



Appeal Decision

Site visit made on 2 April 2025

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2025

Appeal Ref: APP/L3815/W/24/3352088

Norton Lea, Chichester Road, Selsey, West Sussex PO20 9EA

- 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 Williams against the decision of Chichester District Council.
 - The application Ref is SY/23/02490/FUL.
 - The development proposed is demolition of the existing outbuilding and the erection of 2no. detached holiday lets with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing outbuilding and the erection of 2no. detached holiday lets with associated parking at Norton Lea, Chichester Road, Selsey, West Sussex PO20 9EA in accordance with the terms of the application, Ref SY/23/02490/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst paragraph numbers have altered, any policies that are material to this decision have not fundamentally changed. I am satisfied that this has not prejudiced any party, and I have had regard to the latest version in reaching my decision.
3. During the course of the appeal, I was advised that planning permission had recently been granted on the site for a similar proposal¹. In light of this, the main parties were given the opportunity to comment on any implications for the appeal. I have taken the responses into account.
4. Also during the course of the appeal, the Council advised that work on the review of the Chichester Local Plan: Key Policies 2014-2029 (LP) is now well advanced with consultation on the Chichester Emerging Local Plan 2021-2039 (ELP) having taken place and with submission for examination in May 2024 and adoption in 2025. Given its stage of production, the ELP is a material consideration in the determination of this appeal. As part of the appeal process the appellant had the opportunity to provide comments in relation to relevant policies in the ELP as identified by the Council. I have taken these comments, and those of the Council, into account in my consideration of this appeal.
5. The appeal has been accompanied by a revised signed Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 to mitigate the

¹ Ref: SY/24/02611/FUL

impacts from future occupiers on the Pagham Harbour Special Protection Area. Although the Council have confirmed that it has approved the UU, as the competent authority in relation to this appeal, I am required to consider this matter and the related duties under the Conservation of Habitats and Species Regulations 2017. As a result, I will deal with this as a main issue.

Main Issues

6. In light of the preliminary matters above, the main issues are the effect of the proposal on:
- the character and appearance of the area; and,
 - the integrity of European, nationally, and internationally protected sites.

Reasons

Character and appearance

7. The appeal site comprises a single-storey outbuilding and associated land set back from Chichester Road adjacent to residential properties forming Norton Lea, Rockery Cottage and Mayfield Cottage. There are agricultural fields to the rear.
8. LP Policy 30 and ELP Policy E8 state, amongst other things, that proposals for tourist accommodation will be supported where it has been sensitively designed to maintain the tranquillity and character of the area and are of a scale appropriate to the location. Policy 001 of the Selsey Neighbourhood Plan 2017 (NP) advises that new development should recognise the distinctive character of the Parish and sensitively contribute to creating buildings of a high-quality architectural design.
9. The proposed units would be single storey and sited adjacent to each other. The northern unit would be located on the footprint of the existing outbuilding. The units have been designed to match each other in size and design with a similar overall footprint to the existing building. There would be an outdoor area for each unit and an intervening hedgerow between the units to provide privacy for occupiers. An existing hardstanding that leads to the site from the entrance off Chichester Road would be extended to provide four car parking spaces.
10. While I acknowledge that the hard surfacing within the site would be extended, this would not be dissimilar to the adjacent dwellings that both benefit from considerable areas of hardsurfacing adjoining the respective dwellings. By reason of this, given the provision of suitable usable outdoor space and similar overall footprint of the units to the existing building to be removed, the proposal would not result in a cramped form of development and would suitably retain its open nature. For the same reasons and given that the buildings and hardsurfacing would be well screened from Chichester Road by existing planting, the proposal would not be out of character with the immediate area when viewed from the public domain or from neighbouring dwellings.
11. I have had regard to the position of the adjacent dwellings fronting the road with the two proposed units to be set back within the site. However, the existing building is set back within the site and given the screening of the site from the public domain that can be retained through the imposition of a condition, the position of the units would not result in any harmful effect on the immediate area.

12. It follows from the above that I conclude that the proposal would not harm the character and appearance of the area. As such, in this regard it complies with LP Policies 2, 30, 45 and 48, NP Policy 001 and ELP Policy E8. Amongst other things, these seek proposals that are sensitively designed to maintain the tranquillity and character of the area, have minimal impact on the landscape and rural character of the area, and are of a scale appropriate to the location and recognise the distinctive character of the Parish.

