



Appeal Decision

Site visit made on 23 September 2024

by J E Jolly BA (Hons) MA MSc MCiH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2024

Appeal Ref: APP/L3815/W/24/3338851

Willow and Deanhome Nursery, 41-42 Keynor Lane, Sidlesham, West Sussex PO20 7NL

- 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 A & J Grantham against the decision of Chichester District Council.
 - The application is Ref SI/23/00456/FUL.
 - The development proposed is for the change of use of land to mixed storage use comprising of general storage (Use Class B8) and storage of builders materials/scaffolding (Sui Generis) within fenced compounds (part retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to mixed storage use comprising of general storage (Use Class B8) and storage of builders materials/scaffolding (Sui Generis) within fenced compounds (part retrospective) at Willow and Deanhome Nursery, 41-42 Keynor Lane, Sidlesham, West Sussex PO20 7NL, in accordance with the terms of the application, Ref SI/23/00456/FUL, and the plans submitted with it, subject to the conditions set out in Annex A.

Preliminary Matters

2. For certainty, I have used the address given on the Council's Decision Notice.
3. Subsequent to this appeal, the National Planning Policy Framework (the Framework) was revised in December 2023. However, on 30 July 2024 the new Government published a consultation on proposed reforms to the Framework and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.
4. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework published in December 2023, and any reference to Paragraph numbers are to this version.

Main Issues

5. The main issues in this appeal are:
 - whether the proposal is in a suitable location; and,

- the effect of the proposal on the character and appearance of the area.

Reasons

Suitable location

6. Willow and Deanhome nurseries are shielded from the main highway by timber fencing and can be accessed via a service road leading from Keynor Lane. The appeal site is a parcel of land that is found to the western edge of the nursery and forms part of the wider site, which includes a range of glasshouses, various outbuildings/commercial buildings, open/fenced storage areas and a residential dwelling. Redundant cars and other parked vehicles can also be seen, including a boat. Additionally there is a range of self-storage containers and a small waste transfer station for scrap metal at the nursery which were previously granted a certificate of lawfulness¹ by the Council.
7. Part of the proposed development for the appeal site has already been completed, which comprises of two, metal-pronged fence enclosures, which are identified as 'A' on the location plan. Two additional enclosures described as 'B' on the same plan are also proposed.
8. The main parties agree that the appeal site would be located in the countryside and that the nursery site is dissected by a footway which runs across fields towards Selsey Road (B2145) to the northeast. I see no reason to disagree.
9. As such, the proposal would be located outside a recognised settlement boundary. Nonetheless, while I note the Council's concerns, Policy 45 of the Chichester Local Plan: Key Policies 2014-2019, (2015) (CLP) says that development will be permissible if it; is well related to an existing farmstead or group of buildings and other existing viable uses, and that it does not prejudice agricultural or other existing viable uses.
10. In this case, even if the lawfulness of the storage containers and waste transfer station, which provide a commercial-type backdrop to the appeal site, would be disregarded, the development would nonetheless be located next to a range of buildings and uses, including glasshouses and a dwelling.
11. Moreover, the modest and small-scale development would not prejudice other viable uses on the site, including the horticultural activity associated with the glasshouses as they would remain set behind the proposed development site once completed.
12. Furthermore, I concur with the appellant that the use of a site for scaffolding and building material storage would result in travel across the entire district whether it would be located in the countryside or not. I also accept his argument that suitable and economically viable urban locations for a proposal of this nature are likely to be in short supply. Overall, the proposal would provide a valuable opportunity to support local businesses and the growth of rural economies, to which I afford weight.
13. I conclude therefore, in respect of the location, that the proposal would meet with the aims of Policies 2 and 45 of the CLP, and for similar reasons Paragraph 89 of the Framework, which says, amongst other things, that planning policies and decisions should recognise that sites to meet local business and community

¹ 22/01836/ELD

needs in rural areas may have to be found adjacent to or beyond existing settlements.

Character and appearance

14. The appeal site is well shielded from the highway and is lined by trees and hedges on one side. It is also surrounded by large glasshouses, storage containers and other structures. Nevertheless, I acknowledge that users of the footway would readily see the storage enclosures and their contents when crossing the site.
15. However, given the surrounding context of the site, which includes a variety of visual interruptions such as the glasshouses, storage-containers and parked vehicles, the development is likely to be 'read' as an integral part of the wider commercial facility, rather than an alien intrusion. Moreover, any interruption would be minimal as walkers are likely to be focused on the countryside beyond. Indeed, in the wider views, the slender green posts of the proposal would be hidden from sight by the bulkier elements or existing trees and fencing of the horticultural site.
16. Consequently, I conclude that in respect of the character and appearance of the area, the proposal would meet the aims of Policies 2, 45 and 48 of the CLP, which say that proposals in the countryside will be permitted if their scale, siting, design and materials would have minimal impact on the landscape and rural character of the area, and the Framework when read as a whole.

Conditions

17. I have considered the Council's suggested conditions against Paragraph 56 of the Framework and the national Planning Practice Guidance (PPG) and imposed the following conditions: for certainty a standard time limit condition and a condition requiring that the development is carried out in accordance with the approved plans.
18. In order to provide adequate on-site parking there is a condition for car parking. In addition, to promote sustainable transport there is a cycle parking condition.
19. To protect the amenity of neighbouring dwellings there are conditions that restricts the hours of business associated with the development and the use of enclosures to B8 use and storage of builder's materials and scaffolding only.
20. In the interest of wildlife, it has been necessary to impose a condition related to lighting and illumination.
21. I have not imposed the Council's suggested condition that relates to storage outside of the compound as this does not meet the requirements of Paragraph 56 of the Framework in respect of its enforceability or precision.

Conclusions

22. For the reasons given above, the appeal should be allowed, subject to the conditions set out in Annex A.

J E Jolly INSPECTOR

Annex A: Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall only be carried out in accordance with the following plans:
 - 000 – 41-42 Keynor Lane Location Plan, dated 23 January 2023,
 - 001 - Location Plan, dated 27 January 2023,
 - 002 – Existing and Proposed Fenced Enclosures, dated 27 January 2023,
 - 003 - Proposed Plans and Elevations, dated 27 January 2023
3. No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with plans and details submitted to and approved by the Council.
4. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Council.
5. The use hereby permitted shall only take place between the following hours: 0800 and 1800 Monday to Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
6. The site shall be used for B8 use and storage of builder's materials and scaffolding and for no other purpose (including any other purpose in B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
7. No external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Council. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill and the impact on protected species.

*****End of Conditions*****