



Planning Inspectorate

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: 18 November 2024

Appeal Ref: APP/L3815/W/24/3348287

114 Second Avenue, Almodington, Earnley, West Sussex PO20 7LF

- 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 Ms Moores and Lambert against the decision of Chichester District Council.
 - The application Ref is E/23/002272/FUL.
 - The development proposed is for the demolition of existing outbuilding and construction of annexe and garage/store to be used in connection with 114 Second Avenue alongside associated works.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. The emerging Chichester Local Plan 2021–2039 has yet to be adopted. Therefore, the Council has relied upon the extant policies in the Chichester Local Plan 2014–2029 (CLP). I have proceeded accordingly.
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.

Main Issues

4. The main issues in this appeal are:
 - whether the proposal would be in a suitable location; and,
 - the effect of the proposal on the character and appearance of the area.

Reasons

Suitable location

5. The appeal site is agricultural land located in the countryside beyond a recognised settlement boundary to the southern side of Second Avenue in the Parish of Earnley. Second Avenue is a single-track lane that leads to the surrounding fields and countryside beyond. The built form along Second Avenue, including the host property at No 114, is characterised by detached dwellings on rural type 'Land Share Association' plots, some of which have outbuildings and garages.
6. The appellants argue that the proposal would be well related to the other dwellings on Second Avenue and that there have been a number of residential schemes¹ on the surrounding plots that were permitted under Class Q of the General Permitted Development Order 2015. However, as the proposal is not for permitted development and would not result in a change of use to the land, the fact remains that the annexe and its domestic activity would be located on an area of agricultural land that is set away from the main building across a path. As such, its positioning to the side of No 114 would detract from the surrounding rural character.
7. Although the agricultural land has previously been used for food production, including the grazing of sheep, the appellants contend that there has been limited agricultural and horticultural activities in this location for some considerable time. Moreover, that the existing building on the appeal site has subsequently been used for storage connected with the main house and maintenance of the wider site. Nevertheless, even though the appellant has lived in the main house for over 12 years, I have no substantiated evidence before me, such as a lawful development certificate, to persuade me that this has been the case for a minimum of 10 years.
8. In any event, as the timber weather boarded proposal would include a very small store area in comparison to its bedroom, bathroom and living space, it is very unlikely that the sedum-roofed building could be readily adapted for agricultural use to meet even the smallest scale of local needs. As such, the proposal would prejudice any future agricultural use of the site. This would remain the case even if it were to be used in combination with the established garage space found to the left-hand side of the host dwelling.
9. Therefore, as I have little evidence before me to suggest that a countryside location is required for the proposed domestic-type use, I conclude that the proposal would not be in a suitable location.
10. Consequently, in respect of its location, the proposal would not meet the aims of Policies 2 and 45 of the CLP, which is clear that development outside settlement boundaries should be well related to an existing farmstead or group of buildings, or be located close to an established settlement and be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses, and the Framework when read as a whole.

¹ E/21/01119/FUL and E/17/00271/PA3Q

Character and appearance

11. The appellants also argue that the dilapidated timber structure would be replaced by a high quality, muted timber annexe that would be connected to the main house by a path and amount betterment of the site, particularly in comparison to the permitted development nearby.
12. However, whether the proposal would be dependent on the host dwelling for the purposes of day to day living or not, the development would have the potential to be associated with a range of domestic activities and paraphernalia. For example, but not limited to, the parking of cars, garden furniture and seating, domestic fires associated with the flue, washing lines, and barbeques. These domestic type accoutrements and activities would be incongruous with the typical use of agricultural land in this location, which is characterised by more rural type activities and features.
13. Moreover, the proposed development would be greater in height than the modest agricultural structure and be set to one side of the host dwelling with an extended hardstanding. Therefore, it is likely that the proposal would be glimpsed from the lane by those travelling or walking along the track, particularly at certain times of the year when leaf coverage is likely to be less dense. Close boarded fencing, new planting or the retention of the existing fruit trees to the front of the development would not be adequate mitigation. In addition, I cannot be certain that any landscaping or planting would be retained in perpetuity, as the ownership of the appeal site is likely to change over time.
14. I acknowledge that the proposal would be subservient to the main house and that a swimming pool development² to the rear of the host dwelling was found to be acceptable. However, the low-lying swimming pool is a different form of development that is found to the rear of the host property and hence screened from the road for those passing by.
15. I conclude therefore, that the scale and mass of the proposal in combination with its domestic type activities would encroach the countryside and harm the rural character and appearance of this specific location.
16. Accordingly, in respect of the character and appearance of the area, the proposal would be contrary to Policies 45 and 48 of the CLP, which require, amongst other things, that development outside settlement boundaries must ensure that its scale, siting, design and materials would have minimal impact on the landscape and rural character of the area.
17. For similar reasons, the proposal would be contrary to Paragraphs 135 and 180 of the Framework, which require that planning decisions should contribute to and enhance the natural and local environment.

Other Matters

18. I note that there are no recorded objections from the Parish Council. There would also be a range of environmental benefits and renewables associated with the development. While these matters are noted, they do not outweigh the harm I have found above.

² 23/00098/FUL (APP/L3815/W/23/3326476)

Conclusions

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

J E Jolly

INSPECTOR