Integrity of protected sites

13. The appeal site is within 3.5km of Pagham Harbour Special Protection Area (SPA). The Habitat Regulations require that where a project is likely to result in a significant effect on a European site, the competent authority is required to undertake an appropriate assessment of the implications on the integrity of the European site in view of its conservation objectives. Any likely significant effects arising from the development need to be considered alone and in combination with other development in the area.
14. The Qualifying Features of the PSPA include goose, Ruff and terns. By reason of an increase in residential population, the development is likely to result in recreational disturbance from human activity through increased visits, dog walking, cycling, jogging and walking unless suitable mitigation measures are secured.
15. The Council's strategy for achieving mitigation of increased recreational pressure on the SPA is set out within the Bird Aware Solent Recreation Mitigation Strategy (December 2017) (SRMS). The mitigation in the SRMS comprises funding for provision of sites of new/enhanced green space, provision of site access management, educational measures, and monitoring. The SRMS indicates that funding will be via financial contributions and has been arrived at in conjunction with a number of partners including Natural England, the appropriate nature conservation body under Regulation 63(3). Consequently, subject to an appropriate financial contribution being made, I am satisfied that likely significant effects to the ecological integrity of the SPAs would be avoided.
16. As stated above, the appeal has been accompanied by a revised signed Unilateral Undertaking submitted by the appellant and accepted by the Council. This provides a financial contribution towards ecological monitoring and management arrangements in that context, consistent with the Council's approach. I have consulted with Natural England which has confirmed that the payment is sufficient to avoid adverse impacts on the integrity of the European Sites and their features.
17. Consequently, I am satisfied that likely significant effects to the ecological integrity of the SPA would be avoided and the proposal would not harm the integrity of European, nationally, and internationally protected sites in accordance with LP Policies 30 and 51 and ELP Policy NE7 and the related provisions of the Framework. Amongst other things, these seek to protect the integrity of international, national and local designations and secure appropriate avoidance and/or mitigation measures to ascertain that the development would not adversely affect the integrity of the SPA.

Other Considerations

18. I have had regard to the comments from Selsey Town Council related to the lack of space for vehicles to enter and exit the site and in relation to flooding. However, the

number and size of parking spaces are sufficient to serve the development with adequate space available within the site for vehicles to turn on the extended driveway. Furthermore, finished floor levels would be raised to mitigate the risk of future flooding that can be secured by condition should I allow the appeal. It is noteworthy that the District Council came to similar conclusions in these regards.

Conditions

19. I have had regard to the tests in the Framework in relation to conditions, to the planning conditions suggested by the Council and to the comments from the appellant. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.
20. A condition is necessary to ensure the submission of a strategy detailing the sustainable design and construction of the buildings in the interests of reducing energy consumption.
21. Conditions are necessary to ensure the submission and approval of materials and the provision of a suitable landscaping scheme in the interests of protecting the character and appearance of the area.
22. A condition is required to ensure that the finished floor levels are constructed in accordance with the flood risk assessment in the interests of preventing the risk of flooding.
23. A condition is necessary to ensure that the vehicle parking is provided and available for use in the interest of protecting highway safety.
24. Conditions are necessary to ensure the provision of ecological features and to remove permitted development rights for external lighting in the interests of biodiversity.
25. Finally, a condition is necessary to ensure that the buildings are used for holiday accommodation purposes to reflect the proposal being applied for and given the location of the site.
26. While I note the appellants comments regarding the wording of suggested condition numbers 3 and 4 requiring the approval of the Council, such wording is not unusual and is necessary to ensure the agreement and provision of suitable detailing.
27. I have removed the 'tailpieces' from the conditions in the interests of certainty.

Conclusion

28. For the reasons given above the appeal should be allowed.

C Rose

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 970-100 Revision B Location Plan; 970-102 Revision K Proposed Site Plan; 970-300 Revision E Proposed Floor Plan (Plot 1); 970-301 Revision E Proposed Elevations (Plot 1); 970-302 Revision C Proposed Floor Plan (Plot 2); 970-303 Revision D Proposed Elevations (Plot 2); and 970-900 Revision A Site Plan Comparison.
- 3) No development above slab level shall commence until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology and energy consumption maximising renewable resources has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved.
- 4) Notwithstanding any details submitted, no development/works shall take place, above slab level, until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes.
- 5) The development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed means of enclosure; car parking layout; details of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. Thereafter the scheme shall be carried out in accordance with the approved details.
- 6) The development shall be carried out in accordance with the submitted Flood Risk Assessment (6/11/2023) and the following mitigation measures:
 - Finished Floor Levels will be no lower than 4.9m AOD as recommended.These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- 7) No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained for their designated use.
- 8) The development hereby permitted shall not be first brought into use until the following ecological enhancements are carried out:
 - a) a bat box to be installed on the building facing south/south westerly positioned 3-5m above ground;
 - b) a bird box to be installed on the building/and or tree within the garden of the property, and
 - c) a hedgehog nesting box to be installed within the site.Thereafter the ecological enhancements shall be retained in perpetuity.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the proposed accommodation shall be used for holiday accommodation only and shall not be used for any individual's main or sole residential dwelling and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

END OF SCHEDULE