grounds of the listed building. In addition to the description of the development set out above, the appeal form and decision notice relating to **Appeal C** included reference to a detached garage. This is shown on the submitted plans and I have included assessment of its effects in my decision.
7. One of the six reasons the Council refused the **Appeal C** scheme related to the absence of a reptile survey. However, based on information submitted with the appeal, the Council confirmed that it is satisfied that this matter could be addressed by means of a condition. I have determined the appeal accordingly.
8. The **Appeal C** scheme was also refused due to the lack of a planning obligation to provide financial contributions towards mitigation measures: a) to protect the Chichester and Langstone Harbours Special Protection Areas and b) to prevent unacceptable impacts on the safety and operation of the Strategic Road Network and the Local Highway Network. During the appeal two Unilateral Undertakings were provided to secure the necessary contributions. The Council confirmed that these have satisfied its concerns and it does not wish to pursue these reasons for refusal. I have taken the UUs into account in reaching my decision.
9. An updated version of the National Planning Policy Framework was published on 19 December 2023. I am satisfied that none of the revisions are material to this appeal which I have determined in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the relevant sections of the Framework 2023 (with revised paragraph numbers) and the Policies in the Chichester Local Plan Key Policies 2014-2029, adopted in 2015 (Local Plan).

¹ E/23/01994/DOM, E/23/01995/LBC and E/23/02038/LBC

² E/23/02039/DOM and E/23/02040/LBC

Main Issues

10. The main issues in **Appeals A and B** are:

- a) whether the development and works would preserve Earnley Place, a Grade II listed building, its setting or any features of special architectural or historic interest that it possesses;
- b) whether the proposal would preserve or enhance the character or appearance of the Earnley Conservation Area (ECA);

In relation to **Appeal C**, the main issues are:

- a) the effects of the proposal on heritage assets, namely the setting of Earnley Place, and the character and appearance of the ECA;
- b) whether the site is suitable for the proposed new dwelling having regard to local and national policies for the location of housing.

Reasons

Significance

- 11. Earnley Place is a large, 18th century property, built as a private home for someone of status within the community. It is thought to have been constructed in 1792-3. It comprises two parallel ranges of brick construction in Flemish bond, the southern one of which is of higher status. Its primary elevation faces away from the village and gives the impression of an important building set in spacious, enclosed, and private grounds. There is a small front garden to the south and a much larger walled garden on its northern side.
- 12. The internal layout and fenestration are typically Georgian. The principal elevations have a pleasing sense of symmetry which reflects the original internal layout. The attic is served by dormer windows. The 4 x 4 sash windows on the southern elevation appear to be original. On the northern elevation French doors have replaced one window and the door leading to the garden also appears to be modern. Within the house the accommodation is on three floors, each with four main rooms, although alterations in the 20th century have resulted in some departure from the original floor plan.
- 13. On the eastern side of the house the garden wall and returning wall have been extended upwards and the approach to the side door is marked by an arch in the enlarged wall. Much of the space between the eastern elevation and the wall has been infilled. It is thought that the wall was increased in height in the 1920s to enable the construction of a mono-pitched outbuilding to the right of the arched entrance. Its main function appears to have been a place to keep garden tools and equipment. To the left of the arch is a flat roofed extension thought to date from later in the 20th century which has been similarly used for storage but is of no merit or historic interest.
- 14. A much larger, but somewhat separate extension was added to the western side of the house in the 1970s. It is constructed in brick with a pitched roof and connected to the house by a short brick link with external doors leading to the walled garden and surrounding grounds. The extension has a classical appearance and its 4 x 4 sash windows mirror those on the house's main elevations. There is no evidence relating to the original use of this extension, but its size and proportions suggest it may have been a snooker room.

15. The garden wall is a notable and prominent feature of the property being constructed of flint, brick and stone. The first view of the house as it is approached along the driveway from the lane opposite the church is of the garden wall and the eastern elevation of the house. The higher section of the wall partly obscures views of the house's northern elevation. The front entrance is on the southern side of the house facing a small, enclosed garden on this side of the building. The front elevation with its central door, approached by stone steps and within a Doric porch, is a notable feature which reinforces the house's status. The garden walls not only enclose well-proportioned and attractive outdoor amenity areas but also separates and distinguishes the gardens from the wider setting of the house.
16. The original grounds extended to the east and west of the house. The land to the east of the house was developed in the 1950s as Earnley Concourse, which operated as a boys' boarding school from 1962-1972. It was subsequently used as an Adult Education Centre before closing in 1979. The now derelict buildings are to be replaced by a modest housing development of about 30 homes.
17. The area to the west of the house was formerly a meadow which was used as playing fields for the boarding school. It includes a large outbuilding, one element of which is a timber frame structure covered in weather boarding. This former pavilion with a pitch and hipped roof has an open veranda which faced the playing field. Attached to its western elevation is a single storey brick structure which encloses a small but deep swimming pool and a series of associated rooms including showers, sauna and changing rooms, all of which are disused.
18. The remainder of the grounds were planted with trees some years ago. These are now mature giving the area a parkland character. There is a sense of separation between the house and its formal gardens enclosed by walls and the informal, undeveloped grounds with its grass and trees. These factors illustrate that the setting of the house has significantly changed over time.
19. Based on all of the above, Earnley Place derives its significance from its architectural features including its scale, proportions, design, original brickwork, front door and windows, its gardens, and grounds. As an important house associated with a person of status constructed in the late 18th century in an historic hamlet, its historic value is therefore high. The siting of the house, although tucked away from public views, due in part to its enclosure by a substantial flint wall, does not detract from its architectural interest. Furthermore, its gardens and extensive remaining grounds also contribute to its significance as an important property. However, as they are not publicly accessible their aesthetic value is limited. The house and grounds had their greatest communal value when being used as a school. However, this was short-lived, so its primary communal value now is as a private house.
20. Earnley is a small, well-preserved rural hamlet set on flat land within the Manhood peninsula, 1km from the sea and 11km from Chichester. The Earnley Conservation Area (ECA) was designated in February 1976 and encompasses the historic part of the village. Earnley Place is on the southern side of the hamlet and its existing grounds form part of the ECA whereas the buildings associated with Earnley Concourse do not. From the late medieval period until the 1970s Earnley comprised the church, the manor with its associated farm buildings, a few labourers' cottages, and the vicarage. The most important

buildings are the church, Earnley Manor and Earnley Place; these and the telephone kiosk are the only 4 listed buildings in the ECA. The small cottages are mostly vernacular buildings constructed in local materials including red brick, flint and clay tiles. Over the last 150 years a small number of modest residential properties have been built within the ECA.

21. The significance of the ECA therefore derives from its small scale and spacious character, the mix of historic buildings within it, its rural setting, and its sense of history.

Assessment of Appeals A and B

External alterations to eastern elevation

22. It is proposed to remove single storey extensions which occupy the space between the eastern elevation of the dwelling and a section of the garden wall which separates the house from the access driveway. As these extensions are recent additions of poor quality, their removal would be beneficial and would better reveal parts of the original house, albeit one of the side elevations.
23. The proposal seeks to replace these extensions with two flat-roofed, glazed elements which would infill the space between the eastern elevation and the garden wall. They would occupy almost the full depth of the house on either side of a small courtyard. However, the wall would be lowered in height resulting in the loss of the arch and a section of the enlarged historic flint wall with its air vents. The remainder would be lowered by removing brickwork to the level of a line of upstanding bricks which appear to indicate the height of the original wall.
24. The upper section of the flint wall with its vents are thought to have been added in the early 20th century. Its current height is therefore part of the historical development of the property and worthy of retention. The removal of other brickwork would result in the loss of the archway, which is a distinctive and somewhat quirky feature of the side entrance to the house. Its loss would also be regrettable, especially as it complements the more substantial arched gateway to the garden further along the eastern section of the wall.
25. The submitted plans show these new rooms to be living spaces with doors onto the courtyard and the front and rear gardens. The gap between the two new structures would provide greater visibility of an original window in the eastern elevation which is to be welcomed. However, this part of the house is highly visible on the approach along the entrance driveway. It therefore seems to me that lowering the wall, and introducing translucent new structures that would be seen behind it, would profoundly change the experience of arriving at the house.
26. The extent of glazing would be particularly noticeable with the proposed reduction in the height of the boundary wall. The introduction of these modern materials would appear incongruous set against the eastern elevation. This would be to the detriment of the modest and utilitarian appearance of this side of the house. Instead of it having the appearance of a working entrance with outbuildings associated with storage and gardening, there is every possibility that it would effectively become the main entrance to the house. This would diminish the importance of the historic front door and porch on the southern elevation to the detriment of its significance.

27. I therefore consider that the proposed alterations to the wall and the introduction of glazed extensions between the wall and the eastern elevation of the house would be unacceptable, harming the special architectural and historic interest of the listed building.

Proposed orangery extension to northern elevation

28. The proposed orangery would occupy over half the width of the northern elevation enclosing the area where the original door and one ground floor window has been lost. The extension would be as wide as the sitting room and corridor combined. Its projection into the rear garden would be equivalent to the depth of the existing sitting room within the southern range. The proposal was reduced from the original intention to extend across the whole of the rear elevation. Nevertheless, in my view, the amended scheme would be too large, dominating the rear of the house and obscuring the original proportions and scale of this spacious 18th century dwelling. The extension would have the effect of shifting the most important rooms in the house from the southern to the northern range to the detriment of its overall character.
29. The proposed orangery would include solid panels in addition to sections of glazing. This would give it a heavyweight appearance which would neither compliment nor contrast with the classic design and proportions of the rear elevation. A contemporary approach to the extension of a listed building may be appropriate. However, the proposal is insufficiently translucent and lightweight to reveal rather than obscure the house's original features. Furthermore, the width of its glazed panels would be narrower than those proposed for insertion in the existing western extension. Neither would they harmonise with those proposed within the eastern extension. This would be confusing and incongruous, comparing unfavourably with the consistency and symmetry of the features in the original house, particularly its windows.
30. In my view the cumulative effects of the size, proportions, detailing, and materials proposed for the orangery would harm the special architectural and historic interest of the listed building.

Alterations to western elevation, extension, link to main house and garden wall

31. It is proposed to demolish the existing brick-built link between the main house and the western extension. This would be replaced by a simple, lightweight, glazed link without access to the garden or grounds. Large patio doors would replace the solid wall on the northern elevation. This would necessitate the removal of a section of the garden wall to provide access between the building and the garden, resulting in the loss of a limited amount of historic fabric.
32. The proposal also sought to remove one of two sash windows and reinstate a door which had previously been removed in the western elevation of the main dwelling.
33. Since this application was determined, the Council has considered separate applications for planning permission and listed building consent for these changes³. It concluded that these alterations were acceptable and granted permission for the development and works. I therefore see no reason to reach a different conclusion and there is no need for me to consider these elements further in the context of these appeals.

³ E/23/01994/DOM and E/23/01995/LBC

Alterations to the roof

34. The appellant submitted amended drawings on 25 May 2023 accompanied by an email explaining the revisions. This stated that the glass link at roof level would be removed. This is consistent with the amended drawings relating to the roof plan, the western elevation. and the floor plans. However, the glass link is still shown on drawing of the eastern elevation. This appears to have been an oversight. The introduction of a link between the two parts of the attic would significantly disrupt the historic valley roof form. Although not visible from the public realm this would be harmful to one of the key features of the listed building. However, as the evidence states a clear intention to remove the link from the proposal, no harm would be caused.

Internal alterations

35. A number of internal alterations were proposed, several of which have been approved through a subsequent application⁴. I have taken the Council's decision into account in considering the proposals before me.
36. Reintroduction of a staircase to the basement would be beneficial. However, insufficient details were presented with the appeal proposal to satisfy the Council that there would be no harm to historic fabric. This has been resolved through the revised proposal referred to above.
37. The removal of stud walling between the corridor and the eastern entrance to the house would, when combined with the proposed extension create a more open-plan layout in this part of the house. This would result in a loss of definition of one of the four principal rooms on the ground floor which would be harmful to the integrity of the building. This issue has been resolved within the amended scheme which would retain a solid feature along the line of the wall.
38. The proposal includes the creation of a new doorway into the sitting room from the hallway at the northern end of the building. This was not a feature of the original house as this room would have been approached from the doorway in the central hall. This would contribute to diminishing the importance of the original layout where the most important rooms were within the southern range, particularly if combined with the proposed orangery. I consider it would be unacceptable. This doorway was not included in the recently approved layout.
39. Alterations on the first floor would result in reconfiguration of the floor plans to enable installation of new bathrooms. The original floor plan had previously been altered for similar reasons. The Council raised no objection to these changes, and I see no reason to come to a different view.
40. The rooms in the attic have limited floor areas due to being set in the roof slopes and are approached by two separate staircases. The original plan form of these rooms has already been disrupted by the insertion of a small bathroom and cloakroom. The proposal would provide three bathrooms to serve four rooms. The Council raised no objection to the layout within the northern range but objected to the loss of original floor plan within the southern range. It would also result in a significant reduction in usable space within both rooms. This would fail to preserve this part of the building.

⁴ E/23/02038/LBC

41. This has also been resolved with the approval of the revised application referred to above, which permits the replacement of a cloakroom with a bathroom within one of the rooms in the southern range.

Overall findings

42. Drawing the threads of my assessment together, I conclude that the following elements of the proposal would be unacceptable: i) the replacement extensions on the eastern elevation and the associated lowering of the boundary wall, ii) the orangery on the northern elevation, iii) the insertion of a door from the hallway into the sitting room (between rooms 5 and 6), iv) and the insertion of two bathrooms to serve the rooms in the southern range of the second floor. Both individually and collectively the proposed development and works would fail to preserve the special architectural interest of the Grade II listed building.
43. Earnley Place is one of only 4 listed buildings within the ECA, it is therefore an important element of this historic hamlet. Even though it is not prominent or highly visible from public viewpoints, it positively contributes to the character of the area due to its location and the extent of its garden and grounds. Its eastern elevation and sections of the garden wall can be glimpsed from the street from where the status and importance of the house in this context is readily apparent. Therefore, any harm to the listed building would in turn be harmful to the character and appearance of the ECA.

Appeals A and B - heritage balance

44. Notwithstanding the scale of the proposed extensions and the cumulative effect of the development and works, I am of the view that the harm may be quantified as less than substantial in terms of the Framework 2023. Nonetheless, this assessment of harm still amounts to a significant planning objection. It is therefore necessary for me to weigh this harm against the public benefits of the proposal as required by paragraph 208 of the Framework 2023. However, as Earnley Place is now being used as a family home, the proposed alterations and extensions would be private benefits for the occupants. They are not, therefore, ones which can be weighed against the identified harm to the Grade II listed building and ECA.
45. Consequently, the proposal would be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires me to have special regard and pay special attention to these designated heritage assets. The development and works would also fail to comply with paragraph 205 of the Framework which states that great weight should be given to conserving a designated heritage asset's significance.
46. In addition, the proposal would conflict with Policy 47 of the Local Plan which seeks to conserve and enhance the special interest and settings of the district's heritage assets, which includes listed buildings and conservation areas. However, as Policy 33 of the Local Plan specifically relates to new residential development and replacement dwellings, it is not relevant to my assessment of Appeals A and B. In concluding that the proposals as a whole are unacceptable, I acknowledge that some elements would not be harmful. However, from other evidence presented, it is apparent that these have been approved by the Council following the submission of the separate applications which have been referred to earlier.

Assessment of Appeal C

Effect on heritage assets

47. Earnley Place is set in a large plot within the ECA. Its garden and grounds are generous in scale and verdant in appearance. These characteristics contribute to the building's significance as an 18th century private home. The garden is enclosed by a wall, giving that space a high degree of privacy for users of the dwelling. The grounds provide a sense of spaciousness separating Earnley Place from other residential development in the ECA and reinforcing its sense of privacy. Only the roof can be seen from Clappers Lane and views of the house and the garden wall from the public footpath to the west of the site are limited. There are no public viewpoints from which the principal elevations or its key features, such as the Doric porch, can be seen or appreciated.
48. The extent of the house's setting was significantly impacted when the land to the east was developed as Earnley Concourse. The grounds to the west were used for recreational activities associated with the school and adult education centre. Other than this historic connection and communal use for a short period, the pavilion and disused swimming pool are of little interest and detract from the otherwise undeveloped grounds.
49. In this context their replacement by a single storey dwelling on a similar sized footprint would not intrude into the existing verdant setting. Its contemporary design and appearance would clearly distinguish it from the host property. The height of the new dwelling and its low-profile roof would ensure that it would appear subservient to the listed building and there would be only limited intervisibility between them. The use of a natural palette of materials would reflect the landscape setting and would not compete with the listed building.
50. The proposed dwelling would be approached from Clappers Lane by a new access which would cross a ditch and breach the boundary vegetation which characterises the southern side of the road. The highway authority sought a crossover of no more than 6.4m wide and were satisfied that as traffic speeds and volumes are low appropriate visibility splays could be provided. With sensitive landscaping at the entrance, and as no boundary gates or pillars are shown on the submitted plans, this would be seen as a secondary access and would have minimal adverse effect on the street scene.
51. However, a large area of driveway and hardstanding for vehicles would be created within the grounds of Earnley Place surrounded by a formal area of landscaping. Their manicured and domestic appearance would compare unfavourably with the existing informal grassed area. This would be harmful, especially if significant parts of it could be seen from Clappers Lane. The inclusion of a separate detached garage would increase the overall footprint of development on the site and introduce built form where none currently exists. This would be an unacceptable intrusion within the grounds of the listed building. Furthermore, the use of an open type of estate fencing and hedging to sub-divide the plots would adversely affect the integrity of the grounds to the detriment of the listed building's setting. Therefore, whilst I find the proposed dwelling acceptable when considered in isolation, its driveway, the proposed garage, parking arrangements and boundary treatments would harmfully erode this part of the setting of the Earnley Place, making the scheme as a whole unacceptable.

52. I have considered whether any of these matters could be addressed by the imposition of appropriate conditions. However, the appellant was aware of these issues during the Council's consideration of the application but chose to submit amended plans with only minor changes. I therefore cannot be confident that the parties would be able to agree an appropriate landscaping scheme to resolve their differences. In these circumstances, I am not satisfied that the setting of Earnley Place, a Grade II listed building would be preserved.
53. The extensive grounds of Earnley Place contribute to the spaciousness of the ECA which characterises Earnley as a well-preserved hamlet. The introduction of a dwelling with its associated access would result in a degree of intensification along this section of Clappers Lane, even though it would reflect the loose knit pattern of development elsewhere in the village. However, without appropriate and sensitive landscaping at the entrance and beyond, it would not integrate satisfactorily into the ECA as a whole. Furthermore, insofar as the proposal would fail to preserve the setting of Earnley Place, it would also be harmful to the character and appearance of the ECA.
54. The harm arising from the construction of the new dwelling, its garage, access, driveway, and areas of hardstanding may be quantified as less than substantial. However, any harm to a designated heritage asset requires clear and convincing justification and therefore still amounts to a significant planning objection. It is therefore necessary for me to weigh this harm against the public benefits of the proposal as required by paragraph 208 of the Framework 2023.

Suitability of location

55. The Council's spatial strategy, as set out in Policy 2 of the Local Plan seeks to focus new development primarily on the city of Chichester. This will strengthen its role as a sub-regional centre with facilities that serve a wide catchment area. Development to meet identified local needs will reinforce the role of Settlement Hubs, one of which is Bracklesham.
56. Outside settlement boundaries and within small hamlets, such as Earnley, development will be restricted to that which requires a countryside location or supports rural diversification. Such development would need to be justified by meeting a series of criteria set out in Policy 45 of the Local Plan.
57. Earnley is a rural hamlet without any defined settlement boundary. The appeal site is therefore in the countryside for the purposes of planning policy. It is common ground that the site is previously developed land (PDL). However, the supporting text of the Local Plan (at paragraph 19.23) only supports development of such sites where it would meet a demonstrable need for a proposal that requires a countryside location. As a new, open market dwelling, which is not promoted to meet an essential local rural need, a countryside location has not been justified.
58. It has not been suggested that the proposal for replacing the existing outbuilding in the grounds of Earnley Place would meet any of the criteria set out in Policy 45 to justify a countryside location. The proposal would therefore conflict with the Council's spatial strategy and the development plan policies referred to above.

Appeal C – heritage balance

59. As a small-scale scheme, the proposal would provide a new home on previously-developed land, and could be built-out relatively quickly, factors which align with paragraphs 70, 89 and 123 of the Framework 2023. The site is not isolated and, in appeal decisions to the east⁵ and west⁶ of Earnley, Inspectors have acknowledged that the area has reasonable accessibility to local services and facilities in Bracklesham and East Wittering. These are all factors in the scheme's favour.
60. Locating a residential development on the appeal site would be contrary to the Council's spatial strategy which seeks to strictly control provision of housing in the countryside. However, as the Council is unable to demonstrate a 5-year supply of deliverable housing sites, conflict with Policies 2 and 45 of the Local Plan alone would not be a sufficient reason to reject the scheme. Contributions to highway infrastructure, secured by a UU, are a neutral factor in the balance.
61. However, the proposal would cause less than substantial harm to the setting of Earnley Place, a Grade II listed building and as a consequence would fail to preserve the character and appearance of the ECA. These are matters which I am required to give considerable importance and weight. Although I found no objection in principle to the replacement of the redundant buildings on the appeal site with a dwelling, I concluded that other aspects of the scheme were unacceptable.
62. This leads me to conclude the public benefits of the proposal would not outweigh the harm to the designated heritage assets. This would be contrary to the 1990 Act and paragraph 205 of the Framework 2023. The proposal would also fail to comply with Policies 33 and 47 of the Local Plan which, amongst other things, require development to conserve the special interest and settings of listed buildings and respect distinctive local character and landscape setting.

Other Matters

63. The appeal site is within the Zone of influence of the Chichester and Langstone Harbours Special Protection Areas. Although the UU would contribute to mitigation measures to prevent adverse effects on the integrity of these protected sites, as I have found Appeal C to be unacceptable for other reasons, it has not been necessary for me to consider this matter further.

Conclusion

64. For the reasons set out above, I find that the proposals within **Appeals A, B and C** are unacceptable due to their failure to conserve heritage assets in a manner appropriate to their significance, contrary to the 1990 Act, the development plan and the advice of the Framework 2023.
65. I therefore conclude that all three appeals should be dismissed.

S M Holden

INSPECTOR

⁵ APP/L3815/W/20/3255383

⁶ APP/L3815/W/22/3291160