

Appeal Decision

Site visit made on 1 October 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/L3815/W/24/3343010

Jubilee Wood, Hambrook Hill North, Hambrook, Westbourne, West Sussex PO18 8UG

- 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 Leonard Sturgess against the decision of Chichester District Council.
 - The application Ref is WE/23/02004/FUL.
 - The development proposed is described as 'Proposed storage of 8 caravans at Woodlands Rest (land at Jubilee Wood), Bridle Lane, Hambrook. PO18 8UG'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government's Procedural Guide: Planning appeals – England document, indicates that an appeal should be submitted with a full statement of case,. Nevertheless, the appellant provided additional evidence regarding biodiversity including an Ecological Impact Assessment, at final comment stage. Why this evidence could not have been provided previously has not been justified. Furthermore, the Council and any interested parties have not had the opportunity to comment on this additional evidence. For these reasons, this additional late evidence has not been considered in the determination of this appeal.
3. The area of the appeal site that would be used for the storage of caravans is subject to a Tree Preservation Order. However, I observed that this area is bare of trees. Moreover, in its statement of case the Council has indicated that subject to the imposition of conditions, its reason for refusal related to trees subject of a TPO could be overcome. I have no reason to reach an alternative view and proceed accordingly.

Main Issues

4. The main issues are:
 - whether the appeal site is a suitable location for the proposed development, with particular regard to the local development strategy; and the effect of the development on;
 - biodiversity; and
 - the character and appearance of the area.

Reasons

Development strategy

5. The appeal site is outside of and away from the settlement boundaries of any settlement defined in the Chichester District Council – Chichester Local Plan: Key Policies 2014-2029 (the Local Plan). As such it may be regarded as being within the countryside.
6. Together policies 2, and 45 of the Local Plan and policy OA1 of the Westbourne Neighbourhood Plan 2017-2029 (the Neighbourhood Plan) form part of an overall strategy for development within the District. Collectively, these policies generally seek to direct most new development to those settlements with the widest range of services and facilities.
7. Local Plan policy 2 indicates that in the countryside, development is restricted to that which includes a requirement for a countryside location or meets an essential rural need. Policy 45 then states that development within such locations will be granted where it requires a countryside location, and it meets an essential, small-scale, and local need which cannot be met within or immediately adjacent to existing settlements.
8. Policy OA1 of the Neighbourhood Plan generally supports the approach set out within Local Plan policies 2 and 45. For development in the countryside, this policy indicates that development will not normally be either appropriate or sustainable. That is unless; it would conform with other development plan policy requirements; it meets all of a series of other criteria which include that it be of a form or type that could not reasonably be located within a settlement; or, it relates to a rural exception site to meet local need. Rural exception sites are defined within the glossary of the neighbourhood plan, and relate to affordable housing.
9. Even if the amount of caravan storage in the area has reduced in recent years, and driveways on modern housing estates are often unsuitable for caravan/motorhome storage, it does not automatically follow that there is a shortfall in the supply of such storage in the area. However, the requests for the storage of caravans provided by the appellant, show that there is some local demand for such provision. Nevertheless, it has not been demonstrated that this demand could not be met by alternative sites within or immediately adjacent to existing settlements. That being the case, I have been unable to conclude that the proposed development requires a countryside location or that it would meet an essential rural need.
10. For these reasons the appeal site is not a suitable location for the proposed development, with particular regard to the local development strategy. As such, and in respect of this main issue, it would conflict with policies 2 and 45 of the Local Plan and policy OA1 of the Neighbourhood Plan.

Biodiversity

11. On site, I observed that the land subject of the proposed development is almost entirely devoid of trees and shrub growth. Nevertheless, it forms part of a larger parcel of land, the majority of which is covered with herbaceous vegetation, and which is largely surrounded by woodland and plant growth.

12. Amongst other things, policy 49 of the Local Plan requires development to safeguard the biodiversity value of sites and, to avoid or mitigate harm to habitats or species which are protected or which are important to biodiversity. It also requires the protection of the District's network of ecology and biodiversity sites, which include; international, national and locally designated sites; priority habitats; wildlife corridors; and, the stepping stones connecting them.
13. The proposed development would not result in the construction of any buildings, and it is proposed that the hardstanding be permeable. However, I have no reason to doubt that the site is within a potential strategic wildlife corridor, as identified within its Strategic Wildlife Corridors background paper.
14. In the absence of compelling evidence to the contrary, and noting the comments of the Council's Environmental Strategy Unit - as reported within its delegated decision sign-off sheet, I find that additional information regarding the biodiversity value of the site is needed. This is to enable the effect of the development on any strategic wildlife corridor to be assessed, and to determine whether protected species are likely to be present.
15. I must adopt a precautionary approach in the face of a lack of scientific certainty in respect of environmental protection. Consequently, and notwithstanding the findings of the Inspector in appeal ref APP/L3815/W/23/333387, it cannot be concluded, with any degree of certainty, that conditions could mitigate any potential harm in respect of biodiversity.
16. For these reasons, I cannot establish that the development would not cause harm to biodiversity. Consequently, it would not comply with policy 49 of the Local Plan.

Character and appearance

17. Distinctive characteristics of the appeal site and land close to it, include the presence of sporadic developments of varying types and forms and differing land uses. These include buildings and equestrian-related development, as well as dog boarding kennels and other commercial developments. As such, and although the appeal site is within a generally verdant and often wooded part of the countryside, its character and appearance, and that of nearby land, is also informed by these other developments and land uses.
18. The implementation of the appeal scheme would result in additional development on the appeal site. However, it would be limited to the storage of 8 caravans and associated hardstanding. It would also be close to an existing building. Due to its location and its relatively modest extent and scale, the proposed development would not be atypical of other commercial uses of land or developments observed in the area. Nor, for the same reasons would it have a harmful urbanising effect on the area.
19. The Public Right of Way (PRoW) referred to as The Bridle Lane, provides vehicular access from Common Road to the appeal site and to the Freedom camping club licensed site which is operated by the appellant. Given the low number of caravans proposed and the storage nature of the proposal, I have no reason to doubt that the additional vehicle movements generated would be

infrequent and low in number. Such movements would not cause harm to the character of the area.

20. The land that would be used for the storage of caravans forms a small section of a larger parcel of land under the control of the appellant. Although there is a PRoW close to the southern boundary of this larger parcel of land, it is at a much lower level than the appeal site. Any views of the proposed hardstanding and the caravans from this PRoW would therefore be restricted to glimpses. The existing well-established plant growth and the boundary fencing around much of the wider parcel of land would also prevent all but glimpses of the proposed development from other land beyond the control of the appellant. Moreover, because of the intervening distance between the development and those locations where glimpses of it would be possible, it would not be harmfully intrusive in such views.
21. For these reasons, the development would not cause harm to the character and appearance of the area. Consequently, in respect of this main issue, it would comply with policies 2, 45 and 48 of the Local Plan and policy LD1 of the Neighbourhood Plan. Collectively, and amongst other things, these policies require development to; integrate into the existing surroundings; protect the rural character of the area; and, to respect the landscape character of the surrounding area and site.

Other Matters

22. Given the modest scale of the scheme, the associated benefits to the rural economy would be small. Moreover, I cannot conclude that any potential cost or time savings to customers who would use both the freedom campsite and the proposed storage areas would be significant. These potential benefits are therefore attributed very limited weight. As is any associated reduction in the amount of travelling that would be required between the Freedom camping site and the appeal site.
23. The Council advise that the site is within the buffer zone of the Singleton and Cocking Tunnels Special Area of Conservation (SAC), and I have no reason to find otherwise. Nevertheless, given that the appeal is being dismissed on other grounds, an Appropriate Assessment under Regulation 63(1) of the Habitat Regulations is not required.

Conclusion

24. Notwithstanding my conclusion on the third main issue, the development would cause harm to highway safety and to biodiversity. In my view, these are the prevailing considerations, and the proposed development must be regarded as being in conflict with the development plan when read as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
25. I therefore conclude that this appeal should be dismissed.

V Simpson
INSPECTOR