



Appeal Decision

Site visit made on 8 November 2024

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

an Inspector appointed by the Secretary of State

Decision date: 18th November 2024

Appeal Ref: APP/L3815/D/24/3349063

Harbour View, Itchenor Road, West Itchenor, West Sussex PO20 7DH

- 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 Mr and Mrs N Goddard against the decision of Chichester District Council.
 - The application Ref is WI/24/00648/DOM.
 - The development proposed is for the erection of a tennis court ancillary to an existing dwelling. Widening of existing means of access to provide additional vehicular access from Itchenor Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since November 2023 all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales are to be referred to as 'National Landscapes' (NL). Therefore, while the legal designation and policy status of AONBs are unchanged, all references to the Chichester Harbour AONB in this appeal will reflect that change.
3. 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. The appellants suggest that the Council did not follow due process when determining the application for the proposed scheme; this is a matter for the parties and not for my consideration as part of this appeal.

5. The Council approved a scheme for development at 'Harbour View'¹ that included a lawned area on the appeal site before me. This is noted. However, the separate proposal before me is for a permeable, hard-surfaced tennis court and a widened vehicular access as described in the banner heading above. As such, I have considered the proposal on its own planning merits.

Main Issue

6. The main issue in this appeal is the effect of the proposal on the Chichester Harbour National Landscape (CHNL)

Reasons

7. The appeal site is located in the CHNL to the front of the residential dwelling known as 'Harbour View', which has a walled garden to the rear. The dwelling is partly shielded from Itchenor Road by an elevated verge and a line of juvenile hedging. On the other side of Itchenor Road there are a number of substantial residential dwellings set back behind verges and garden spaces that are shielded by hedges, trees or walls.
8. The proposed development would be in the CHNL and thus for planning purposes located in the countryside. As such, the development must conserve and enhance the natural and local environment as required by Paragraph 182 of the Framework, to which I attach great weight.
9. The development has already been constructed on the appeal site and includes a new access road and a hard-surfaced tennis court with perimeter fencing. The court is lined by an evergreen hedge at the western boundary adjacent to Itchenor Road.
10. The new access to the appeal site is acceptable to West Sussex Highways department. I also acknowledge that the development is not directly adjacent to the more open countryside to the rear of the host dwelling.
11. However, the fact remains that the development lies within the CHNL. As such, the hard surfacing, fencing and posts of the tennis court appear as alien features in the CHNL when compared to the previously approved lawned area. The relatively elevated development to the front of the host property is also at odds with the surrounding dwellings which, rather than tennis courts, have frontages that are typified by established verdant green garden spaces set back from the highway, which helps to soften the built form in this sensitive location.
12. Moreover, whether the juvenile Holly Oak hedging that currently separates the tennis court from the road, or other approved hedging² is planted along the host dwelling boundary or not, I cannot be certain if the hedging would be retained in a thickened mature condition in perpetuity once a conditioned period expired, particularly as the ownership of 'Harbour View' is likely to change over time. My opinion is reinforced by the fact that the boundary treatment at 'Harbour View' has been changed several times in recent years, including a change from established mature trees and hedging to a timber fence.

¹ WI/21/03545/FUL

13. Consequently, in the planning judgement, I conclude that the development does not conserve or enhance the natural beauty of the CHNL, and that there is harm to its scenic beauty.
14. Accordingly, the development does not meet the aims of Policies 2, 33, 43, 45 and 48 of the Chichester Local Plan: Key Policies 2014-1029, which say, amongst other things, that the natural beauty and locally distinctive features of the CHNL are to be conserved and enhanced.
15. For similar reasons, the development does not accord with Paragraph 135, 180 and 182 of the Framework, which require that great weight should be given to conserving and enhancing landscape and scenic beauty of NL's, which have the highest status of protection in relation to these issues.

Other Matters

16. The appellants have brought to my attention a number of schemes in support of their case. However, I have limited details of those schemes, some of which are in a different location³ altogether. Moreover, I cannot be certain if they were determined under the same development plan as the scheme before me or not. Therefore, while I acknowledge tennis is likely to be beneficial for general well-being and health, and that there are a number of benefits associated with the scheme such as improved drainage, rainwater harvesting and biodiversity planting on the site, I give these matters little weight when weighed against the substantial harm to the scenic beauty of the CHNL.

Conclusions

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

J E Jolly

INSPECTOR

³ APP/L3815/W/23/3323630