
Appeal Decision

Site visit made on 2 June 2015

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25/06/2015

Appeal Ref: APP/L3815/W/14/3000573

Land East of Cot Lane, Chidham, West Sussex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Orchard Homes and Development Ltd against the decision of Chichester District Council.
 - The application Ref CH/13/03978/FUL, dated 22 November 2013, was refused by notice dated 30 May 2014.
 - The development proposed is residential development comprising 25no dwellings together with the provision of off-site public open space and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a completed Planning Obligation which appropriately addresses the Council's concerns relating to infrastructure contributions and mitigation of the effects on a local Special Protection Area. Therefore, reasons 4 and 5 of the Council's decision notice have been addressed.
3. The Inspector's Report relating to the examination of the Chichester Local Plan (CLP) has been issued and the Council has indicated that it expects to adopt the CLP in July of this year. The Report concludes that the CLP is sound, subject to a number of modifications. Amongst other things, the Council points out that the examining Inspector considered that a 5 years supply of housing land can be demonstrated. The appellant has commented on this matter and in relation to the examining Inspector's comments relating to Objectively Assessed Need. Notwithstanding those comments, the examining Inspector concludes later in her report that "...it is clear that there is a five year housing land supply..." (para 63). I shall take account of these matters in determining this appeal. I shall afford appropriate weight to the policies in the CLP accorded by its advancement towards adoption.
4. The appellant has asked that I consider revisions to the scheme as part of the appeal. These revisions have been seen by the Council and they consider that they are minor and do not alter their view on the acceptability of the proposal. I agree that the revisions are minor in nature and it would not prejudice anyone's position if I were to determine the appeal on the basis of these revisions.

Main Issues

5. The main issues in this appeal are:

- The acceptability of the proposal in relation to its location in the countryside, within the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and Chichester and Emsworth Strategic Gap
- The effects of the design of the proposal on the area
- Whether an appropriate mix of market dwellings is proposed.

Reasons

The acceptability of the proposal in relation to its location in the countryside, within the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and Chichester and Emsworth Strategic Gap

6. Policy RE1 of the Chichester District Local Plan 1999 (CDLP) states that outside the Settlement Policy Areas (SPAs), as defined in Policy BE1, development will be restricted to certain types of proposals where a countryside location can be justified. This approach continues in the emerging CLP Policy 2. At the time of consideration of the planning application, the Council accepted that it could not demonstrate a 5 year supply of housing land and so its policies for the supply of housing, including those referred to above, were out of date. However, as referred to above, the examining Inspector for the CLP has concluded very recently that the Council can demonstrate a 5 year supply of housing land and so these policies can be afforded the appropriate weight. The proposal is clearly contrary to these policies, which seek to aim new development to appropriate areas and to preserve the countryside.
7. In addition, the site is within the Chichester-Emsworth Strategic Gap and CDLP Policy RE6 applies. The Council rightly point out that there is no specific Strategic Gap policy brought forward in the emerging CLP, however consideration of the coalescence of settlements is embodied in some of its policies. In relation to the aims of the CDLP, I consider that the proposed transformation of this site from its green and semi-natural state to one of a housing development would unacceptably add built form to the Gap and would be directly at odds with the aims of Policy RE6, which includes the aim to conserve and improve the landscape.
8. The site is within the AONB, very close to its northern edge which is defined by the nearby A259. The National Planning Policy Framework (the Framework) advises that great weight should be given to conserving landscape and scenic beauty in, amongst others AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Policy RE4 of the CDLP and Policy 43 of the emerging CLP state that any development which would be harmful to visual quality or distinctive character will be refused.
9. The site is generally flat and contains a number of fruit trees with an abundance of overgrown grass, as well as other plant varieties. Its frontage onto Cot Lane is formed by a hedge which contains a series of trees; it is generally well screened from this direction (west). The appellant refers to the site as being well screened and the proposals would add planting around the site's edge. I accept that the site is not prominent in the wider landscape, mainly due to the generally flat topography and vegetation on some

- boundaries. Therefore, any effects that the proposal has are likely to be fairly local in their extent. Its present condition has the appearance of a partly managed landscape, but with an abundance of mainly fruit trees and a lack of built development or hard-surfacing.
10. The proposal would bring about a sub-urban form of housing development with a collection of terraced, semi-detached and detached houses with garages and open parking areas, generally facing onto its internal estate road. Notwithstanding the proposed planting around some of the boundaries, the existing hedge to Cot Lane would be breached in 5 places, for a new parking area for the existing dwelling to the north, the proposed pedestrian access, the proposed gap in front of houses on plots 1 and 2, the main entrance to the site, and the access to the proposed house at the southern end of the Cot Lane frontage. Some of these proposed gaps would involve the loss of significant parts of the existing hedge and trees, particularly the main entrance to the site. They would also afford views into the site and reveal the road and proposed houses, giving quite a different impression to that which currently exists. Whilst I accept that the existing site is not 'natural' and is clearly the result of man's intervention into the landscape, it appears unmanaged and semi-natural and contains an abundance of plants and trees. In this way, I consider that the site in its current state makes some positive contribution to the qualities of the AONB, even if that contribution is only felt at a local level. Its replacement with a small sub-urban style housing estate would not be consistent with the overall aims in the AONB of conserving landscape and scenic beauty.
11. The appellant and the Council refer to the '*Chichester District AONB Landscape Capacity Study*' wherein different character areas are described. The appeal site sits within character area 88, the majority of which is land to the north of the A259 but also includes a significant area to the south within the AONB, including the appeal site. The Study states that, "the scenic beauty of the character area is devalued by areas of low density settlement and nurseries" and the appellant seeks to argue that this means that this part of the AONB is less valuable than the wider AONB. Firstly, the character area covers a significant area of land outside the AONB, and further, the appeal site forms part of neither a low density settlement nor a nursery.
12. The appellant has submitted a Landscape and Visual Impact Assessment (LVIA) in support of the proposal. The LVIA identifies measures for 'mitigation' and 'enhancement' which include retention of the majority of the hedge fronting Cot Lane, planting to screen views from footpaths and land to the north, additional tree planting to provide visual interest and to "reduce the perceived scale and massing of the built form". I have already commented on the effects of the proposal on the hedge and its consequent negative effects; in relation to other matters, I find it difficult to see these factors as having an enhancing effect as they are only brought about by the need to lessen the effects of the housing development. I consider that when these factors are balanced against the loss of the semi-natural and green appearance of the site, they would not enhance the area, nor mitigate its negative effects.
13. As a consequence of these factors, I find that the proposal is contrary to the aims of Policies RE1, RE4, RE6 and BE11 of the CDLP Policies 1, 2, 33, 43, 45 and 48 of the emerging CLP and the advice in the Framework.

The effects of the design of the proposal

14. The Council has raised more detailed criticisms of the scheme in relation to its design. In some instances it is not possible to separate out the argument from the more general effects of the proposal on the surrounding area, as set out above. Therefore, the increased perception of built development that will arise from the surrounding area, including land to the north and east is, in my view, all part of the unacceptable effects of imposing built development within the AONB. Similarly, the level of hard-surfacing and built form also adds to the unacceptable effects of the scheme on the AONB.
15. The proposed gardens of the properties vary in size and depth but those in the north and eastern side of the site appear small and would add to the impression of domination by built form rather than natural features. Plots 19 and 20 would have particularly short rear gardens at around 7m, not only would these provide a very restricted space for future residents, I consider that, in the context of the site, the proposal would appear overbearing from the property to the north, 'The Bungalow'.
16. The appellant has compared the proposed layout to another development nearby, however that site is outside the AONB and I consider that an overriding consideration here is that the site is within the AONB and cannot be divorced from its context.
17. Therefore, in respect of these matters, I find that the proposal would not be acceptable and would be contrary to the aims of Policies RE1, RE4, BE11 and BE13 of the CDLP and Policies 1, 2, 33 and 47 of the emerging CLP.

Whether an appropriate mix of market dwellings is proposed

18. The appeal scheme would provide a mix of market and affordable housing of varying sizes. Of the 2 bedroom dwellings 3 market and 5 affordable are proposed; for the 3 bedroom properties 6 market and 4 affordable; for the 4 bedroom properties 6 market and 1 affordable dwelling are proposed. The Council refers to the 'Coastal West Sussex Strategic Housing Market Assessment' (SHMA) of 2012 which sets out a recommended mix for Chichester District of 35% 1 and 2 bed, 50% 3 bed and 15% 4+ bed properties; in comparison the proposed percentages for market housing are 20%, 40% and 40%, respectively.
19. Clearly not all housing schemes can achieve the precise mix of dwellings that the SHMA indicates and the Council ask for. The numbers involved may not allow this, but more importantly, the location of the site must also be taken into account and I find that in a location such as this (setting aside my comments in other issues) a development that has more larger properties would be more reflective of the character of the area and a greater number of smaller properties, which could include flats, may be considered less acceptable in character terms. Therefore, I am satisfied that the mix of market dwellings would not be unacceptable and any inconsistency with needs within the District as a whole would not be sufficient to dismiss the appeal by itself.

Other Matters

20. The appellant has submitted a Planning Obligation for the appeal scheme; whilst I have taken account of it, it is not necessary to examine it as the appeal is to be dismissed on its planning merits. The appeal scheme includes for a

separate parcel of land to be used as open space. The Council raise no criticisms of this aspect of the proposal and I conclude similarly.

Conclusions

21. The proposal would bring about new dwellings with an appropriate amount of affordable homes; this weighs in favour of the proposal. However, I have found that the proposed development is unacceptable due to its location within the AONB, the countryside and the Strategic Gap. There are comments relating to the Council's position in relation to a 5 year supply of housing land; however, the examining Inspector's overall conclusion on this matter is clear to me and I set it out above.
22. I have taken account of all other matters raised but I find that the proposal is unacceptable and its harm would not be outweighed by any other matters. In this respect, I find that the proposal does not represent a sustainable form of development and conflicts with the aims of local and National policy. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR