



Appeal Decision

Site visit made on 12 February 2024

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

an Inspector appointed by the Secretary of State

Decision date: 20 February 2024

Appeal Ref: APP/L3815/W/23/3323630

Sanderlings, Spinney Lane, Itchenor, West Sussex PO20 7DJ

- 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 and Mrs D Smith against the decision of Chichester District Council.
 - The application Ref WI/22/02927/FUL, dated 17 November 2022, was refused by notice dated 3 March 2023.
 - The development proposed is "Construction of Tennis Court (alternative to permission 21/03159/DOM)".
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect that the proposed development would have on the character and appearance of the surrounding area, which is within the Chichester Harbour Area of Outstanding Natural Beauty.

Reasons

3. The appeal site is situated outside any settlement boundary designated in the Chichester Local Plan: Key Policies 2014-2029 (LP), so it is, in policy terms, in the countryside. It is also within the Area of Outstanding Natural Beauty, which has the highest status of protection in relation to landscape and scenic beauty.
4. The appeal dwelling and its grounds are located on the roughly south side of Spinney Lane. Appleshore and Paddock House lie roughly west and east respectively. The Council's evidence shows that the southernmost part of the Sanderlings plot was part of the adjoining agricultural field until sometime between 2013 and 2018, and that by 2021 the agricultural land adjoining the far end of the back garden appears to have become part of the Sanderlings plot. So, beyond the south end of the back garden at Sanderlings lies an area of agricultural land that is about as wide as the back of its garden (the added land). A public right of way (PRoW) runs roughly west east by the south side of the adjoining agricultural field, which lies roughly south.
5. The surrounding mostly flat agricultural landscape is mainly characterised by irregular shaped fields partly bounded by hedgerows with occasional trees and woodland blocks. There are similarly deep areas of land beyond the ends of the back gardens to roughly east, some of which include boundary treatments, but these areas and the added land largely conserve the mainly open rural character in the adjoining field.

6. The appeal site includes the proposed tennis court and its enclosure. The rest of the Sanderlings plot including the rest of the added land is under the control of the appellants. The court would be sited a little way from the site's west boundary with its long side orientated roughly north south. Roughly half of the court would be within the back garden. The other part would be within the added land, so the proposal seeks the change of use of that part of the land from agriculture to residential curtilage. The part of the court within the back garden would include a tall fence, but the height of the similarly tall fence and its posts within the added land could be reduced when the court is not in use.
7. However, the uniform appearance and residential character of the hard surfaced court, its enclosure, and the domestic activity within it would be harmfully at odds with the undeveloped rural character within the added land and within the adjoining field. Irrespective of whether the retractable parts are raised or lowered, the proposal's rectilinear form would contrast starkly with the sylvan backdrop in the lengthy north westward views from the PRow.
8. As the proposed planting within the land controlled by the appellants could not reasonably be controlled by condition for more than a few years, it could not be relied upon to partly screen the proposal in the long term. The tennis courts at Appleshore, Paddock House, and Hamra House are within their back gardens, and few details of the courts on the north side of the lane have been put to me, so they provide little support for this damaging proposal. Planning permission ref 21/03159/DOM was granted for a tennis court within the back garden, which would be a little closer to the site's west boundary. Whilst the proposal's aims include to retain the nearby conifer, reduce the impact on the root protection areas of nearby trees, and improve Appleshore's occupiers' living conditions, the permitted scheme was found acceptable. So, the tennis court would not need to be partly located within the added land.
9. The proposal in my colleague's appeal decision ref APP/L3815/A/14/2225595 included the change of use of the land to residential curtilage, as part of a swap for an area of existing curtilage which would revert back to agricultural land. The land for the Farne House tennis court was found on balance to be roughly maintained residential garden. As these other schemes differ from the proposal before me, I have dealt with the proposal on its merits, and in accordance with its site specific circumstances and relevant local and national policy.
10. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area, and that it would fail to conserve or enhance the landscape and scenic beauty of the Area of Outstanding Natural Beauty. It would be contrary to LP Policy 33 which seeks the highest standards of design, and which aims for proposals to respect and enhance the character of the surrounding area and site, LP Policy 43 which aims to conserve and enhance the natural beauty and locally distinctive features of the Area of Outstanding Natural Beauty, and LP Policy 45 which aims to permit development where it requires a countryside location. It would also be contrary to LP Policy 48 which aims to permit development where, amongst other things, there would be no adverse impact on the tranquil and rural character of the area, and proposals respect and enhance landscape character, and do not undermine the integrity of predominantly open and undeveloped land between settlements, and the National Planning Policy Framework (Framework) which seeks to achieve well-designed and beautiful places, and for development to be sympathetic to local character including the surrounding landscape setting.

Conclusion

11. 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.
12. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR