



Appeal Decision

Site visit made on 3 June 2024

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

an Inspector appointed by the Secretary of State

Decision date: 13 June 2024

Appeal Ref: APP/L3815/W/23/3326431

**Cheraw Nursery, 134 Almodington Lane, Almodington, Earnley,
West Sussex PO20 7JR**

- 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 Mr Tim Throup against the decision of Chichester District Council.
 - The application Ref is E/23/00117/FUL.
 - The development proposed is to build a new single storey dwelling behind an existing dwelling.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect that the proposed development would have on:
 - the character of the surrounding area,
 - the safety and function of the Strategic Road Network (SRN), and
 - the integrity of the Chichester and Langstone Harbours Special Protection Area and the Pagham Harbour Special Protection Area (SPAs).

Reasons

Character

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. The site is situated on the roughly north side of Almodington Lane and includes part of one of several good-sized existing or former horticultural plots, each of which includes a dwelling. As the far ends of most plots are largely open, they harmonise with the surrounding mostly flat and mainly open agricultural landscape, which is mainly characterised by regular and irregular shaped fields partly bounded by hedgerows with occasional trees and groups of trees. So, the locality has a rural character.
4. LP Policy 1 reflects the presumption in favour of sustainable development in the National Planning Policy Framework (Framework). LP Policy 2 sets out the settlement hierarchy for the District, and explains that outside Chichester city and the designated Settlement Hubs, the Service Villages will be the focus for new development. In the Rest of the Plan Area, outside the settlements listed in LP Policy 2, development is restricted to that which requires a countryside

location or meets an essential local rural need or supports rural diversification in accordance with LP Policies 45 and 46.

5. LP Policy 45 states that within the countryside, outside Settlement Boundaries, development will be granted where it requires a countryside location and meets essential small scale and local need which cannot be met within or immediately adjacent to existing settlements. LP Policy 46 applies to proposals for the conversion or re-use of buildings in the countryside, so it is not relevant.
6. The Settlement Hub of East Wittering/Bracklesham lies roughly south west, but as the site is within the Rest of the Plan Area and over a mile from its nearest settlement boundary, the proposal would be contrary to LP Policy 2. There is almost no evidence to show that the proposal would need to be within the countryside and would meet an essential small scale and local need, so it would be contrary to LP Policy 45.
7. As there are few facilities in Almodington, the nearest bus stop is well over a mile away, and the route to East Wittering/Bracklesham includes mostly unlit rural lanes without footpaths, which would be an unattractive prospect for walking or cycling in inclement weather or after dark, the occupiers would be likely to be reliant on the use of the private car to meet their day to day needs. So, the occupiers would have poor access to local shops and services by means other than the private vehicle. It would be contrary to the Framework which aims for the planning system to actively manage patterns of growth to promote sustainable transport.
8. In line with others nearby, the plot at Cheraw Nursery includes an access from the north side of the lane, and the existing dwelling and its grounds in its south east corner. The plot also includes several grassed paddocks and storage barns (barns), drives and hardstanding, and a stable block and 'sand' school, which, due to their siting, form, scale and appearance, respect their rural surroundings. The grass verge and tall trees near the tall fenced frontage with its low-key recessed gated access are important to the rural character on the north side of the lane, and to the character of the mostly open countryside.
9. The site includes the proposed drive from the west side of the access, and the larger and smaller barns towards the west boundary, the stable block and its barn, and the hardstanding between them, which are situated towards the middle of the plot, as well as the 'sand' school and paddocks. The existing dwelling, its grounds, and the nearby barn, within much of the south part of the site, are within the adjoining land controlled by the appellant.
10. The stable block and its barn would make way for the shallower but wider single storey U-plan dwelling. Because the proposed dwelling would be sited well beyond the back of the existing dwelling, and there is a tall fence by the north boundary, it would barely be seen from the lane or the public right of way by the north boundary. However, due to the built-up character of the second gateway, the drive by the west boundary in the south part of the site, and the loss of trees and greenery by and near the frontage, the proposal would harmfully erode the undeveloped sylvan leafiness by the lane, which is important to the local rural character.
11. Due to its siting, the dwelling would be poorly related to the lane, and at odds with the local pattern of development, where the spaciouly sited dwellings and their gardens to roughly west are sited near the lane, and the dwellings at 1 to

5 (inclusive) Earnley Meadows are reached from their private road. Moreover, due to the likely spread of residential paraphernalia, including sheds, garden furniture, washing lines, and so on, within the extensive site, the proposal would erode the mostly rural character in the rearmost part of the plot.

12. Therefore, I consider that the proposed development would harm the character of the surrounding area. It would be contrary to LP Policies 2 and 45, LP Policy 33 which seeks high quality design and respect for context, LP Policy 48 which seeks to sustain the rural character of the area, and to respect and enhance local landscape character, and the Framework which seeks well-designed places, recognises the intrinsic character and beauty of the countryside, and seeks sympathy for local character, including the landscape setting.

SRN

13. LP Policy 9 states that the Council will work with partners, neighbouring councils, infrastructure providers and stakeholders to ensure that infrastructure is provided to support the development identified in the LP.
14. The Council says that the proposal, in combination with other development, would be likely to have an unacceptable impact on the safety and function of the SRN and the Local Highway Network, and that the proposed submission Chichester Local Plan Review (eLP) sets out a strategy to provide long term mitigation of these impacts, up to 2039, which requires all new housing within the south part of the Plan Area to contribute towards identified improvements. It adds that without the financial contribution, the proposal would lead to an unsustainable increase in the impacts on these networks, and would undermine the ability of the eLP to deliver an appropriate mitigation strategy to see further growth of up to 3,600 dwellings beyond existing commitments.
15. The appellant has submitted a completed planning obligation to make the financial contribution sought by the Council. However, the highway authority has not objected to the proposal, and as Planning Practice Guidance explains that planning obligations should be supported by adopted policies, there is insufficient evidence to show that the contribution would be necessary to make the development acceptable in planning terms. So, I shall not take it into account.
16. Thus, I consider that, without the financial contribution towards highways improvements, the proposal would not be likely to have an unacceptable impact on the safety and function of the SRN. It would satisfy LP Policy 9.

SPAs

17. The site is within the 5.6 km Zone of Influence (ZoI) of the Chichester and Langstone Harbours Special Protection Area and within the 3.5 km ZoI of the Pagham Harbour Special Protection Area. 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).
18. The proposal would increase the number of people living near the SPAs. So, this proposal, in combination with other plans and projects, would be likely to have a significant effect on the SPAs, due to increased recreational disturbance. Because the proposal is not directly connected with or necessary for the management of the SPAs, it would be necessary for me to undertake an appropriate assessment of the implications of the proposal for the SPAs in view

of their conservation objectives. I could only grant planning permission if I were to conclude in that appropriate assessment that the integrity of the SPAs would not be adversely affected. However, as the proposal would not be acceptable for other reasons, it is not necessary for me to undertake an appropriate assessment.

19. So, whilst the appellant has submitted a completed planning obligation in accordance with the joint mitigation strategy outlined in Phase III of the Solent Disturbance and Mitigation Project and the Pagham Harbour Local Nature Reserve Management Plan, which would satisfy LP Policies 50 and 51 respectively, I have not pursued the matter further.

Planning balance and other matters

20. The Council found the schemes at Hambrook and Earnley Gardens acceptable as exceptions to the Development Plan for reasons including their public benefits and advanced technology respectively. The development at Clappers Lane was found acceptable by my colleague in his appeal decision ref APP/L3815/W/22/3291160 for reasons including its notable proportion of affordable housing. So, these other schemes provide little support for the proposal. Few details of the preapplication enquiry scheme have been put to me. So, I have dealt with the proposal on its merits and in accordance with its site specific circumstances and relevant local and national policy. As my findings regarding the SRN attract neutral weight, even if an appropriate assessment were to conclude that there would be no adverse effect on the SPAs, it would not overcome the harm identified in my first main issue.
21. The Council cannot demonstrate a 5 year supply of deliverable land for housing, so Framework paragraph 11 d) is relevant. The proposal's benefits would include a new home. Even so, as the harm identified in my first main issue would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, planning permission should not be granted.

Conclusion

22. 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.
23. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR