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## Appeal Decision

Site visit made on 12 August 2025

**by Mr M Brooker DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 3rd September 2025**

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**Appeal Ref: APP/L3815/W/24/3354232**

**Land East of Rownberts, Woodmancote Lane, Woodmancote, Chichester, West Sussex PO10 8RD**

- 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 and Mrs Lee Murfin against the decision of Chichester District Council.
  - The application Ref is WE/23/02921/FUL.
  - The development proposed is the change of use of land for the siting of 1 showman's mobile home with storage of associated vehicles and equipment.
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use of land for the siting of 1 showman's mobile home with storage of associated vehicles and equipment at Land East of Rownberts, Woodmancote Lane, Chichester, PO10 8RD in accordance with the terms of the application, Ref WE/23/02921/FUL, subject to the conditions in the attached schedule.

### Applications for costs

2. The appellant has submitted an application for costs against Chichester District Council, this application is the subject of a separate decision.

### Preliminary Matters

3. It is not at dispute between the parties that the appellants are persons of showpeople status who meet the definition within the Planning Policy for Traveller Sites (PPTS) and have a local connection. Based on the evidence before me I find no substantive reason to conclude otherwise.
4. The appellant details<sup>1</sup> that in addition to the single mobile home to be located on site, two mobile cooking facilities and associated goods, a transit type vehicle and a car, two mobile units (caravans) for travelling are also proposed to be stored on site. I have determined the appeal on this basis.
5. Finally, the council details that the appeal site is located within the 5.6km 'zone of influence' of the Chichester and Langstone Harbour Special Protection Area (SPA) where it has been identified that the net increase in overnight accommodation could result in significant harm to those areas of nature conservation due to increased recreational disturbance. In response, the Appellant has provided a completed Unilateral Undertaking and paid a contribution towards the protection of the SPA in July 2024 prior to the Appeal being lodged. The Council no longer

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<sup>1</sup> Appellants letter to Chichester District Council dated 7 December 2023

contests the related reason for refusal. On the basis of the evidence before me I, as the competent authority am satisfied that the contribution would effectively mitigate any significant adverse effect on the integrity of the SPA caused by the increase in residents by the appeal proposal.

## **Main Issue**

6. The main issues are:

- a) Whether the appeal site is a suitable location for the proposed development with particular regards to access to services other than by private motor car;
- b) The effect of the appeal scheme on the character and appearance of the area;
- c) Whether alternative plots are available;

## **Reasons**

### Policy context

7. On 19 August 2025 The Chichester Local Plan 2014 – 2039 (the LP) was formally adopted by the council and now forms part of the development plan. This replaces the earlier Chichester District Local Plan: 2014-2029. Both parties have referred to the, then emerging, LP in their submissions and as such I am satisfied that it is not necessary to seek additional comments from the parties.
8. The council does not dispute that there is a need to provide travelling showpeople plots. Policy H11 of the LP refers to meeting gypsy, traveller and travelling showpeople needs and the GTAA details that 36 additional plots for travelling showpeople are needed, of which 21 are required before 2028<sup>2</sup>. The council acknowledges that despite allocations in the new LP, it will “still rely on windfall to meet a sizable amount of need”<sup>3</sup>.
9. Policy H13 of the LP refers to new accommodation for gypsies, travellers and travelling showpeople. Amongst other matters, the policy requires that it be demonstrated that there is a need for the plot within the plan area and would not harm the character of the local area.
10. Policy H14 of the LP refers to design criteria for new gypsy traveller and travelling showpeople sites and details specific criteria that proposals must meet including: being well-related and appropriate in scale to the nearest settled community; not appearing visually prominent and not having an unacceptable impact on the character and appearance of the area; access to public transport services; demonstrating that there is a need for the plot within the plan area and, landscaping and boundary treatments.
11. Policy NE10 of the LP refers to development in the countryside and supports development subject to various criteria including that the scale, form, bulk siting and design are appropriate to the countryside location; that proposals conserve and enhance the qualities of rural character, is located close to an established settlement and is complementary to or compatible with its countryside location.

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<sup>2</sup> Council's Statement of Case paragraph 2.21

<sup>3</sup> Council's Statement of Case paragraph 2.22

12. The appeal site lies within Westbourne Neighbourhood Plan (NP) area and policy OA3-1 refers to meeting the needs of the gypsy, traveller and travelling showpeople community and, amongst other matters, refers to the need to demonstrate that there are no alternative available plots.

### Location

13. I saw at the site visit that the appeal site is located outside of, but only a short distance and within sight of, the built-up area of Woodmancote, a small settlement described by the council as accommodating a bus stop and a public house.
14. The road linking the appeal site and the settlement is unlit and there is no separate pavement for pedestrians. While it may not be particularly attractive to cyclists or pedestrians at all times. The distance from the site to the edge of the settlement is not significant and for this reason I am satisfied that future residents could reasonably access the services in Woodmancote by means other than the car.
15. The appellant's Statement of Case makes reference to services that exist along the A259, a major road, specifically being "service opportunities, shops and public houses and also schools".
16. Therefore, in keeping with the site's rural location, it would be necessary for future residents of the appeal scheme to travel to access many services. The National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The short distance from the appeal site to a bus stop means that while it is likely many journeys would be made by car, there would be potential for the use of public transport.
17. For the reasons above I conclude that the appeal scheme, being for a single showman's mobile home, is well-related and appropriate in scale to Woodmancote and is accessible by walking, cycling and public transport. Moreover, the site is accessible by the road network. As such, I find that the appeal scheme is in a suitable location for the proposed development with particular regards to access to services other than by private motor car and is not contrary to policies H13, H14 and NE10 of the LP, in this regard.

### Character and appearance of the area

18. The submitted plans show the existing open site developed to accommodate a mobile home in a central location on the site, with an area to the rear identified as 'trailer storage' and an access driveway. Furthermore, the plans are annotated to refer to new hedgerow planting.
19. As referred to previously, the appeal site is situated in a predominantly rural location outside of but near to the existing built-up area of Woodmancote. The surrounding area is largely characterised by open countryside interspersed by some agricultural and equestrian type buildings and businesses, together with sporadic residential dwellings.
20. I saw at the site visit that the hedgerow alongside Woodmancote Lane is well established and offers a high degree of screening of views across the appeal site from the road, in common with other fields and properties nearby. Furthermore, the

submitted plans show additional hedgerow planting to the eastern and western boundaries of the site.

21. The change of the appeal site from a predominantly open and grassed field to a plot accommodating a mobile home with the storage of associated vehicles and equipment would undoubtedly change the character of the appeal site and immediate local area to some limited degree.
22. Nonetheless, I am satisfied that the appeal scheme being of a small scale and well screened, would be appropriate to the countryside location being near to the existing settlement and where agricultural and equestrian type buildings and sporadic residential buildings are characteristic of the area. I do not consider that the appeal scheme would harm the character and appearance of the area and as such is not contrary to policies NE10, H13 and H14 of the LP.

### Alternative pitches

23. Neither the Framework nor the PPTS require an appellant to demonstrate that there are no other alternative sites. Nevertheless, amongst other matters, Policy OA3 of the NP requires that it is demonstrated that there are no other suitable alternative sites available. Westbourne Parish Council state that other sites are available in the parish, but do not provide any further details. The appellant states that, as referred to at the Planning Committee meeting, the site referred to is for Gypsies and Travellers and would not be sufficiently large enough for a travelling show person who have different needs to be met on their plots.
24. The appellant details that all of the plots on Pryors Leaze Lane are 'taken' and no other plots are known to be available but does not provide any substantive detail to support the statement. I consider that this evidence falls short of the NP requirement to demonstrate that there are no alternative sites available.
25. As such, I find that the appeal scheme is in contrary to Policy OA3 of the NP in this regard.

### **Other Considerations**

#### Need

26. As referred to previously the GTAA identified an immediate requirement for some 21 plots up to 2028 and while the new LP makes some allocations, the council is still dependent on some windfall sites to meet the need identified in the GTAA.
27. The appellants have resided at Pryor's Leaze Lane, Hambrook for some 15 years in a single mobile home unit but now need additional space due to a growing family, specifically three children (aged 7, 19 and 20 years old). The appellant details that the current plot where they reside is simply not large enough to accommodate more people and more trailers. Moreover, it is detailed that the appeal site has been selected due to a family connection with the current owner/occupier of the adjacent property, Rownberts, and because this site allows the youngest child to continue their education at a nearby school.
28. On the basis of the above, I am satisfied that it has been demonstrated that there is a need for the plot sought by the appeal scheme. This is a material consideration that weighs in favour of the appeal scheme and I afford it very significant weight in my decision.

## **Other Matters**

29. Westbourne Parish Council raised concerns with regards an unresolved enforcement notice and the location of the site in relation to fire hydrants. I have no details of the works that led to the enforcement notice being served but I note that the officer's report details that the works ceased when requested. As such I am satisfied that this is a separate matter to the appeal scheme.
30. I note that WSCC Fire and Rescue commented on the application and noted that the "nearest fire hydrant for the supply of water for firefighting is 320 metres away, 145 metres further than the 175-metre distance required for a domestic premises".
31. In response, the officer's report details a condition requiring the submission of details, and ultimately the provision of, fire hydrant or cold-water storage and access/turning area for fire appliances. I am satisfied that such details and provision can ultimately be secured by a suitably worded condition attached to any permission resulting from the appeal.

## **Planning Balance**

32. I have found that the appeal site is an appropriate location for the appeal scheme and would not harm the character and appearance of the area. Furthermore, there is an ongoing need for more plots, detailed in the GTAA, and the appeal scheme would help to meet this need in accordance with policies H11, H13 and H14 of the LP. I afford very significant weight to the immediate need for more plots and to the appeal scheme meeting some of this need.
33. On the other hand, it has not been demonstrated that there are no alternative suitable sites available and this conflicts with the NP. However, the lack of evidence in this respect, together with the immediate need for plots limits the weight I give to this harm to moderate. It would though draw the proposal into conflict with the development plan as a whole.
34. On balance, I find that the clearly identified unmet need for plots outweighs the specific policy conflict with the development plan in this instance. I have not therefore gone on to consider the personal circumstances which would apply to the residents of the plot.

## **Conditions**

35. I have had regard to the planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents.
36. As the scheme is only acceptable on the basis of the particular details submitted, the scope of the permission is defined by conditions which confirm the approved drawings, limit the number and type of caravans and restrict their occupation to travelling showpeople only.
37. In the interests of highway safety and the character and appearance of the area, I have included conditions requiring the provision of the access driveway and trailer storage area, restricting the size of vehicles that can be accommodated on site and controlling commercial activities on the site. In the interests of the character and appearance of the area I have included a condition requiring the submission of

hard and soft landscaping, including refuse storage, external lighting, boundary treatments, culverts (including ongoing management) and hard surfacing materials negating the need for specific conditions with regard those matters.

38. In the interests of public safety, I have included a condition relating to fire appliances and fire hydrants. In the interests of the environment, I have included conditions relating to the foul water treatment plant and the implementation of nitrogen mitigation measures detailed in the documentation submitted with the application.
39. I have not included conditions removing permitted development rights regarding walls, fences and other means of enclosures and hardstanding as suggested by the council because, in accordance with government guidance<sup>4</sup>, such conditions are unlikely to meet the tests of reasonableness and necessity, and I do not consider them necessary or reasonable in this instance.

### **Conclusion**

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

*Mr M Brooker*

INSPECTOR

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<sup>4</sup> Use of planning conditions - Paragraph: 017 Reference ID: 21a-017-20190723 Revision date: 23 07 2019

### 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 002, 00715309-0718A9 and Block Plan 21.03.24
- 3) The site shall not be occupied by any persons other than Travelling Showpeople, defined as members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such), including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding Gypsies and Travellers.
- 4) No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.
- 5) The development hereby permitted shall not be occupied until the access drive and trailer storage area have been provided in accordance with drawing no 'Block Plan'. Thereafter those spaces shall be retained for the parking of vehicles only.
- 6) Prior to occupation of the development hereby permitted, details prepared in consultation with West Sussex County Council's Fire and Rescue Service showing the proposed location of one fire hydrant or cold water storage and access/turning area shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed in accordance with the approved location. Thereafter, the fire hydrant or cold water storage and access/turning area shall be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.
- 7) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
  - i) a statement setting out the design objectives and how these will be delivered;
  - ii) retention of existing trees and hedgerows;
  - iii) means of enclosure and retaining structures;
  - iv) boundary treatments;
  - v) vehicle parking layouts;
  - vi) other vehicle and pedestrian access and circulation areas;
  - vii) hard surfacing materials;
  - viii) minor artefacts and structures including refuse and other storage units;
  - ix) proposed and existing functional services above and below ground [e.g. drainage, culverts, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant];
  - x) lighting, floodlighting and CCTV;
  - xi) water features;



- xii) an implementation programme
- xiii) scheme of management.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed for the life of the development in accordance with an approved scheme of management.

- 8) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 9) No commercial activities shall take place on the land, including the storage of materials.
- 10) The development hereby permitted shall not be occupied until a scheme for the maintenance and management of the Graf One2Clean System package treatment plant has been submitted to and approved in writing by the Local Planning Authority. The package treatment plant shall be installed in accordance with the Technical Note from Holbury Consultancy Service (21.11.2023). Upon completed construction of the package treatment plant the scheme shall be strictly adhered to in perpetuity.
- 11) The development hereby permitted shall not be occupied until the Nitrogen Mitigation Measures set out within the Technical Note by Holbury Consultancy Service dated 21st November 2023 have been carried out.

End of Schedule