



Appeal Decision

Site visit made on 15 September 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2025

Appeal Ref: APP/L3815/W/25/3365291

Glebe Farm, Nutbourne, Chichester PO18 8RZ

- 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 R Chambers against the decision of Chichester District Council.
 - The application Ref is SB/24/02176/FUL.
 - The development proposed is change of use of building to live work unit and associated alterations and landscaping.
-

Decision

1. The appeal is allowed, and planning permission is granted for change of use of building to live work unit and associated alterations and landscaping at Glebe Farm, Chichester PO18 8RZ in accordance with the terms of the application, Ref SB/24/02176/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The development plan against which the application was determined has changed, as Chichester District Council adopted a new local plan in August 2025. On this basis, and in the interest of clarity, the Council was asked to confirm the policies that they would wish the appeal to be determined against. The appellant was given the opportunity to comment on the policies relied on. I have therefore determined the appeal on the basis of the policies provided by the Council from the Chichester Local Plan 2021-2039, adopted in August 2025 (Local Plan).
3. Since the planning application was determined, new flood mapping provided by the Environment Agency identifies that the appeal site falls within an area of future flood risk. The appellant has submitted a Flood Risk Assessment (FRA) which the Council has advised satisfactorily addresses this matter.
4. The Council have confirmed that the S106 agreement they have received satisfies reasons for refusal 2, 3 and 4. I am content that this document is consistent with the one that the appellant has submitted as part of the appeal. Therefore, I will have regard to this obligation further in my decision.
5. Reference is made to Policy SB1 in the Southbourne Neighbourhood Plan (NP). Within the NP, the policy does not include the prefix SB, but the reasoning in the evidence is clear that Policy SB1 relates to Policy 1 within the document.
6. It is noted that the officer's report and appeal statement refer to Policy NE10 of the emerging Local Plan in relation to criteria applied to development in the countryside. The Council has subsequently confirmed that the correct policy reference is Policy NE11, which closely mirrors the content and intent of Policy 45

from the previous Local Plan. Having reviewed the context and substance of the officer's report and appeal statement, I am satisfied that the references to Policy NE10 were intended to refer to Policy NE11 of the Local Plan.

Main Issues

7. The main issue is therefore whether the proposal is appropriate in the countryside having regard to the Council's spatial strategy.

Reasons

8. The appeal site is located within an area designated as countryside under the provisions of the recently adopted Local Plan. Policy NE11 of the Plan aims to limit development in such areas and outlines five key criteria that must be met for proposals to be considered acceptable. The Council's officer report confirms that the proposed development satisfies all of these criteria. Having carefully reviewed them, I am also satisfied that the proposal is compliant.
9. Furthermore, the Council's assessment relies heavily on Policies 45 and 46 of the former Local Plan. However, as these policies have been superseded by the current Local Plan, any previous conflict with the spatial strategy no longer applies. The proposal is therefore in accordance with the spatial strategy and relevant countryside development policy of the Local Plan.
10. Reference has been made to the proposal being contrary to Policy 1 of the NP. This policy states that development outside the Settlement Boundary must align with the wider development plan policies concerning countryside development. As the proposal is compliant with Policy NE11 of the Local Plan, which governs such development, it therefore also satisfies the requirements of Policy 1 of the NP.
11. For the above reasons, the proposal is appropriate in the countryside having regard to the Council's spatial strategy. It therefore complies with Policy NE11 of the Local Plan and Policy 1 of the NP which seek to control development in the countryside.

Other Matters

12. The submitted s106 agreement includes obligations which would come into effect if planning permission were to be granted. I have considered the obligation in light of the National Planning Policy Framework (the Framework) and Planning Practice Guidance. These state that a planning obligation must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
13. The Local Plan requires all new housing in the southern part of the plan area to contribute to a scheme of infrastructure improvements to the strategic road network (A27). The S106 agreement provides the required contribution which would support infrastructure improvements to junctions on the A27 Chichester Bypass along with other small-scale junction improvements to increase road capacity, reduce traffic congestion, improve safety and air quality, and improve access to Chichester. The contribution has been calculated based on the A27 Chichester Bypass Developers Contribution Analysis for Strategic Development Options and Sustainable Transport Measures document and I am satisfied that this obligation meets all three planning obligation tests and is necessary.

14. The appeal scheme proposes a live work unit that lies within the zone of influence of the SPA. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the Habitat Site. The effects arising from the proposal need to be considered in combination with other development in the area adopting a precautionary approach.
15. Since the development would provide a residential unit and visitors to the workshop, the number of additional visitors would be modest and the likely effects on the SPA from the proposal alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
16. The site is within the 5.6km zone of influence of the SPA where new residential development is likely to result in recreational pressure, which would both alone and in combination with other development within the zone of influence, have a likely significant effect on the interest features of the SPA. Therefore, I consider that the development would have an adverse effect on the integrity of the SPA, but regard can be had to whether these adverse effects can be mitigated.
17. Policy NE6 of the Local Plan sets out appropriate mitigation measures to ensure that there will be no adverse effect on the integrity of the SPA. One of these measures, is a contribution outlined in the Bird Aware Solent Strategy (BASS) which details mitigation measures that would be funded by financial contributions at a specified tariff per bedroom. The appellant has provided a S106 agreement that would provide the required financial contribution and Natural England do not object based on securing the required mitigation. The contribution has been calculated based on the BASS and I am satisfied that this obligation meets all three planning obligation tests and is necessary.
18. The Chichester Harbour Conservancy have raised that no evidence has been provided in terms of lack of need for the barn or viability of the fruit farm. However, neither the need for the barn nor viability of the fruit farm need to be demonstrated to comply with Policy NE11 of the Local Plan nor Policy 1 of the NP.

Conditions

19. I have considered the suggested conditions in light of the Framework and the Planning Practice Guidance. In the interests of precision, clarity and brevity I have undertaken some rationalisation and rewording of the conditions suggested.
20. In addition to the standard time condition, it is necessary for a condition to list the approved plans in the interest of certainty.
21. A pre commencement condition requiring tree protection and a further condition requiring details of hard and soft landscaping to be submitted prior to occupation have been suggested. These matters can be addressed in one condition to retain the verdant character and appearance of the site. Given that the trees that could be affected by the proposal would be located alongside the proposed permeable track, the trigger for this condition has been amended to relate to the installation of

- the track. A condition is also required to control existing and proposed boundary treatments to preserve the character and appearance of the area.
22. A condition has been imposed requiring the development to be carried out in accordance with the submitted FRA. This is required to reduce the risk of flooding for future occupiers.
 23. Conditions have been imposed requiring compliance with the Preliminary Ecological Assessment to secure biodiversity enhancements and to restrict external illumination for the protection of local wildlife. Additional conditions are necessary to ensure the provision of vehicle parking and turning areas, as well as appropriate facilities for cycle and refuse storage. These measures are essential to provide adequate on-site parking, promote sustainable travel options in line with relevant transport policies, and ensure secure waste storage for future occupiers.
 24. The Council has proposed a condition requiring the submission of a Construction and Environmental Management Plan (CEMP). However, given that the proposal relates to the change of use of an existing building, involves limited operational development, has no neighbouring properties, and provides adequate space for parking, the imposition of a CEMP is not considered necessary. In this context, such a condition would not be required to ensure highway safety, prevent nuisance to nearby residents, or safeguard the SPA.
 25. The Council has suggested conditions requiring the submission of a Habitat Management and Monitoring Plan (HMMP), a completion and monitoring report for the HMMP, and a Biodiversity Gain Plan prepared in accordance with the submitted documentation. However, the Section 106 agreement already secures the submission of the HMMP and its associated monitoring reports. Furthermore, paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) mandates that planning permissions in England must be subject to a condition ensuring that the biodiversity gain objective is achieved. Considering these existing legal provisions, the suggested conditions would duplicate requirements already secured through the legal agreement and statutory obligations. Consequently, they are neither necessary nor reasonable.
 26. Given that the materials of the permeable surfacing and the proposed fenestration are shown on drawing Nos 2407GL_R0.1 and 2407GL_R0.1_201, the suggested condition, requiring details and samples of the materials and finishes would not be necessary.
 27. A condition has been suggested requiring that the development is carried out in accordance with the Sustainability Design and Construction Statement dated July 2023. Given that the proposal seeks the change of use of an existing building, the required operational development is limited and the submitted sustainability statement already sets out aspects of sustainable design, this condition would not be necessary.

Conclusion

28. For the reasons given above the appeal is allowed.

V Goldberg

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 2407GL_R0.1_000, 2407GL_R0.1_001, 2407GL_R0.1_002, 2407GL_R0.1_100, 2407GL_R0.1_200, and 2407GL_R0.1_201 received on 30/09/2024.
- 3) Prior to the installation of the permeable track a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 4) The development shall be carried out in accordance with the submitted flood risk assessment (prepared by Aegaea and dated 29/07/2025) and the following mitigation measures it details:
 - No sleeping accommodation shall be placed below the first floor
 - Use of durable fittings
 - Sealing of internal joints between fittings and surfaces
 - Sealing of window and door sills, water, electricity and gas service entries, including sockets.
 - All occupants should sign up to the Thorney Island, Southbourne and Nutbourne flood warning service

These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

- 5) Prior to occupation of the dwelling hereby permitted, details of the existing (those to be retained) and proposed boundary treatments shall be provided in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;
 - (a) a scaled site plan showing the location and lengths of the boundary treatments and scaled elevations,
 - (b) details of the materials and finishes, and
 - (c) provision of gaps within boundary treatments to allow small mammals to move freelyThereafter the boundary treatments shall be maintained as approved in perpetuity.
- 6) The development hereby permitted shall not be first brought into use until the following ecological enhancements set out in the submitted Preliminary Ecological Assessment, prepared by Sylvatica Ecology Ltd, dated 31/07/2024 and Bat Survey Report, prepared by Sylvatica Ecology Ltd, dated 21/09/2024, have been implemented. Further enhancements required to be provided shall include:

1. Installation of a bat brick/box to a building or a tree sited within the grounds of the site, facing a south/south westerly direction and positioned 3-5m above ground.
 2. Installation of a bird box to a dwelling or on a tree sited within the grounds of the property.
 3. Installation of a hedgehog nesting box within the site to provide future nesting areas for hedgehogs.
 4. Gaps in the hedgerow to be infilled using native species.
- Once installed, the ecological enhancements shall be retained in perpetuity.
- 7) Prior to occupation of the development hereby permitted, vehicle parking and turning spaces shall be provided in accordance with the approved plan ref: 2407GL_R0.1_002 dated 24/09/2024. These spaces shall thereafter be retained for their designated use.
 - 8) Prior to occupation of the development hereby permitted, the covered and secure cycle, refuse and recycling storage facilities shall be provided in accordance with the approved plans: ref: 2407GL_R0.1_002 dated 24/09/2024 and 2407GL_R0.1_201, dated 24/09/20204. Thereafter the cycle parking shall be retained for that purpose in perpetuity.
 - 9) 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.