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## Appeal Decision

Site visit made on 14 July 2026

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 July 2026

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**Appeal Ref: APP/L3815/C/23/3328291**

**Land at Grist Farm, Hunston, Chichester, West Sussex PO20 1JL**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
- The appeal is made by Ms E Bell against an enforcement notice issued by Chichester District Council.
- The notice was issued on 20 July 2023.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the Land to a mixed or dual use for agriculture and for the stationing of a mobile home for the purposes of human habitation.
- The requirements of the notice are to:
  - (i) Cease the use of the Land for the stationing of a mobile home for the purposes of human habitation;
  - (ii) Remove the mobile home from the Land and
  - (iii) Break up and remove the concrete hardstanding in the approximate position shown on the Plan from the Land.
- The period for compliance with the requirements: Twelve months after this notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

**Summary Decision: The appeal is dismissed and the enforcement notice is upheld with a correction and variation in the terms set out below in the Formal Decision.**

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### The Enforcement Notice

1. The allegation in the Enforcement Notice (EN) describes a mixed or dual use of the land for agriculture and for the stationing of a mobile home for human habitation. As mixed use is the established planning term used to describe the concurrent operation of two uses where neither is ancillary to the other, I shall correct the notice by deleting the reference to dual use. This correction is made in the interests of precision and does not prejudice either party or alter the substance of the breach alleged in the EN.
2. Section 173 of the Act requires an enforcement notice to specify the steps to be taken, or the activities to cease, in order to remedy the breach of planning control or any injury to amenity, as the case may be. Consequently, the steps set out in Section 5 of the EN must align with the alleged breach of planning control. In this case, Step iii) requires the breaking up and removal of the concrete hardstanding. However, the allegation does not refer to any operational or associated development and therefore the requirement does not align with the allegation. Accordingly, Step iii) is deleted and replaced with a requirement to restore the land to the condition it was in before the breach took place, in accordance with section 173(4)(a) of the Act.

3. This variation would not result in injustice to either party, as it merely clarifies the steps necessary to remedy the breach of planning control and does not change the effect of the notice or the issues in dispute.

### **Preliminary Matters**

4. As the EN was issued in July 2023, the parties were invited to provide updated position statements identifying any material changes in circumstances since their appeal statements were submitted. This included any changes to the development plan. In response, the Council drew attention to the adoption of the Chichester Local Plan 2021–2039 in August 2025, which replaced the policies that were in force when the EN was issued. I have taken the submissions received into account in reaching my decision. Accordingly, I have determined the appeal having regard to the relevant policies of the Chichester Local Plan 2021–2039 (Local Plan).
5. Since the EN was issued, the appellant applied for planning permission for the stationing of a mobile home as ancillary accommodation in connection with Grist Farmhouse. This application was refused and the appeal was dismissed in April 2024<sup>1</sup>. Although each case must be determined on its own merits, the appeal decision is a material consideration as it relates to the same development and I have taken it into account, where relevant, in reaching my conclusions on the matters before me.

### **Appeal on Ground (a) and the Deemed Application for Planning Permission**

6. An appeal under ground (a) is that planning permission should be granted for the corrected matter alleged. The **main issues** are:
  - whether there is an essential need for the development for the effective operation of Grist Farm; and;
  - the effect of the development on the Chichester and Langstone Harbours Special Protection Area (SPA).

### **Reasons**

#### *Essential Need*

7. The appeal site lies outside any defined settlement boundary and is therefore situated within the countryside. The Local Plan adopts a restrictive approach towards development in such locations. Policy S1 of the Local Plan seeks to focus the majority of growth within the district's most sustainable settlements, whilst recognising the important role of the rural area in supporting agricultural enterprise. Consistent with this strategy, Policy S2 states that development within the countryside will generally be limited to that which requires a countryside location, meets an essential local rural need, or supports rural diversification in accordance with Policy NE11.
8. Against this policy background, it is necessary to consider whether the development complies with Policy H9 of the Local Plan, which relates specifically to accommodation for agricultural, horticultural and other rural workers. In particular, it requires an essential functional need for on-site accommodation to

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<sup>1</sup> APP/L3815/W/23/3323594

support the effective operation of the agricultural enterprise. This is a key consideration in determining whether the development is justified in a countryside location. If that need is not demonstrated, the development would also conflict with Policy NE11, which seeks to restrict new development in the countryside to that which is sustainably located and appropriate to its rural setting.

9. Although Policy H9 has replaced former Policy 37 of the previous Local Plan, the principal policy tests remain broadly unchanged. Both policies require clear evidence of an essential need for on-site accommodation, the absence of suitable alternative accommodation, and the provision of accommodation that is proportionate to the operational needs of the enterprise. However, Policy H9 establishes a more detailed and robust assessment framework by introducing additional requirements relating to the economic viability of the business and the submission of supporting information in accordance with Appendix C. The development must therefore be considered against these updated policy requirements.
10. Appendix C sets out the supporting information required to justify new temporary, seasonal or permanent accommodation for agricultural, horticultural and other rural workers. In particular, it requires evidence that: (i) there is a clearly established functional need for a worker to live on or near the site; (ii) the accommodation is required by a person working solely or mainly in agriculture, horticulture, forestry or another rural business; (iii) the identified need cannot be met by suitable and available accommodation on the site or within the immediate area; (iv) the rural enterprise is currently financially sound and has a clear prospect of remaining viable; and (v) all other relevant planning considerations, including access arrangements and impacts on the countryside, are satisfactorily addressed. These matters are considered below.
11. The evidence indicates that the holding operates as an established livestock enterprise involving cattle and sheep, with calving and lambing activities undertaken at the site. The appellant explains that a substantial proportion of these activities occur overnight and that immediate attendance is often required to safeguard animal welfare and prevent losses. The livestock numbers are also said to have increased in recent years following the transfer of management responsibilities to the appellant. In these circumstances, I am satisfied that the operation of the holding gives rise to a need for a worker to be readily available at the site, particularly during key periods of the farming cycle.
12. I also note that the development is used for the appellant and her family. The evidence demonstrates that the appellant has assumed responsibility for the farm under a ten-year tenancy arrangement and is principally involved in its day-to-day running. Accordingly, I am satisfied that the development serves the needs of a person working mainly in agriculture.
13. However, Policy H9 and Appendix C require more than the establishment of a functional need. They also require sufficient evidence to demonstrate that the identified need cannot reasonably be met through existing accommodation on the holding or within the surrounding area.
14. Whilst the appellant's mother is entitled to remain in the farmhouse as a retired agricultural worker, and such occupation would not be contrary to any occupancy restriction affecting the dwelling, I have considered whether the identified

accommodation need could reasonably be met through alternative arrangements on the holding. In this regard, the appellant states that options have been explored, including the potential relocation of the mobile home to other areas of the farm. I also note the family circumstances advanced, including that the appellant's two children attend the local school and that the family is actively involved in the local community. Furthermore, the appellant contends that the land surrounding the farmhouse, shown edged red on the submitted plan, is subject to a trust arrangement established by the appellant's late father which prevents development or alterations within that area. If so, the opportunities for providing alternative accommodation within the immediate curtilage of the farmhouse may be more limited than might otherwise be the case.

15. Although it is contended that the trust prevents development or alterations to the land surrounding the farmhouse, insufficient documentary evidence has been provided to demonstrate the nature, scope, or effect of those restrictions. As such, I am unable to conclude that they would prevent all potential alternative accommodation solutions within the holding. Furthermore, while the appellant has explained that other locations have been considered, this is not supported by evidence such as housing search records, correspondence with estate agents, details of available property listings or documentation demonstrating unsuccessful attempts to secure suitable accommodation elsewhere in the locality. Accordingly, whilst I acknowledge that efforts have been made to explore alternative options and that constraints may exist in relation to the land surrounding the farmhouse, the evidence before me does not satisfactorily demonstrate that the identified accommodation need could not reasonably be met through alternative arrangements, either within the holding or elsewhere in the local area.
16. To support retention of the development, it is claimed that the farmhouse lacks observational and functional links to the farm. I do not agree. The farmhouse lies immediately to the west of the farm buildings and adjoining field. There is a gate providing direct and convenient access between the residential curtilage and the nearest field. From this gate, the mobile home is clearly visible, demonstrating a strong visual relationship between the farmhouse and the agricultural land.
17. Whilst I have taken account of the appellant's concerns regarding the need for a prompt on-site response during lambing and calving periods, the evidence before me does not robustly demonstrate that suitable alternative accommodation is unavailable or incapable of meeting the operational requirements of the enterprise.
18. Furthermore, Appendix C requires evidence that the rural enterprise is currently financially sound and has a clear prospect of remaining viable. Whilst the submissions refer to increased livestock numbers, continuing investment in the business and a ten-year tenancy arrangement, limited financial information has been provided. In the absence of business accounts or other objective financial evidence, I cannot be fully satisfied that the viability requirements of Policy H9 have been demonstrated.
19. The appellant asserts that the officer's report relating to the previously refused planning application (HN/22/00438/FUL) lends support to the principle of a mobile home, albeit of a smaller size and in an alternative location. However, I do not agree with that interpretation. Although the Council's appeal statement refers to the provisions of Part 5, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which permits the

use of caravans on agricultural land in connection with seasonal agricultural requirements, that observation was not an endorsement of the principle of permanent residential accommodation. Rather, it formed part of the Council's consideration of whether temporary or seasonal accommodation needs could be met through alternative means. The decision notice is clear that planning permission was refused because insufficient information had been provided to demonstrate that the development would meet an essential need and that the demands of the farm business require additional permanent onsite accommodation.

20. The appellant also asserts that the Council failed to specify what further information was required to justify the development and that there is no evidence that specialist agricultural advice was sought to scrutinise the material submitted. However, the burden of demonstrating compliance with relevant policy requirements rests with the appellant. Furthermore, the absence of specialist advice does not diminish the fact that the Council was not satisfied that the information submitted established the necessary justification for a rural worker's dwelling.
21. The appellant also contends that the mobile home is required for security purposes and, given that it is sited close to the existing farm complex and livestock buildings, I accept that it is well positioned to provide oversight of those facilities. Whilst an additional on-site presence may assist in deterring theft, vandalism or other unauthorised activity, no substantive evidence has been provided to demonstrate that the holding is subject to security issues of such frequency or severity as to justify the development. In any event, Policy H9 and Appendix C requires more than a general preference for improved security.
22. Taking these matters together, I find that the evidence establishes a functional need for a worker associated with the agricultural enterprise to be readily available on the holding and that the development is occupied by a person working mainly in agriculture. Nevertheless, the evidence relating to the availability of alternative accommodation and the financial soundness and future viability of the enterprise is insufficient to demonstrate compliance with the relevant requirements of Appendix C. Consequently, I find that the development conflicts with Policy H9 of the Local Plan.
23. For the above reasons, it has not been satisfactorily demonstrated that there is an essential need for the development for the effective operation of Grist Farm. As such, it fails to comply with Policy H9 of the Local Plan. Furthermore, in the absence of a demonstrable essential need, the development amounts to unjustified residential development in the countryside. It is therefore contrary to Policies S1, S2 and NE11 of the Local Plan, which seek to strictly control development outside defined settlement boundaries to that which requires a countryside location or meets an essential local rural need.

#### *Chichester and Langstone Harbours Special Protection Area*

24. The appeal site is located within the 5.6km 'zone of influence' of the SPA. Protected bird species and their feeding and breeding grounds are the main features of importance for nature conservation.
25. The Conservation of Habitat and Species Regulations 2017 (as amended) (the Regulations) imposes a duty on the competent authority to consider whether a



development may have a significant effect on the conservation objectives of such sites either alone, or in combination with other plans and projects within the context of an Appropriate Assessment.

26. The development, by reason of the additional residential and recreational activity associated with its occupation, would be likely to increase disturbance to protected bird species. This would add to recreational pressures on the designated site and could adversely affect the feeding and breeding grounds of protected bird species. Whilst the increase in population arising from the development is limited, it is likely that, in combination with other plans and projects, the development would result in a significant adverse effect on the integrity of the SPA.
27. Policy NE6 of the Local Plan requires development which results in any net increase in overnight accommodation within the Zone of Influence of the SPA, to provide appropriate avoidance/mitigation measures in accordance with Policy NE8. Policy NE8 specifies the appropriate avoidance/mitigation measures which include a financial contribution in accordance with the joint mitigation strategy outlined in the Bird Aware Solent Strategy.
28. The Council has confirmed that the appellant has submitted a Unilateral Undertaking to secure a financial contribution towards the Bird Aware Solent Strategy. The appellant has also provided evidence of payment in the sum of £1,068.00. Accordingly, the Council accepts that suitable mitigation has been secured and raises no objection on this matter.
29. In light of the above, I am satisfied that the required financial contribution, in accordance with the joint mitigation strategy set out in the Bird Aware Solent Strategy, has been provided in compliance with Policy NE8 of the Local Plan. As a result, the development would not adversely affect the integrity of the SPA, either alone or in combination with other plans and projects. The development therefore complies with Policies NE6 and NE8 of the Local Plan.

### **Other Matters**

30. The appellant asserts that the Council incorrectly referred to Policy 46 of the former Local Plan in its Officer's delegated report. However, Policy 46 is not cited within the EN and does not form part of the matters that I am required to determine in this appeal.
31. Whilst the parties have made submissions regarding the design and visual impact of the development, these are only some of the matters identified in Appendix C of Policy H9. As I have found that the development fails to satisfy the principal requirements relating to the need and justification for the development, it is unnecessary for me to reach conclusions on the remaining considerations, including design and visual impact, as they would not alter the outcome of the appeal.
32. I recognise that the EN requires the cessation of the use of the land for the stationing of a mobile home for the purposes of human habitation and the removal of the mobile home. This would result in the occupiers losing their home and is an important consideration. It would also represent a serious interference with their right to respect for private and family life and the home, as protected by Article 8 of the European Convention on Human Rights as incorporated in UK Law by the Human Rights Act 1998. However, these are qualified rights and interference may

be justified where it is necessary, proportionate and serves a legitimate planning purpose.

33. While compliance with the EN would result in the occupiers losing their home, I am not persuaded that the objectives of remedying the breach of planning control and protecting the character and appearance of the countryside could be achieved by any other means that would result in less interference with their rights. Taking account of the circumstances before me, including the 12-month compliance period, which I consider provides a reasonable opportunity to secure alternative accommodation, I conclude that upholding the notice would be a necessary and proportionate response.

### Conclusion

34. For the reasons given above, I conclude that the appeal scheme is contrary to the development plan, and material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal on ground (a) therefore fails.

### Formal Decision

35. It is directed that the Enforcement Notice is corrected by:

- the deletion of the words: *“Without planning permission, the material change of use of the Land to a mixed or dual use for agriculture and for the stationing of a mobile home for the purposes of human habitation”*.

And substitution with the words:

- *“Without planning permission, the material change of use of the Land to a mixed use for agriculture and for the stationing of a mobile home for the purposes of human habitation”* in section 3 of the Enforcement Notice.

And varied by:

- *deleting requirement (iii) in Section 5 of the Enforcement Notice and replacing it with: “Restore the land to its condition before the breach took place”*.

36. Subject to the correction and variation, the appeal is dismissed, the Enforcement Notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*V Goldberg*

INSPECTOR