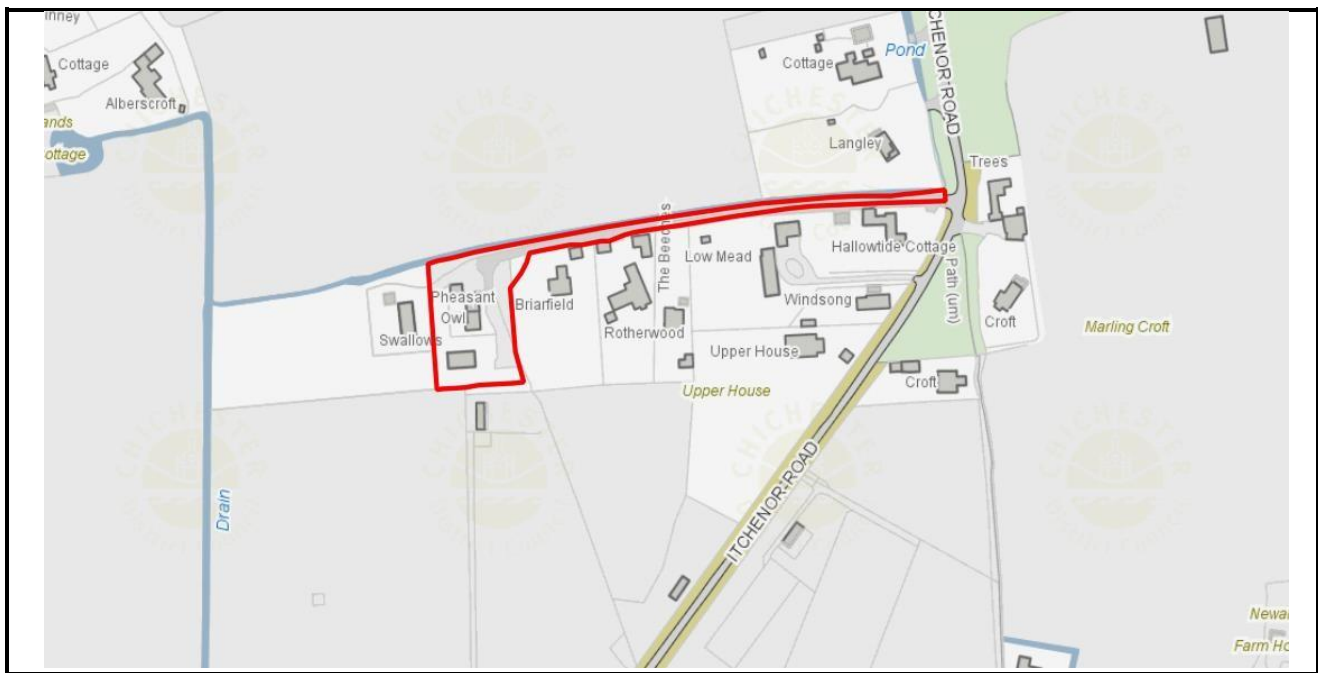



Parish: West Itchenor	Ward: The Witterings
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**WI/20/01986/FUL**

<b>Proposal</b>	Demolition of existing buildings, cessation of commercial use as furniture repair workshop and erection of 1 no. new building comprising 2 no. self-catering holiday units - Removal of Condition 8 of planning permission WI/07/05509/FUL - To allow properties to become one property occupied without the holiday let condition. Variation of condition 13 to allow the residents of the property the use of the garage.		
<b>Site</b>	Pheasant Cottage And Owl Cottages Itchenor Road West Itchenor Chichester West Sussex PO20 7DA		
<b>Map Ref</b>	(E) 480083 (N) 99493		
<b>Applicant</b>	Mr & Mrs A Plumb	<b>Agent</b>	Mr Stephen Jupp

**RECOMMENDATION TO REFUSE**



	<p><b>NOT TO SCALE</b></p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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## **1.0 Reason for Committee Referral**

1.1 Red Card: Cllr T Johnson: Exceptional level of public interest

## **2.0 The Site and Surroundings**

- 2.1 The application site is located on the west side of Itchenor Road to the south of its junction with Shipton Green Lane. The site is located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and outside of any settlement boundary. The site comprises one large building divided into two three bedroom holiday cottages and a detached garage building provides two covered parking spaces for the cottages.
- 2.2 The buildings are constructed from a mix of materials including flint, brick and timber weatherboarding under a clay tiled roof. Each property has a patio and lawn area to the rear. Open areas of tarmac lie to the north and east of the main building providing informal car parking and turning. Access to the site is via a private access drive which serves the application site and a number of privately owned residential properties to the east and west.
- 2.3 The surrounding area is rural in character with open fields defined by tree and hedgerow boundaries. A small group of residential properties are located to the east and one residential dwelling to the west. Sporadic residential development is located slightly further afield.

## **3.0 The Proposal**

3.1 The application seeks permission to remove condition 8 and vary condition 13 of planning permission 07/05509/FUL which was for 'Demolition of existing buildings, cessation of commercial use as furniture repair workshop and erection of 1 no. new building comprising 2 no. self catering holiday units.'

Condition 8 states:

'The holiday units hereby permitted shall be used for holiday accommodation only and for no other purpose (including any other purpose in Class C3 of the Schedule of the Town and Country Planning (use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: The permanent use of the buildings would be contrary to the policies of the Local Planning Authority regarding residential development.'

Condition 13 states:

'The garage building hereby permitted shall not be used other than in connection with the occupation of the two tourist units for the parking of motor vehicles of guests occupying the said units and to provide the necessary cycle and refuse storage facilities for the said units. The said building shall not be used for any other use without the written permission of the Local Planning Authority.

Reason: In order for the Local planning Authority to retain control over the proposed development.'

- 3.2** The removal of condition 8 is sought to allow the properties to become one property occupied as a residential dwelling without the holiday let condition. The removal of condition 13 is sought to allow the residents of the proposed dwelling to use the garage. No external changes are proposed at this time, if necessary these would be the subject of a subsequent application.

#### **4.0 History**

07/05509/FUL	PER	Demolition of existing buildings, cessation of commercial use as furniture repair workshop and erection of 1 no. new building comprising 2 no. self catering holiday units.
11/02843/NMA	PER	Non Material Amendment to WI/07/05509/FUL - Rotate garage roof 90 degrees to improve placement of solar panels. Swap entrance and patio doors on 2nd unit to improve disabled access and privacy.
16/02845/FUL	REF	Removal of condition 8 from planning permission WI/07/05509/FUL, removal of the restricted use as self-catering holiday units.
17/00866/FUL	REF	Change of use and conversion of two self catering holiday units to form a single unrestricted Class C3 dwelling house including some minor internal changes and external alterations to the appearance of the building.

#### **5.0 Constraints**

Listed Building	NO
Conservation Area	NO
AONB	YES
Tree Preservation Order	NO
Flood Zone 2	NO
Flood Zone 3	NO
Historic Parks and Gardens	NO

## **6.0 Representations and Consultations**

### **6.1 West Itchenor Parish Council**

West Itchenor Parish Council supports this application.

### **6.2 Economic Development Service**

The Economic Development Service does not support this application.

In appendix E of the Local Plan the general requirements of marketing are set out and we do not feel they have fulfilled these for a number of reasons.

When marketed as holiday lets for sale, there is no evidence that the guide price is appropriate, no examples of other holiday lets for sale in or around the south-east. The properties do not appear to have been marketed by anyone other than the more traditional residential and commercial agents of Tod Anstee and Henry Adams. It is therefore unsurprising that the majority of enquiries that were received were for permanent residential homes. There are agents who do specialise in marketing holiday lets and we are disappointed that an agent, more appropriate to marketing holidays lets was not explored or used. At no point do the cottages appear to have been marketed as separate properties. I can find no evidence that the properties have been marketed in a robust manner over the past 3 years. Given that all enquiries seemed to have dried up after December 2016. We would therefore expect to see evidence of this marketing, especially as it specifically referred to in E.3 of the Local Plan that the marketing must not have ended within 9 months of the date the planning application was submitted.

The planning inspector found at an appeal on the site in that the asking price for the cottages was not competitive and that the cottages were not offered for sale separately. Neither of these issues appear to have been addressed.

