



Appeal Decision

Site visit made on 22 April 2024

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

an Inspector appointed by the Secretary of State

Decision date: 03 May 2024

Appeal Ref: APP/C3810/W/23/3330447

Lagnersh House, Lower Bognor Road, Lagnesh, West Sussex PO20 1LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs J Keet against the decision of Arun District Council.
 - The application Ref is P/80/23/PL.
 - The development is Use of land for the stationing of 4no mobile homes for occupation by people unable to afford rented housing.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect that the development has on the character of the surrounding area.

Reasons

3. The appeal site is situated on the roughly north side of Lower Bognor Road. The site is outside the built up area boundary of any settlement designated in the Arun Local Plan 2011-2031 (LP), so it is, in policy terms, in the countryside.
4. LP Policy C SP1 seeks to recognise the intrinsic character and beauty of the countryside, and to permit development in the countryside where it satisfies one of several criteria. The development satisfies none of those criteria, so it is contrary to Policy C SP1. As LP Policy SD SP2 aims for development to be focused within the built up area boundaries, the development is contrary to LP Policy SD SP2.
5. The site includes 4 mobile homes and hard surfaced, grassed and planted areas including hedges and trees. Lagnersh Farmhouse (the listed building) is listed in Grade II, and it is now known as Lagnersh House. The dwellings at the listed building, Lagnersh Barn, which is a converted barn, and Lagnersh Cottage, which includes converted former outbuildings, lie roughly south of the main part of the site. Mainly agricultural fields lie beyond the south side of the road, to roughly east and west, and to roughly north, beyond the site's north boundary and the camping / touring caravan site for which planning permission has not been granted. A public right of way (PRoW) runs roughly north south by the site's west boundary.
6. The surrounding area is mainly characterised by irregular shaped fields partly bounded by hedgerows with occasional trees or groups of trees. The dwellings at Lagnersh House, Lagnersh Barn and Lagnersh Cottage are sited close to one

another and close to the road, so they are in keeping with the tight-knit traditional farmstead groups that are sparsely scattered within the largely flat and mainly open countryside. So, the area has a rural character.

7. Due to the developed appearance, standardised forms and residential character of the mobile homes and their immediate surroundings, which include the hard surfaced access and turning area, parked cars, related gardens, and domestic paraphernalia, and the development's siting, well beyond the back of Lagnersh House and the rest of the subservient former farmstead group, the development harmfully encroaches into the surrounding countryside.
8. Whilst the vegetation within and by the site has a partial screening effect, the development's urbanising impact diminishes the rural character in northward views by the access, and in occasional north westward and eastward views through and above the hedges from the road. As the development contrasts starkly with the rural character of the nearby fields and the wider countryside, it is incongruous in the nearby views from the PRoW. Moreover, as the existing vegetation within the site and the adjoining land controlled by the appellant could not reasonably be controlled by condition for more than a few years, it could not be relied upon to partly screen the development in the long term. So, due to its form, siting and residential character, the development is unacceptably detrimental to the rural character of the locality.
9. The Council previously permitted an agricultural barn with an associated area of hard surfacing on part of the site. That barn has not been built. However, as it would have been in keeping with the intrinsic character of the countryside, it attracts little weight.
10. The appellant has referred to 2 sites for several mobile homes to roughly north east and others to roughly south west, but as all these sites are a considerable distance from the appeal site, and all either provide seasonal agricultural workers' accommodation or long established holiday accommodation, their circumstances differ from those of the development before me. As the land next door to roughly east, which was promoted for development in the 2021 housing and economic land availability assessment, was found by the Council to be developable but not deliverable, it attracts minimal weight. In her appeal decision ref APP/C3810/W/18/3197909, my colleague found that the development before her would not be harmful to the area's character and appearance, so her appeal decision provides little support for this damaging development.
11. Therefore, I consider that the development harms the character of the surrounding area. It is contrary to LP Policies C SP1 and SD SP2, LP Policy D SP1 which aims for development to reflect the character of the site and local area, LP Policy D DM1 which seeks a high standard of design and respect for context, and the National Planning Policy Framework (Framework) which aims to recognise the intrinsic character and beauty of the countryside.

Other matters

12. The site is within the 400 m to 5 km (Zone B) Zone of Influence of the Pagham Harbour Special Protection Area (SPA). In determining this appeal, I am the competent authority for the purposes of The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).

13. The development increases the number of people living near the SPA. So, this development is likely to have a significant effect on the SPA due to increased recreational disturbance. Because the development is not directly connected with or necessary for the management of the SPA, it would be necessary for me to undertake an appropriate assessment of the implications of the development for the SPA in view of its conservation objectives. I could only grant planning permission if I were to ascertain in that appropriate assessment that the integrity of the SPA would not be adversely affected. However, as the development is not acceptable for other reasons, it is not necessary for me to undertake an appropriate assessment.
14. So, whilst the appellant has submitted a planning obligation that seeks to secure a financial contribution towards measures to avoid, or to mitigate to an acceptable level, the harm that the development causes to the SPA in accordance with LP Policy ENV DM2 and the Habitats Regulations, I have not pursued the matter further with the parties.
15. The historic form and features of the listed building, and its siting, are important to its character and special architectural interest, and to its significance as a historic farmhouse. Due to the substantial distance between the listed building and the development, and as the Council's tithe map extract shows that the listed building's historic back garden is largely intact, the setting of the listed building is preserved.
16. The Council states that it can demonstrate 4.17 years supply of deliverable land for housing, so the shortfall in its 5 year housing land supply is relatively small. Whilst there is no acceptable mechanism before me to secure the development's occupation by people unable to afford rented housing, the benefits of the development include 4 welcome new homes and the occupiers' likely support for local shops and services. However, even if an appropriate assessment were to conclude that the integrity of the SPA would not be adversely affected, the harm identified in my main issue significantly and demonstrably outweighs the benefits, when assessed against the policies in the Framework taken as a whole, so planning permission should not be granted.

Conclusion

17. I have found that the development is contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
18. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR