



Appeal Decision

Site visit made on 25 November 2024

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

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2024

Appeal Ref: APP/C3810/W/24/3346376

Garage Compound, Holland Close, Bersted, West Sussex PO21 5TW

- 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 Edward Rees against the decision of Arun District Council.
 - The application Ref is BE/18/24/PL.
 - The development proposed is the use of land for storage and 2 new storage containers.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area, and
 - the ease of movement of users of the Public Right of Way (PRoW).

Reasons

Character and appearance

3. The appeal site is part of a garage and parking court (garage court) which is situated in a mainly residential area within the built-up area boundary of Bognor Regis. The site is reached by the footpath from Holland Close and by the shared vehicular and pedestrian access in the unmade Strouds Lane from the roughly south west corner in Stroud Green Drive. The PRoW between Frandor Road and Stroud Green Drive runs through and by the court near its south and east boundaries. Beyond the PRoW to roughly south lies a sports field.
4. The locality is mainly characterised by pitched roofed semidetached and terraced 2 storey dwellings and bungalows set back from the roads by front gardens and/or drives with moderate back gardens and occasional garage courts. So, the street scenes in Stroud Green Drive and Holland Close have a residential character and appearance. The mostly brick walled flat roofed garages within the garage court are in keeping with the character and appearance of the nearby dwellings, and the openness and greenery within the dwellings' gardens, the sports field, and by the PRoW, contribute positively to the local suburban character. Due to its siting towards the south end of Strouds Lane, the site is prominent in views from Stroud Green Drive, Strouds Lane, the garage court, and the PRoW. Whilst parts of the garage court are overgrown, their partly vegetated appearance harmonises with their surroundings.

5. The appellant says that when the estate was first constructed the garage court was provided for residents, purchasers of the dwellings had the option to secure a garage, and whilst some garages were constructed, others were not. Whilst garages were not built on parts of the court, and whilst it is overgrown in places, the garage court respects its mainly residential surroundings. The proposal includes the change of use of the site to storage.
6. Due to their engineered appearance, utilitarian character and prominent siting, the containers would be unacceptably discordant features in the Stroud Green Drive street scene and their suburban surroundings. As the vegetation in the court and by the PRoW could not be relied upon to partly screen the containers in the long term, the proposal would be discordant in the mainly open northward views from and across the sports field. So, the proposal would be incongruous.
7. The installation of the containers would include their delivery to or removal from the site at any time by vehicles that would be likely to be larger and noisier than most vehicles that could be parked in a domestic garage or parking space. So, in contrast to the erection of a domestic garage for its lifetime, the vehicle movements related to the delivery and removal of containers could occur more frequently, and the noise and disturbance related to that activity would be out of keeping with the local character.
8. The appellant says that the containers would be finished in a specific green, but as they could be replaced by other containers, their colour and/or cladding could not reasonably be controlled by conditions. As planting could not reasonably be controlled by condition for more than a few years, it would not overcome the harm that the proposal would cause. There is little evidence to show that, say, a prefabricated domestic garage would be less secure and/or would cost more than a container, so the appellant's concerns about security and cost attract little weight. Because the proposal would be at odds with the locality, it would not make efficient use of the land, and it would not amount to sustainable development. Moreover, the site could be tidied up without the need for this damaging proposal.
9. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It is contrary to Policy D DM1 of the Arun Local Plan 2011-2031 (LP) and Policy ES1 of the Bersted Neighbourhood Plan 2014-29 which seek high quality design and respect for context, LP Policy D SP1 which aims to make efficient use of land but reflect the characteristics of the site and local area, and guidance in the Arun District Design Guide Supplementary Planning Document. It would also be contrary to the National Planning Policy Framework (Framework) which seeks well-designed places and sympathy for local character.

PRoW

10. There is a tight bend in the single vehicle width Strouds Lane where it turns roughly west into the garage court. There is no separate path by the court's roughly east boundary by Strouds Lane, so it is likely that users of the PRoW have used, and continue to use, the track's shared unmade surface as a part of the PRoW, and that they have used the well-worn path that continues roughly south from the roughly west side of the north south part of the Strouds Lane track before or after travelling west or east by the court's south boundary for many years. As the PRoW's alignment is consistent with the Council's 2007

aerial image, its mapping data and that of West Sussex County Council, part of the site includes part of the PRow. So, the appellant's land registry data attracts little weight.

11. Because the proposal would intrude into, and thus, diminish the width of the established PRow, it would disrupt the PRow's users' ease of movement and enjoyment of the PRow. As the unmanaged parts of the PRow could be cleared at any time, they provide little support for the proposal, which would obstruct the PRow and reduce its width thereafter. Whilst there may be land outside the site that might accommodate the PRow, it is not within the control of the appellant, and the proposal does not include the diversion of the PRow.
12. Thus, I consider that the proposed development would unacceptably impede the ease of movement of users of the PRow. It would be contrary to LP Policy T DM1 which aims for public rights of way to be available and accessible to all members of the community, and the Framework which aims to protect and enhance public rights of way.

Conclusion

13. 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.
14. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR