



Appeal Decision

Site visit made on 23 September 2024

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

an Inspector appointed by the Secretary of State

Decision date: 03 October 2024

Appeal Ref: APP/L3815/W/24/3343296

53 Stocks Lane, East Wittering, CHICHESTER, PO20 8NH

- 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 Kerry Simmons against the decision of Chichester District Council.
 - The application Ref is EWB/23/02360/FUL.
 - Demolition of existing buildings and replacement with 1 No dwellinghouse, boundary walls and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For clarity, I have used the description of development 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. 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.
4. I note that a new Chichester Local Plan (2021-2039) (Local Plan) was submitted to the Secretary of State for examination in May 2024. This is noted. However, as the new plan is yet to be adopted, I have considered the proposal before me on the submitted policies related to the Chichester Local Plan 2014-2029 (2018) (CLP); other than where the new plan and its policies are directly referred to in the Council's Decision Notice or evidence and therefore, represent a material consideration.

Main Issues

5. The main issues in this appeal are:

- whether the loss of an existing employment site has been justified,
- the effect of the proposal on the character and appearance of the area,
- the Strategic Road Network (SRN); and,
- the Chichester and Langstone Harbours Special Protection Area (SPA).

Reasons

Employment site

6. The employment site has been occupied by a number of businesses. These include a double-glazing company, an estate agent, a beauty clinic, a tattoo parlour, as well as various retail companies and offices.
7. However, from the evidence before me, it is clear that most of the occupancies have been short-lived. Moreover, I accept the appellant's argument that the Covid 19 pandemic changed many small businesses preferred operational location to a domestic premises, particularly those needing a small office space.
8. Indeed, while mindful of the appellant's viability report, even if the built quality and thermal performance of the employment space were to be improved, its corner plot location in an established residential area which has limited parking on site or nearby, is likely to be less attractive to aspiring businesses in comparison to other service hubs in the surrounding area. For example, but not limited to, the cluster of businesses on Bracklesham Lane or East Wittering village centre.
9. Overall, while I acknowledge the appellant's marketing strategy was lacklustre, given the period of time since the premises were occupied, I conclude that the site is no longer required, is unlikely to be redeveloped or re-used. It follows then, that the loss of an existing employment site in this very specific location is justified.
10. Consequently, in respect of the loss of an employment site, the proposal would meet the aims of Policy E2 of the emerging Local Plan, and the Framework when read as a whole.

Character and appearance

11. The proposal would be located on Stocks Lane at the junction with Barn Road. The surrounding area is typified by one and two-storey residential dwellings built on generous garden plots. The appeal site has two unoccupied, single-storey buildings that have been used for commercial premises which are partly shielded from the road by a wall and landscaping.
12. Notwithstanding, that the appellant contends that the proposal would be a visual improvement to the existing built form on the appeal site, the development would be constructed beyond the existing built line. Indeed, the proposal would extend across most of the relatively compact site.

13. As such, the convoluted roof arrangement and the scale and mass of the proposal would be highly prominent on this corner location next to Armada Barn. Furthermore, it would appear as a cramped and alien addition to the surrounding area, which is typified by more light-touch built form or garden spaces on the corner plots nearby. Additional landscaping would not be adequate mitigation.
14. I conclude therefore, that in respect of the character and appearance of the area the proposal would be contrary to Policies 1, 2, 33 and 48 of the CLP, which require that proposals for new residential development meet the highest standards of design.
15. For similar reasons, the proposal does not meet the aims of Paragraph 135(b) of the Framework, which is clear that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate landscaping.

SRN & SPA

16. Subject to conditions, the West Sussex Highway Authority has not objected to the proposal. However, the Chichester Local Plan review includes a long-term strategy to increase road capacity, reduce traffic congestion and improve highway safety through the provision of financial contributions from all new housing developments. The Council has confirmed that a financial contribution by the appellant has been made in this respect.
17. The appeal site is also located in the SPA and is therefore, subject to the Habitat Regulations which protect it. If I had come to a different conclusion, it would have been necessary for me as a competent authority to undertake an 'Appropriate Assessment' and the likely effectiveness of any mitigation measures or the acceptability of the financial contribution in respect of that mitigation that has already made by the appellant.
18. However, while the financial contributions are noted and also that the appellant has submitted a combined Unilateral Undertaking ('UU') in respect of the SRN and SPA, as I have found that the proposal would not be acceptable for other reasons, and therefore planning permission is to be refused, it is not necessary for me to consider these matters or their acceptability to the Council any further in this case.

Other Matters and Planning Balance

19. The Council has brought my attention to the potential for flooding on the appeal site. However, while this is noted, given my findings above and the limited evidence before me in this respect, for which the Council has not provided the appellant the opportunity to comment, I have not raised this as a main issue in this appeal.
20. The proposal would be constructed on an existing site. However, the minimal benefit of one new dwelling against the Council's housing land supply, particularly as an existing employment space would be lost, does not outweigh the harm I have found to the living conditions of the neighbouring occupiers.

Conclusions

21. Whilst I have found in favour of the appellant on the first main issue, this does not justify the harm identified on the second main issue. The proposed development would conflict with the adopted development plan in respect of the second main issue, and there are no material considerations indicating a decision otherwise than in accordance with it.
22. For the reasons given above, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR