
Appeal Decision

Site visit made on 14 October 2024

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

an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

Appeal Ref: APP/L3815/W/24/3347122

Land west of Low Place, Easthampnett Lane, Easthampnett, Tangmere, West Sussex PO18 0JY

- 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 J Birkett against the decision of Chichester District Council.
 - The application Ref is TG/23/02150/FUL.
 - The development proposed is Erection of a two bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - whether the proposed development would comply with the development strategy for the District, and
 - the effect that the proposal would have on the safety and function of the Strategic Road Network (SRN).

Reasons

Development strategy

3. The appeal site is situated outside any settlement boundary designated in the Chichester Local Plan: Key Policies 2014-2029 (LP) and the Tangmere Neighbourhood Plan 2014-2029, so it is, in policy terms, in the countryside.
4. The site is a meadow on the roughly north side of the narrow Easthampnett Lane, which is bounded by fences to roughly west, north and east, and by a laneside hedge and field gate to roughly south. The dwelling at Low Place lies roughly east, a few dwellings lie roughly south and south west on the opposite side of the lane, and mostly open fields within the largely flat agricultural landscape lie roughly west and north. There are a few other buildings by the north side of the lane to roughly east, and further west, well beyond the vegetation on the far side of the bend in the lane, lies an industrial building, which is reached from Tangmere. So, the site is by a thin scatter of buildings within the mainly open countryside.
5. 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 it explains that outside Chichester city and the designated Settlement Hubs, the Service Villages will be the focus for

- new development. In the Rest of Plan Area, outside the Settlement Boundaries of 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.
6. 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 and re-use of buildings in the countryside, so it is not relevant.
 7. The nearest settlement boundary of the Settlement Hub of Tangmere lies roughly west, but as the site is some way from that boundary and within the Rest of Plan Area, the proposal would be contrary to LP Policy 2.
 8. The site is a short walk or cycle from the appellant's pet cremation business, which lies further east along the lane. The appellant has explained that the personal service provided by the business has enabled it to thrive and expand, and that the business is expected to continue to grow. Whilst the proposal would enable the appellant to readily respond to some of his clients' needs outside normal working hours, there is insufficient evidence to show that the enterprise would require a full time worker to be available on or near the business site at most times during any 24 hour period to do so. As the appellant and his family currently live in Chichester, the relatively short commute, and the unpredictable out of hours trips to and from the business site, some of which are likely to occur when the A27 is less busy, are reasonable to meet the business's needs.
 9. The few local shops and services within Tangmere include a convenience store, primary school and a church. As most of Tangmere's facilities are around a mile by road from the site, and would be partly reached by the sometimes busy A27 trunk road, the trips to meet the occupiers' day to day needs would be more likely to be made by private motor vehicle than by walking or cycling. As a slightly longer drive to the nearby city of Chichester would offer a greater range of shops and services, the activity related to the occupiers' day to day needs might not enhance or maintain the vitality of the rural community at Tangmere. Similar circumstances apply in relation to the few facilities in the Service Village of Boxgrove, which lies roughly north of Tangmere. So, whilst some vehicular trips related to the business would be reduced, they would be partly replaced by the other vehicular trips of the dwelling's occupiers.
 10. There is little evidence to show that some office space and enhanced security measures could not be provided at the business site, that staff could not share some of the unsociable hours worked, and that there is no suitable dwelling for the appellant's family or a staff member, say, in Tangmere. As it has not been shown that the proposal would require a countryside location and would meet an essential small scale and local need, it would be contrary to LP Policy 45. So, the suggested occupancy condition could not reasonably be imposed.
 11. As the Council has not raised concerns about the proposal's effect on the local rural character, and I agree, the suggested condition to control boundary treatment would not be necessary. Whilst the proposal seeks to make efficient use of the site, and its other benefits would include a welcome new home and jobs during construction, the benefits of the scheme would not outweigh the conflict with the local development strategy.

12. Therefore, I consider that the proposed development would unacceptably conflict with the development strategy for the District. It would be contrary to LP Policies 1, 2 and 45, and the Framework which seeks to actively manage patterns of growth, and to promote sustainable development in rural areas.

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. The A27 is part of the SRN, and the LP sets out a scheme of A27 improvements in accordance with LP Policy 9 and the Chichester District Council Planning Obligations & Affordable Housing Supplementary Planning Document (SPD). Whilst the SPD explains that major housing development proposed in the LP will generate additional traffic impacts on the A27 Chichester Bypass junctions which will require mitigation, the proposal is not major development.
14. By contrast, the Council says that the emerging Chichester Local Plan 2021-2039: Proposed Submission aims for all new housing in the south part of the Plan Area to contribute to a scheme of infrastructure improvements to the A27. The Council adds that the cost of the A27 works in the LP has increased, and the significant delivery of housing in the south part of the Plan Area is having an impact on the safety and function of the SRN and parts of the local highway network. Because some junctions on the A27 are already over capacity, there is a need for financial contributions for works to the A27 to address its safety and function now. As all new housing in the south part of the Plan Area is considered to have an impact on the A27, the Council's draft A27 Chichester Bypass Mitigation Supplementary Planning Document seeks contributions from all developments where there is a net increase in dwellings.
15. The appellant has submitted a completed planning obligation to make the financial contribution towards highways infrastructure sought by the Council. However, as the highway authority has not objected to the proposal, and as Planning Practice Guidance explains that policies for planning obligations should be set out in plans and examined in public, 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 the obligation into account.
16. Thus, I consider that 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. This matter attracts neutral weight in the planning balance.

Conclusion

17. 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.
18. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR