



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: 03 October 2024

Appeal Ref: APP/L3815/W/24/3343637

Ashbourne Residential Home, Byways, Selsey, West Sussex PO20 0HY

- 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 Baker (Springbok Investment Limited) against the decision of Chichester District Council.
 - The application Ref is SY/23/02771/FUL.
 - The development proposed is phased development involving demolition of an existing building (Phase 1), construction of 1 No dwelling (Phase 2 – Self-Build) followed by a second dwelling (Phase 3 – Market Housing).
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. 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.
3. Having taken into account any comments submitted by the parties regarding the new Framework, I am satisfied that these changes have 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. The appellant has expressed his disappointment regarding some of the normal activities associated with the Council's planning application process. Specifically, his responsibility to obtain and submit a 'Unilateral Undertaking' in respect of planning contributions and also the Council's position on a previous proposal¹ for the site. However, these matters, which occurred prior to the appeal, are for the parties and not for my consideration as part of this determination.
5. The appellant has raised concerns regarding the clarity and certainty of the main issues given on the Council's decision notice. I have reviewed the submitted evidence and am satisfied that the main issues in this appeal are those set out below.

¹ 23/01832

Main Issues

6. The main issues in this appeal are:

- the effect of the proposal on the character and appearance of the area,
- the Strategic Road Network (SRN); and,
- the Pagham Harbour Special Protection Area (SPA).

Reasons

Character and appearance

7. Ashbourne Residential Home is located at the junction between 'Byways' and Solent Way as part of an established residential area. Demolition of the former residential care home has already commenced.
8. Other than a thatched roofed building to the west of the appeal site, the surrounding built form is typified by modest one and two storey brick and tile dwellings with landscaped gardens to the front and rear.
9. The appeal building is a two-storey, white PVC clad dwelling with a low wall to the front. The dwelling has a range of architectural features. These include, single-storey flat roof extensions, a pair of metal rail balconies and a modest conservatory to the front. There is also a service road to the left-hand side when viewed from the highway. Notwithstanding the former use of the roof space for habitable rooms, these features help to break down the mass of the dwelling in the street scene.
10. I acknowledge that some of the dwellings nearby extend across the full width of their plots. However, while the principle of development is accepted in this residential area, I cannot be certain that they were permitted under the same development plan as the proposed development or not. Therefore, I have considered the proposal on its own planning merits. As such, while the pitched roof style of the proposal is noted, the proposal would extend across the full width of the site and be 3-storeys in height. There would also be 6 parking spaces to the front. Consequently, the combined scale, mass and height of the two-dwelling proposal, which would be set against the relative spaciousness of Solent Way, would not only be highly prominent in the street scene but would also appear cramped on the appeal site. This would be exacerbated by the quantum of parked vehicles associated with the dwellings to the front of the development. Landscaping would not be adequate mitigation.
11. I conclude therefore, that in this very specific junction location on 'Byways', the bulky and extensive, two property proposal would harm the character and appearance of the area.
12. Accordingly, the proposal would be contrary to Policies 1, 2, 33 and 47 of the Chichester Local Plan 2014-2019 (2018) (CLP) and Policy 1 of the Selsey Neighbourhood Plan (2017) which say, amongst other things, that proposals should respect and where possible enhance the character of the surrounding area and site, its setting in terms of its proportion, form, massing, siting, layout, density, height, size, and scale.
13. For similar reasons, the proposal does not meet the aims of section 12 of the Framework when read as a whole.

SRN & SPA

14. The West Sussex Highway Authority has not objected to the proposal. However, the CLP 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.
15. 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 any financial contribution in respect of that mitigation.
16. However, while the appellant has submitted undated written commitments to provide financial contributions in respect of mitigation for 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 form and acceptability to the Council any further in this case.

Other Matters and Planning Balance

17. The potential for flooding on the appeal site has been brought to my attention. Accordingly, the Environment Agency would normally be consulted on the acceptability of the scheme. However, while this is noted, given my findings above and the limited evidence before me in this respect, I have not raised this as a main issue in this appeal.
18. The Council has a recorded housing land supply shortfall. I also acknowledge that the Parish Council has not objected to the proposal and, following the appellants consultation efforts, that the scheme is highly regarded by some members of the local community, particularly as it would replace a derelict care home on an existing site. However, even in combination, the minimal social, economic and environmental benefits of two new dwellings against the Council's housing land supply, does not outweigh the harm to the character and appearance of the area I have found above.

Conclusions

19. For the reasons given above, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR