

Parish:  
Sidlesham

Ward:  
Sidlesham

**SI/16/02036/FUL**

**Proposal** 4 no. Class B1/B8/craft workshops (D1) units and 1 no. Class C3 holiday let unit.

**Site** Greenacres Nursery Keynor Lane Sidlesham PO20 7NG

**Map Ref** (E) 485313 (N) 97748

**Applicant** Mr & Mrs J.P Horsley

**RECOMMENDATION TO REFUSE**



**NOT TO  
SCALE**

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## **1.0 Reason for Committee Referral**

Red Card: Cllr Tull Important information/opinion to raise in debate.

**This application was deferred at the meeting on 11.11.2016 for negotiations.**

**At the meeting on the 11.11.2016 the following was taken from the printed minutes:**

**“They (Committee) considered that there was though a need for office space and holiday lets in the area, which would support the economy and that the proposal would represent an improvement to a neglected site.**

**However a number of members were concerned by the formality of the layout and on a vote, the majority of members supported a proposal to defer the application for officer negotiations with the applicant in respect of the quantum of development and the layout.**

**Defer for officer negotiations with the applicant on the quantum of development and layout.”**

## **2.0 The Site and Surroundings**

2.1 The site is located on Keynor Lane, Sidlesham within the designated Countryside and Horticulture Development Area. Sidlesham is located to the south of Chichester (approx. 6km) and to the north of the settlement of Selsey. Sidlesham is a rural linear village which has built up along the main Selsey Road and Keynor Lane. It is characterised by its horticultural designation which historically began in the post-war period (c.1940s) as part of the Land Settlement Association.

2.2 Keynor Lane is to the west of the Selsey Road and is characterised by horticultural glasshouses, high hedgerows, fields and some dwellings. The horticultural sites are accessed off Keynor Lane and have gated entrances, with much of the street frontage characterised by mature hedgerow. Glasshouses can be seen from the footpath which run along the road.

2.3 The site is to the south of Keynor Lane and to the west of Ivy Grange, a large detached dwelling. Ivy Grange and the ancient woodland to the south west, known as Keynor Copse, are also in the same ownership as the application site. The application site was in horticultural use until 2015 and has a range of glasshouses in various states of repair. The glasshouses lie either side of a central access track with an area for parking to the east of the site.

## **3.0 The Proposal**

3.1 This application proposes the clearance of the site of horticultural structures and its redevelopment to a small business park of four business/craft units, tourist accommodation and an orchard. A total of 440sqm of business floorspace is proposed (B1/B8/D1 uses). From the floor plans, unit 1 is shown as a workshop and office, units 2 and 3 are shown as an office and unit 4 is shown as a workshop/gallery with a small studio. .

3.2 The four business/craft units will be of identical design and situated around a formalised parking court area on the west side of the site. The dimensions of the craft/business units

are: 15m x 8.4m and 7.5m to ridge. To the east of the central access track would be the orchard and to the south of that the single unit of tourist accommodation, which is in a lodge style (one and half storey). The dimensions of the tourist accommodation are: 14m x 8m and 6.7m to ridge.

3.3 A footpath features to the southern boundary of the site which cuts through the private curtilage of Ivy Grange and the ancient woodland to the south.

**3.4 The proposal has been amended further to include barn hips on the roof profiles of units 2 and 3 and full hips on unit 1. Unit 1 has also been re-sited and the form slightly elongated so that the unit now measures 17.4m by 6.8m with a ridge height of 6m. The parking layout has also been revised so that it now extends to the west of unit 1 and to the north of unit 4. Additional landscaping has been proposed to the east of the parking area. A footpath now features the entire length of eastern side of the access road, adjacent to the proposed orchard, and no footpath on the western side of the access site.**

#### **4.0 History**

94/00201/FUL	PER	Erection of dutch light green house.
94/00831/FUL	PER	Erection of a dutch light greenhouse.
94/02633/FUL	PER	Retention of existing structure for occupation in connection with Nursery Enterprise.
04/02438/FUL	REF	1 no. mobile home.
09/02498/COU	REF	Permanent planning permission sought for a mobile home.
10/03413/COU	PER	Proposed mobile home for horticultural worker.

#### **5.0 Constraints**

Listed Building	NO
Conservation Area	NO
Countryside	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	NO
Horticultural Development Area	YES
Historic Parks and Gardens	NO

## **6.0 Representations and Consultations**

### **6.1 Sidlesham Parish Council**

The PC has no objection to this application.

### **6.2 Natural England**

This application is within 5.6km of Chichester and Langstone Harbours SPA and 3.5km of Pagham Harbour SPA and will lead to a net increase in residential accommodation (Class C3 holiday let unit). Subject to the financial contribution as required through Chichester District Council's interim policy, Natural England is satisfied that the applicant have mitigated against the potential adverse effects of the development on the integrity of the European site, and have no objection to this aspect of the application. Financial contributions should be made to the strategic mitigation for both protected areas (i.e. for the Solent and Pagham Harbour strategic mitigation projects). Exactly how this is done is a matter for your authority to decide however, given that residents are not able to visit Chichester and Langstone Harbours SPA and Pagham Harbour SPA at the same time, we would suggest it is reasonable for the contributions required for the two strategic mitigation projects to be adjusted to reflect this.

### **6.3 Southern Water**

- o No development or new tree planting should be located within 3m either side of the centreline of the public sewer.
- o No new soakaways should be located within 5m of a public sewer
- o All existing infrastructure should be protected during the course of the construction works

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. Informative recommended.

### **6.4 WSCC Highways**

#### **Original comments**

##### **Access and Visibility**

The existing access will be utilised. The width of this into the site is 5.5m. Manual for Streets in Figure 7.1 demonstrates a 4.1m width for two cars to pass one another. The existing width of the internal access road is therefore considered appropriate for the proposed use.

Visibility splays have not been provided. From an inspection of local mapping visibility upon exiting the site appears sufficient. Furthermore, considering the existing use at the site and the lack of evidence of highway safety concern associated with use of this access the LHA would not require these to be demonstrated.

##### **Footway**

From an inspection of the Site Plan (no. 005A) it is apparent that a footway into the site is proposed and this will extend out of the site on to the public highway. No mention of this is made within the D&A.

The footway would be required to be constructed under a S278 Agreement. The applicant should clarify how this will link up with the existing footway network.

## **Trip Generation**

A TRICS (Trip Rate Information Computer Systems) assessment has been carried out to ascertain the expected change in trip generation from the existing and proposed uses at the site. Combined Garden Centre/ 500 sqm Industrial sites of a similar scale and relative location were used. This combined use could see up to 199 vehicular movements a day (16/hour). The proposed 500 sqm of office use and single holiday let could see up to 97 vehicular movements a day (8/hour). Considering that there was no available holiday let data of this scale/date a private dwelling usage was used. The holiday let is unlikely to be occupied all year and associated trips will be leisure based. Therefore it is considered that the comparable data used would not be an under estimation of expected vehicular movements associated with this use. Based on this information the proposed use could create up to 102 less vehicular movements per day than the existing combined use. Although the data suggests that AM and PM peak trips would be higher with the proposed use, the overall trip generation per day is deemed to be significantly less and therefore the LHA anticipate that there will not be a detrimental effect on the nearby highway network as a result of the proposals. It is also reasonable to presume that the proposed use would see a decrease in heavy goods vehicles (HGV) movements compared to the existing.

In summary the LHA would not consider that there would be any capacity concerns with this application and thus would not be contrary to the National Planning Policy Framework (paragraph 32).

## **Parking and Turning**

The internal access way into the parking area is approximately 5.3m wide. To ascertain whether there is sufficient space to manoeuvre within the site and the parking spaces the applicant should demonstrate a swept path analysis for all types of vehicles that are anticipated to be using the site.

From an inspection of the Site Plan 32 car parking spaces total have been provided. Four of these have been marked out for disabled use. The disabled parking bays are not drawn to the correct dimensions.

The disabled spaces demonstrated should be amended to be representative of guidance.

Using WSCC Parking Standards adopted in November 2003 1 space per 30sqm of B1. It is also taken in to account that the holiday let may require up to three spaces based on 1 space being provided per bedroom. Therefore the B1 and holiday let use may require up to 19 spaces total.

The D&A makes reference to the 'forest school' activities based in the woodland copse to the south-east and that currently 60 children plus staff and volunteers access this 1 day per week in term time. The school walks the children to the site which according to the D&A means 3-4 vehicles are parked in a resident's driveway during this time. With the maximum demand for 19 spaces on site there would be an additional 13 available and the school could utilise this. Furthermore, other local groups could utilise this parking area to visit the woodland copse. According to parking standard outside leisure use parking demand is considered on its own merits and it would be feasible to expect that traffic generation should also be considered on its own merits in relation to this possible additional use. We therefore consider that additional vehicular movements associated with visitors to the woodland copse would be of a negligible level.

## **Construction Traffic**

Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from Keynor Lane. A comprehensive construction management plan should be submitted.

## **Sustainability**

The site is located in an area that is remote from local facilities, however we are mindful of the nature of movements associated for such a use while there would at times be a dependency on the car, there are a number of footways that link to other local areas and a bus stop within walking distance.

The applicant could include cycle parking to make travelling around the local area more viable and sustainable. Although the site and surrounding areas do not benefit from an established local cycle network, the low speeds in the area enables cycling to be a viable alternative for shorter journeys.

## **Conclusion**

The proposal at present does not have sufficient information to allow the LHA to make a formal recommendation. Confirmation and further justification is required on the following matters:

- o Footway
- o Turning
- o Disabled parking bays

Please ask the applicant for this further information and re-consult.

## **Further comment**

### Parking

The disabled parking bays have been amended and are now of sufficient dimensions.

### Footway

The footway has been amended so that it does not extend out to join the public highway. The footway will remain within the site and the LHA therefore do not wish to make any further comment on this.

### Turning

Swept Path Analysis Plan demonstrates how a refuse vehicle and cars will access the site and car park area. The LHA is satisfied that access and turning on site is achievable.

The LHA previous concerns have been met and we do not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

The following conditions are recommended:

- o Vehicle parking and turning
- o Cycle parking
- o Construction Management Plan

## 6.5 CDC Policy

One of the issues is whether the proposed uses comply with Policy 32. Paragraph 16.38 states that the smaller scale horticultural glasshouse will be focussed with the existing HDAs at Sidlesham and Almodington and paragraph 16.39 goes on to further reinforce the use of Sidlesham and Almodington for smaller scale horticultural/market garden operations.

The proposal is not for small scale horticultural glasshouse and is therefore contrary to the policy.

Policy 45 Development in the Countryside refers to development within the countryside being granted where it requires a countryside location and meets the essential, small scale and local need which cannot be met within or immediately adjacent to the existing settlement. The proposal for B1/B8, D1 and C3 uses does not comply with this policy.

Criterion one of the second part of Policy 30 Built Tourist and Leisure Development requires that the proposal is of a scale appropriate to the location and has demonstrated they require a rural location and cannot be accommodated elsewhere.

The final paragraph of Policy 3 The Economy and Employment Provision states that "small-scale employment development ..... may be identified in neighbourhood plans or permitted in appropriate circumstances where commercial demand exists.

The proposal should also be assessed against (but not limited to) adopted Chichester Local Plan policies 22, 39, 40, 49, 50 and 51.

There is a policy objection as the proposal is contrary to the requirements of Policy 32 and Policy 45 and further evidence would be need to demonstrate the need for this proposal in the countryside and not elsewhere in the Local Plan area.

## 6.6 CDC Economic Development Officer

The Economic Development Service understands the glasshouses on this site have come to the end of their viable life. As the horticultural industry is becoming more commercialised, a small nursery, such as Greenacres, has economic constraints: the cost of replacement units and the inability for the site to expand being the two most relevant ones to this site.

Growing Together - A Strategy for the West Sussex Growing Sector March 2010 reports, "The West Sussex growing sector has undergone significant changes in the past twenty years. .... whilst the dominance of supermarkets has made it increasingly difficult for smaller suppliers to survive and prosper."

The application includes a Market Appraisal Report, which addresses potential changes to the nursery in order to keep it in Horticultural use. The most probable of the suggestions is the conversion to a retail garden centre. However, given that the site is not located on a main road the likelihood of this being a viable business, is comparatively low, given there are a number of established retail nurseries in the area.

It is surprising that the Market Appraisal Report does not consider alternative horticultural uses, such as the use of polytunnels on the site or for horticultural storage.

Economic Development supports the continued commercial use of the site; however, we would expect to see a greater range of options investigated prior to the loss of the site for Horticultural purposes.

### **Additional response**

**The Economic Development Service understands the pressures on smaller nurseries. The ability to expand is limited and the replacement of the existing glasshouses will, in the majority of cases, be uneconomic.**

**Agenda Item 12 It would appear from the application documents that the only alternative solution that has been investigated is B1/B8 use. While the B use classes are sought after in the District, we would expect there to be more research into other types of uses, more closely related to the current use at the site. This is especially relevant in this applications as the site falls within a Horticultural Development Area. There is a need to preserve horticultural land within the district and alternative uses should only be considered once evidence has been submitted to prove that the benefits outweigh the loss**

### 6.7 CDC Environmental Health Officer

#### **Noise**

Recommended conditions on operating hours of business units.

Recommended condition on noise of plant and machinery: All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise there from does not, at any time, increase the background sound level as measured according to British Standard 4142:2014 at any adjoining or nearby residential property.

#### **Contaminated Land and Air Quality comments**

Given the former land-uses at the site there is potential for land contamination to be present. A desk study dated March 2016 has been submitted with the application which concludes that a phase 2 site investigation is required to verify and/or reduce the risk ratings identified in the phase 1 report. Condition N21G parts 2 and 3 should be applied if planning permission is granted. Remediation around the proposed holiday unit and orchard area must be appropriate to these land uses in order to protect human health.

In order to prevent future contamination, if fuel or oil tanks are proposed at the new site, condition L09F should be applied.

In order to encourage the use of sustainable modes of transport cycle storage facilities should be provided at the holiday let unit.

A transport assessment has been submitted which predicts that the proposed development is likely to generate fewer vehicle trips than the existing use and far fewer HGV movements. The air quality impact of the proposals is therefore not predicted to be significant and an air quality assessment is not necessary.

During demolition activities, the developer will have to adhere to the Asbestos Regulations given that some of the former buildings contain asbestos materials. In order to reduce dust



and other environmental impacts a Demolition and Construction Management Plan should be produced and adhered to.

There should be no on-site bonfires and all Waste Regulations should be complied with.

### 6.8 CDC Drainage Engineer

The proposed means of surface water drainage is via soakaways, this approach is acceptable in principle. Although there is very little detail at this stage I am satisfied that there should be sufficient room within the site to accommodate infiltration drainage. Groundwater levels have been known to be high in the local area and so full winter monitoring will be required, and the storage need resulting from a 1 in 100yr event +30% must be located above the highest recorded level.

If the application is approved I recommend applying a condition to ensure the development is adequately drained and conditions requiring winter groundwater modelling, details of SUDS and maintenance manual.

### 6.9 CDC Environmental Strategy Officer

We agree with the findings of the Preliminary Ecological appraisal and protected species assessment.

Clearance of suitable nesting bird habitat (i.e. removal of trees, hedging, dense shrubs and dismantling / demolition of any building) should ideally be undertaken outside the breeding bird season, i.e. should be undertaken in the period September to February inclusive. Should it prove necessary to clear bird nesting habitat during the bird nesting season, then a pre-works check for nesting birds should be undertaken, by a CIEEM ecologist (with 24 hours of any works).

The proposed development is also within the SPA zone of influence for Chichester harbour and Pagham harbour SPA zone of influence, with any net increase in the number of dwellings resulting in a payment needing to be paid the Pagham harbour disturbance mitigation scheme.

We would like to see the placement of 6 nesting opportunities for birds (species such as swallows, swifts and housemartins).

Lighting will need to be kept to a minimum, as lighting levels have an effect on nocturnal species such as bats, flying invertebrates and various mammal species. This point should also be conditioned.

### 6.10 11 Third Party Support

- o Positively support the redevelopment of the site
- o Interest in leasing office space
- o Interest in renting space to hold events relation to wildlife and heritage
- o This proposal will allow further access for school groups to use the copse as part of forest school lessons.
- o A much needed local facility

## 6.11 Applicant/Agent's Supporting Information

The application was accompanied by:  
Design and Access Statement  
Transport Assessment  
Contamination report  
Market Appraisal Report

The applicant has provided a number of letters of support which were addressed to him, which have been included in paragraph 6.10 above.

The agent has provided further information in relation to highways details and policy concern.

**Two further letters have been submitted by the applicant during the course of the application, one from Medhursts and another from Flude, both commercial estate agents within the district. Medhursts note the limited availability of business space in the 'local out of town' area following their own recent transactions. They also however note recent extant permissions within Donnington and Chichester for further B1 uses. These permissions were approved due to their proximity to the city and in the case of Donnington following an expired permission on the site. Flude were unable to provide any empirical evidence to substantiate their opinion that demand now outstrips supply and that this therefore justifies the proposed development at Greenacres.**

**It is considered that the information submitted by the applicant from Medhurst and Flude does not demonstrate an essential need to locate the proposed development in the countryside in this rural location, that could not reasonably be located in or adjacent to an existing settlement and that this is therefore contrary to the requirements of Policy 45. It is also relevant to note that the Council's DPD allocations document which was approved by Cabinet on 01/11/16 and is anticipated to be ratified by full Council at the end of November does not show the application site as a preferred site for new business development. The DPD is relevant in that it shows the clear direction of travel in the Council's thinking on providing sites for future business use which are sites located in the most sustainable areas of the district. Greenacres is not considered to be one of those sites.**

## **7.0 Planning Policy**

### The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Sidlesham at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Development Strategy and Settlement Hierarchy  
Policy 3: The Economy and Employment Provision  
Policy 22: Integrated Coastal Zone Management for the Manhood Peninsula  
Policy 26: Existing Employment Sites

Policy 30: Built Tourist and Leisure Development  
Policy 32: Horticultural Development  
Policy 38: Local and Community Facilities  
Policy 39: Transport, Accessibility and Parking  
Policy 40: Sustainable Design and Construction  
Policy 42: Flood Risk and Water Management  
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)  
Policy 45: Development in the Countryside  
Policy 48: Natural Environment  
Policy 49: Biodiversity  
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours  
Special Protection Areas  
Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection  
Area

### National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

*For decision-taking this means unless material considerations indicate otherwise:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.4 Consideration should also be given to paragraph 14-17 (Core Planning Principles), 28 (supporting a prosperous rural economy), 56 (good design), 196 (plan led), 197 (presumption in favour of sustainable development), 203-206 (planning conditions), 215 (weight given to framework), 216 (weight given to different stages of local plan).

### Other Local Policy and Guidance

7.5 The following Supplementary Planning Documents are material to the determination of this planning application:

Planning Obligations and Affordable Housing SPD  
Sidlesham Village Design Statement  
National Planning Policy Guidance

7.6 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2021 which are relevant and material to the determination of this planning application are:

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- Principle of business development in the Countryside
- Need for tourist accommodation
- Character and appearance of area
- Surface and foul water drainage
- Highways impact
- Ecology/ Biodiversity
- Recreational disturbance

### **Assessment**

#### **Principle of business development in the Countryside**

8.2 This site is located in the Countryside, approximately 4km from the closest settlement of Selsey, and on a locally designated area for agriculture (horticulture) in a Horticultural Development Area (HDA) (Sidlesham). The base use of the land is agricultural use and the site has been used in connection with horticulture since 1930's as part of the former Land Settlement Areas. The land has most recently been used for glasshouses, an agricultural use. The glasshouses remain on site. Specifically Policy 32, Horticultural Development, and 45, Development in the Countryside, of the Chichester Local Plan (CLP) are the most relevant policies for the principle of development on the land.

8.3 Policy 32 states that the Sidlesham Horticultural Development Area will continue to be the focus for smaller scale horticultural glasshouses. The principle followed in the Local Plan is to re-inforce the use of the Sidlesham and Almondington areas for smaller scale horticultural/ market garden operations rather than large glasshouse development as these are likely to be focused in Tangmere or Runcton (para 16.39 of CLP). On the converse the loss of valuable agricultural land to other uses could be detrimental and/or encourage horticultural development to be located outside of the designated Horticultural Development Areas due to the sterilisation of the land to uses not associated within the HDA. As the policy is positively worded the policy is not restrictive to other development, and thus, as the site lies within the designated Countryside Policy 45 of the CLP is also relevant.

#### *Need for development*

8.4 Policy 45 of the CLP states that development within the Countryside should be located close to an established settlement, when it has been demonstrated that the countryside location meets the test of being essential, small scale and meeting a local need which cannot be met within or immediately adjacent to existing settlements.

8.5 There is no evidence within the submission that this development (B1/B8 and D1 uses) is essential, small scale or meeting a local need, which is the principle requirement for development determined under Policy 45. The applicant has provided additional information during the lifetime of the application; however this information does not justify the necessity for this business development in this location. The applicant has provided a number of correspondences about individuals/ organisations who currently work from home who may wish to rent 'temporary office space', including his own consultancy office. However, this fails to show an impartial approach to assessing an essential need for business use within the Countryside.

8.6 The applicant has explained that policy 26 (Employment Sites) should be considered in connection with Policy 45, and as such argues that this is an employment site and therefore the criteria for re-use and redevelopment of the site for business uses is justified under Policy 26. This site did not have a 'business' use as glasshouses are considered an agriculture operation, and acknowledged in the local plan for their contribution to the economy by a specific designation in the Local Plan (HDA). Furthermore Horticultural Development Areas were not considered as part of the Employment Land Review which relates to the B Class uses and which informed Policy 26. There is a clear policy distinction between agricultural or horticultural land and employment land. It is therefore considered that Policy 26 is not relevant for the principle of re-development of the site to B1/B8 uses.

8.7 Policy 45, in addition to the requirement above, has three criteria which the applicant must demonstrate consistency with.

#### *Policy 45 criterion 1*

8.8 Criterion 1 of Policy 45 requires proposals to be well related to an existing farmstead or group of buildings, or located close to an established settlement. The application site is 6km south of the city of Chichester where there is range of constructed business spaces available to let, within designated employment sites, specifically designated due to their sustainable location and compatible neighbouring uses (see policy 26 CLP). The site is also 4km north of the settlement of Selsey, 4km north east of East Wittering and 4km south east of Birdham where there are business units within the defined Settlement Boundary. Furthermore Chichester District Council is in the process of drafting the Site Allocations SPD which identifies employment land in the district suitable for the proposed uses (excluding the tourist accommodation). This application site is not one of those within the emerging SPD, and those wishing to undertake the proposed those uses should reasonably look to such locations within the SPD. However, the site is located close to development (residential, horticulture and storage) as well as the linear countryside village of Sidlesham and therefore has a good relationship to other buildings. The proposal for this reason is consistent with criterion 1 of policy 45.

#### *Policy 45 criterion 2*

8.9 This application site was in horticultural use until 2015. This application proposes the change of use of the land to one of tourism and business uses. The applicant is required to demonstrate that the proposal would not prejudice viable agricultural operations (criterion 2). The applicant has provided an 'Economic Statement' which through the illustration of two scenarios concludes that this site is no longer viable for agricultural/ horticultural operations. The applicant has not provided any detail to the economic costs of redeveloping the site for the proposed use and therefore no comparison can be drawn between the two scenarios of horticultural use and that proposed to see if the scheme is any more viable to develop.

8.10 Whilst agriculture is the base use of the land, horticultural activities are obviously considered appropriate within the HDA. Such activities specifically encouraged within HDAs are: glasshouses, packhouses and polytunnel development, furthermore other activities permitted in HDAs and considered acceptable are horticultural processing, research and development. The two scenarios provided with this application are for redevelopment of the site to 80% of floor area being glass house or a nursery, with on-site retail. Both of these scenarios were considered unviable for their return period by the applicant. Officers consider that the information provided to ascertain whether the site is unviable for future horticultural development has not been demonstrated by the applicant. Only two scenarios have been provided, and there are other options available for redevelopment as stated above and these have not been duly considered. Officers also consider there to be a lack of evidence to suggest that this site within the Horticultural Development Area could not be viable for another agricultural/ horticultural use by another party.

### *Policy 45 criterion 3*

8.11 The final criteria of Policy 45 is that proposals requiring a countryside location ensure their appearance (scale, siting, design and materials) is appropriate for the setting. This is discussed further below in relation to the impact of the development on the character and appearance of the area. However in summary the site is considered to take on a 'Business Park' appearance which is incongruous with its setting, the street scene and the general horticultural/ agricultural appearance of the area.

8.12 The applicant has failed to demonstrate that the development meets the primary function of policy 45- that development is permitted in the Countryside when it requires a countryside location and meets the essential, small scale and local need. The application is not in conflict with criterion 1 as it is located close to other established buildings. However, the applicant has failed to demonstrate that the land is no longer required or necessary for agriculture and, as the site falls within the countryside, this would result in the proposals conflicting with criterion 2 of Policy 45, as the development could prejudice viable agricultural operations. The proposal is also in conflict with criterion 3 as the business park appearance would introduce a form of development which is formal and urban in nature and therefore alien and harmful to the character of this countryside location.

**Officers still consider there to be a conflict with the proposal and Policy 45 of the CLP. The applicant has not provided sufficient information for Officers to ascertain that there is a need for this business development in the designated Countryside or that proposals design has been sufficiently amended to overcome concern that the proposal would take on a business park appearance incongruous to its setting and thus causing harm to the character and appearance of this part of the Countryside.**

### **Need for tourist accommodation**

8.13 This application proposes a detached 3 bedroom holiday cottage for tourist accommodation (approx.114 sqm). Policy 30 of the CLP (Built Tourist and Leisure Development) requires tourist accommodation in the Countryside to meet the two criteria. Development in the Countryside must also be consistent with relevant policies such as Policy 45 and 51 which have additional criteria which must be demonstrated.

8.14 Policy 30's first criterion is that the proposed development must be of a scale appropriate to the location and demonstrate they require a rural location and cannot be accommodated elsewhere and that the scheme supports the objectives of rural regeneration/diversification. The applicant has not demonstrated that the self-catering holiday cottage proposed on site necessitates this countryside location or that such accommodation could not reasonably be accommodated within settlements to the south and south-west (Selsey and the Witterings). Whilst it may be desirable for the applicant, the tourist accommodation proposed has not demonstrated any evidence as to why this location is needed or that it would support rural regeneration or diversification.

8.15 Further to Policy 30 the proposal for tourist accommodation should also be consistent with the three criteria of Policy 45. Consistency with criterion 1 is not disputed however the application site lies within the Sidlesham HDA and this proposal for accommodation, in connection with the B1/B8/D1 units, would sterilise high quality agricultural/ horticultural land (Grade 2) and therefore prejudice future viable agricultural operations. The buildings appearance is more widely assessed below. There is however a conflict with Policy 45 due to the application's location on high quality agricultural land.

8.16 Paragraph 28 of the Framework says that local plans should support tourist facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. There is no specific evidence demonstrating that these provisions would be satisfied by the proposal. The site is some distance from a settlement boundary and it has not been evidenced that this sort of provision could not be accommodated within a settlement boundary or adjacent to one.

8.17 In summary of this issue, the need for tourist accommodation on this site in the Countryside on HDA designated land has not been demonstrated to the satisfaction of the Local Planning Authority and therefore the proposal is in conflict with Policy 30 (criteria 1 and 2) and Policy 45 (criterion 2) of the CLP and Paragraph 28 of the NPPF.

**Officers have not received any further information regarding the need for tourist accommodation at this location within the district and therefore continue to consider that there is a conflict with the proposal and Policy 30 of the Chichester Local Plan as it has not been demonstrated that proposal necessitates this countryside location or that such accommodation could not reasonably be accommodated within settlements to the south and south-west (Selsey and the Witterings) consistent with criterion 1 of Policy 30.**

### **Character and appearance of area**

8.18 The local area is designated HDA and Countryside where development is not normally permitted unless it is essential, small scale and has demonstrated a local need. This area is characterised by nursery development due to its location within the Sidlesham HDA. Keynor Lane, with nurseries both side of the road, is characterised by high hedgerows and gated entrances; glimpses of glass houses can be seen from the road around Greenacres, with wider more prominent views of glasshouses at the junction of Keynor Lane with Selsey Road.

8.19 To the west of the site is Katchadan Nursery which under a non-specific storage condition has exploited the wording to result in a self-storage compound. The Katchadan Self Storage is out of character with the local area due to both its land use and its appearance in the street scene, and this is something which should not be replicated. This proposed development for business use, also not associated with agriculture/ horticulture would result in 5 lodge style buildings, 4 of which would be able to be seen from Keynor Lane. Also proposed are large areas of unbroken hard standing for parking.

8.20 The proposed development would result in a very formalised, regularised and ordered layout of the buildings and car parking area which is out of character with this countryside location. The formalised layout together with the uniform design of the buildings would result in a business park development which would have an urbanising impact within the rural area. This application proposes a form of development which will appear alien in the context of the surrounding rural Countryside and HDA. The business units are generally uncharacteristic of the Horticultural Development Area and Countryside more widely, which in the immediate locality is typically characterised by horticultural development, particularly glasshouses. For these reasons the buildings would appear incongruous from the street scene and therefore harmful the appearance of the area.

8.21 Policy 45 (criterion 3) requires development to have a minimal impact on the landscape and rural character of the area. For the reasons stated above the harm caused is not considered to have a minimal impact, rather the degree of change to the character and appearance of the area would be noticeably adverse and detrimental.

**The applicant has made alterations to the layout and form of the business units and parking area following discussion with Officers. Amendments include the hipping of the roof profile to three of the units with slight variation in ridge heights between the units. Unit one also now has a different form, being more elongated than originally proposed and moved close to the access road. The proposed landscaping now results in the parking areas being obscured by boundary planting and a planted buffer area to the east of the access road. The hedgerow to the west of the site is also proposed for enhancement.**

**The alterations proposed are insufficient to address Officers concerns that the built form and layout of the development would result in an urbanising business park appearance and therefore do not overcome concern that the development would result in harm to character and appearance of the area due to the incongruity of the proposal from public vantage points. Whilst landscaping is proposed to mitigate and soften the development from public vantage points, this is not considered to remove the harm, particularly in winter when the vegetation would be low and therefore views.**

### **Surface and foul water drainage**

8.22 Surface water will be managed through soakaways though no information has been provided as to the rate of infiltration. Despite the lack of information submitted with the application the drainage officer is satisfied that there is sufficient space on site to accommodate the infiltration drainage and soakaways are likely to be acceptable in principle however the applicant should undertake winter groundwater modelling. Groundwater levels have been known to be high in the local area and so full winter monitoring will be required, and the storage need resulting from a 1 in 100yr event +30% must be located above the highest recorded level. This could be conditioned subject to approval.



8.23 Southern Water has advised that the applicant should enter into an agreement to connect to the foul water sewer which lies to the front of the site. There are no capacity issues or required upgrade.

### **Highways impact**

8.24 Following the receipt of further information on footways and disabled parking WSCC have no objection to the proposal, including its access, car parking and the number of private vehicle trips. WSCC consider the proposed number of trips to acceptable.

8.25 The site is not considered to be sited in a sustainable location for the holiday let or business use due to the proposals high dependence on the private car. The holiday let is of particular concern in terms of its sustainability, due to its countryside location where there are no local convenience shops or supermarkets to assist with its self-catering status and those using the unit would have to travel to get to the tourist attractions, such as Selsey, Chichester and the Witterings. It is acknowledged that there is a bus service 500m walk away, but in isolation this does not make the development sustainable.

8.26 The vehicle movements are not considered to result in a severe impact on the highway network consistent with Para 32 of the NPPF. Despite officer concerns that the vehicle movements would result in harm to the character and tranquillity of the area, this proposal is consistent with the criteria of Policy 39 of the CLP.

### **Economic and social impact**

8.27 This site is designated as being within the HDA, a designation that acknowledges the importance of the agricultural and horticultural economy to the district and allowing specific areas in which associated development will come forward. This proposal would allow for B1/B8/D1 units and a tourist accommodation which would result in some economic benefit to the area in terms of spending by visitors and employment from servicing and constructing the proposal and on-going occupation of the space. However, the number of potential visitors to the business units would be relatively great (100 private vehicle movements expected per day); it would be distant from public transport and remote from the nearest rural service centre; and there is no evidence demonstrating the requirement for this accommodation in the countryside rather than within or adjacent to a settlement boundary (policy 30, CLP and Para 28 of the NPPF). The economic gain from the development will be considered in the planning balance.

8.28 The applicant has stated the benefits of the proposal in relation to the Ancient Woodland to the south east of the application site. The local school has been documented to use this site as part of their outdoor learning and the applicant states the opportunity of using the woodland is extended to local community groups. It is also stated within further information provided by the applicant that community groups could use one of the business units, though no community use has been applied for and the details are insufficient to give any weight to this potential benefit. Furthermore the ancient woodland falls outside the red-line of the application boundary and has been operating without access or relationship to the application site. Therefore the public 'benefit' of a community forest use arising from this proposal is at least tenuous. The forest use is considered by the applicant to be enhanced by the proposed orchard on site. This is considered to deliver some amenity benefit but the details are unclear on how this would be a community use orchard. It is rather a private orchard where the owner of the site allows pre-arranged visits to community groups.

8.29 The applicant has also highlighted the community benefits of a local potter holding workshops in one of the business/ craft units. Whilst such a cultural use maybe of interest to some, it is unlikely to have a widespread community use. In terms of the Local Plan this cannot reasonably be considered a local or community facility as it is not considered to meet the daily needs of people (para 17.41 of the CLP). Furthermore, new local or community facilities should meet an identified need in locations which are well related and easily accessible to the settlement or local community (Policy 38). This application has not shown that there is an identified need in this location for such a building.

### **Ecology/ Biodiversity**

8.30 The site will deliver some ecological benefits by the proposed orchard. The applicant has provided an ecological statement which notes there maybe nesting birds. Trees that require removal are to be felled during non-nesting times, this is recommended for to be conditioned, along with additional bird and bat boxes as requested by the CDC Ecology Officer. The application is considered to be consistent with Policies 48 and 49 which require the conservation and enhancement for biodiversity and ecological networks in the district.

### **Recreational disturbance**

8.31 The applicant is willing to enter into a Unilateral Undertaking to pay a commuted Sum to the Recreational Disturbance Mitigation Scheme (£1,131) as the site lies in the zone of influence for both the Chichester Harbour SPA and the Pagham Harbour SPA. To date the applicant has not paid the sum but the agent for the applicant has stated his willingness to do so. Both policy 50 and 51 of the CLP require either contribution of a physical on site mitigation programme or contribution to the mitigation scheme. In the absence of either an S106 Agreement for financial contribution of £1,131 to the mitigation scheme or on site mitigation this scheme would be in conflict with Policy 50 and 51 of the CLP.

### **Planning balance**

8.32 This application has been principally considered under policy 45 for the business and craft uses and policy 30 for the tourist accommodation. The site is in the designated Sidlesham Horticultural Development Area and the proposal site has been in horticultural use until 2015 where it then became inactive and was sold to the applicant. The application form notes the horticultural uses stopped as of the 01/01/2016. It is now considered unviable by the applicant for horticulture use, though this has been illustrated by only two examples of possible proposals for re-development into horticultural use.

8.33 Policy 45 requires proposals to meet the principle point of the policy, which is that development requiring a countryside location meets the essential, small scale and local need and then meet a further three criteria. These have been explored above and the report concludes that this proposal is contrary to the principle point and criterion 2 of the policy. The application has not demonstrated that the craft workshop and business units necessitate this countryside location, or that it responds to a local need. There is also significant concern that the applicant has not demonstrate that this site, previously in horticultural use and within an area designated for horticultural development is no longer viable for horticultural or agricultural use.

8.34 Criterion 3 of Policy 45 also requires the proposals to be of an appropriate design and scale and use materials that would have a minimal impact on the landscape and rural character of the area. Due to the proposal's formalised layout and business use the development would appear as an urbanised business park within the countryside, this is

considered to be particularly incongruous with the location and the surrounding horticultural appearance of the area. Paragraph 56 of the NPPF highlights the importance of good design contributing to sustainable development and positively contribution to making places better for people.

8.35 The proposal for the tourist accommodation is also in conflict with policy 30 of the CLP and para 28 of the NPPF due to the lack of demonstrated need for the countryside location and the lack of evidence that it could not reasonably be located in or adjacent to a defined settlement boundary.

8.36 It is recognised that there are some benefits of the proposal including some economic gains from indirect and direct employment; the very modest increase in tourist accommodation and the associated spending by those tourists in the local area. There is also considered to be some ecological and biodiversity gain from the proposed orchard. The harm however resulting from inappropriate development in this countryside setting that would appear incongruous in this horticultural setting is not considered to be outweighed by any economic benefits of the proposal.

**Officers have carefully considered the proposed changes to the design, form, layout and landscaping of the proposal and weighed the resultant harm from the proposal against the economic, social and environmental benefits of the proposal. Officers continue to recommend refusal of the revised proposal as the alterations to the design, form, layout and landscaping of the proposal would still appear to be of a business park, incongruous with the Countryside setting of the application site. It is still considered by Officers that there is conflict with both Policy 30 and 45 of the Chichester Local Plan that development does not necessitate a Countryside location and could reasonably be located close to or with an existing settlement and that it would not have a minimal impact on the rural character of the area.**

#### Section 106 Agreement

8.37 This development is liable to pay the Council's CIL charge, as the tourist accommodation will generate a CIL payment of £120 sqm (residential south of the National Park). In addition, as referred to in paragraph 8.33 above a S106 Agreement is also required to secure a financial contribution of £1,131 in relation to the recreation disturbance mitigation scheme.

#### Conclusion

8.38 Based on the above it is considered the proposal is contrary to development plan policies 45 and 30 and NPPF paragraphs 28 and 56 and therefore the application is recommended for refusal.

#### Human Rights

8.39 In reaching the above conclusion Officers have taken into account rights under Article 8 and Article 1 of the First Protocol of Human Rights and concluded there would be no breach if planning permission were to be refused.

## **RECOMMENDATION**

**REFUSE** for the following reasons:-

### **Evidence of need**

1) The site lies in the designated Countryside and within the Sidlesham Horticultural Development Area. Development in the Countryside must demonstrate that it is essential, small scale and meeting a local need. The application has not demonstrated of the satisfaction to the Local Planning Authority that the proposal for tourist accommodation and business units (B1/ B8/ D1 use) necessitates this countryside location because it is essential or meeting a local need, or that such a need could not be provided within a settlement boundary or adjacent to one. This proposal, without such information, is in conflict with Policy 30 and 45 of the Chichester Local Plan, Key Policies (2014- 2029) and Paragraph 28 of the NPPF.

### **Prejudice viable agriculture**

2) The site lies within the designated Sidlesham Horticultural Development Area and was in horticultural use until 2015. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the proposal does not prejudice continued viable agricultural (horticultural) operations and any other existing viable uses (horticulture) within a designated Horticultural Development Area, where the agricultural land value is high (Best and Most Versatile Agricultural Land). The proposal is therefore in conflict with Policy 45 (criterion 2) of the Chichester Local Plan: Key Policies 2014-2029.

### **Character and appearance**

3) The proposal site lies within the designated Sidlesham Horticultural Development Area and on a rural countryside lane, characterised by glasshouse and associated horticultural development. The proposal for business (and craft units) would by reason of the formalised layout of the units and parking area introduce a business park development with an urbanising impact into the rural area. This would appear incongruous from Keynor Lane and would be harmful to the rural, agricultural character of the area. The proposal is therefore in conflict with Policy 45 of the Chichester Local Plan Key Policies 2014- 2029 and paragraph 56 of the NPPF.

### **Recreational Disturbance**

4) The application site is within 5.6km of habitats which form part of the Chichester Harbour Site of Special Scientific Interest and Special Protection Area( SSSI) and the Pagham Harbour SPA. The SSSI is part of the Chichester and Langstone Harbours Special Protection Area (SPA) and is a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Pagham Harbour Special Protection Area is designated as an internationally important wildlife site within which the Local Planning Authority is under a legal duty to protect designated bird populations. No details have been submitted with the application i.e. an Appropriate Assessment or Legal Agreement, to justify and/or mitigate the identified recreational disturbance impact of a new residential dwelling within the catchment area of the Chichester and Langstone Harbours SPA and the Pagham Harbour SPA. Therefore, the proposed development and its proximity of the identified designated sites would have an adverse and significant effect upon the nature conservation of this specially protected site. As such the proposal would be contrary to Section 11 of the National Planning Policy Framework and Policy 50 and 51 of the Chichester Local Plan and the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

INFORMATIVE

**Plan numbers**

1) This decision relates to the following plans:

**005 REV C, 007 REV A, GA101- A, GA102- A, GA103- A, GA104-A, GA301-A, GA302-A, GA303- A, GA304- A.**

For further information on this application please contact Rhiannon Jones.