There is no evidence that the cottages have been run as a business for the past 4 years. The owners apparently ceased lettings after using them for two years for their intended purpose - holiday lets. Although they used two agents to advertise the property, one of those agents – Henry Adams - is not what we would consider appropriate for a short-term holiday let basis as they are residential and commercial agents, not a holiday booking service. No other holiday let websites or marketing opportunities appear to have been explored. Therefore the marketing of the cottages during the time they were being used as holiday cottages do not appear to have been as effective as it could have been. A marketing strategy is essential for the vast majority of holiday businesses and we can see no evidence of such here.

### **6.3 Estates**

The properties consist of two cottages, Pheasant Cottage and Owl Cottage which are located on Itchenor Road, West Itchenor. This is within an area of Outstanding Natural Beauty (AONB), and therefore there are restrictions on what development can happen here.

The initial planning permission granted in 2008 with a restriction in place that the two cottages would be for holiday use only. The cottages were constructed at a cost far higher than a reasonable holiday let cottage. The business owners are re-thinking their business plan on how it would recuperate the initial investment. As part of their holiday let business plan they decided to advertise through local agents Henry Adams and Todd Anstee, which seems an unusual choice for holiday rentals. The more appropriate choices would be AirB&B or other similar Holiday Cottages to let sites, or to franchise the business and let another company run it. The owners decided that they did not want to use AirB&B or other similar websites which we consider is likely to have limited the success of the business.

Due to the apparent failure of the business through lack of interest, possibly due to marketing or lack of, the owners decided to market the properties for sale in 2015 at a price of £800,000.00 as a total for both properties. On an unrestricted basis, this seems like a reasonable asking price, however we do not consider that this adequately reflected the restrictions imposed on the properties. Had the restrictions been removed, we would expect the properties to have sold reasonably quickly at this asking price, however the restriction remains and has not been reflected in the asking price. We have not identified any evidence that the properties had been marketed separately, or at all since 2016. The evidence provided shows that only 26 people enquired about the properties, which is likely due to the restrictions putting others off from enquiring.

We therefore consider that the properties were overpriced in view of the restriction in place.

On appeal from the original decision not to remove the restriction, the planning inspector concluded that the asking price was not competitive and also stated that the cottages had not been marketed separately. It seems that both issues raised by the planning inspector have not been remedied. Should the properties be marketed separately by a specialist in selling buy to let holiday homes, there may have been more success in securing a sale. There is limited evidence that the properties have been extensively marketed, resulting in only eight enquiries since January 2018 (possibly due to lack of marketing?) We would expect evidence of the marketing that has been undertaken since the last enquiry due to appendix E.3 (Page 276) of the Local Plan found: [https://www.chichester.gov.uk/media/24759/Chichester-Local-Plan---Key-Policies-2014---2029/pdf/printed\\_version.pdf](https://www.chichester.gov.uk/media/24759/Chichester-Local-Plan---Key-Policies-2014---2029/pdf/printed_version.pdf) 'In general, applicants should provide evidence that the site has been vigorously and exhaustively marketed for between a year and 18 months. The period of marketing must have ended on a date within the nine months prior to the date the planning application was submitted.'

Based on the information supplied it does not appear that this has occurred.

#### **6.4 Chichester Harbour Conservancy**

Summarised:

Recommendation – Objection: contrary to local plan development strategy, introducing Class C3 dwellings outside a defined settlement boundary in an unsustainable location, with poor access to local amenities, other than by private motor vehicle. No material change in planning policy since the last Planning Appeal was dismissed. Personal circumstances of the applicant do not outweigh those considerations.

Under Local Plan Policy 43, the need to maintain facilities to allow people to stay and visit the Chichester Harbour AONB, including tourist accommodation, is a material planning consideration for the local planning authority.

Whilst the council's PREAP response indicates assessment against Policy 30 would be more relevant than Policy 46, the Conservancy still considers the proposal also needs assessment against that latter policy.

The fact that the cottages have been let for short breaks indicates that there has been some demand rather than no demand for such accommodation. The earlier application was therefore predicated on the basis of viability of the use.

Whilst having no impact to the setting of the AONB, the Conservancy is concerned that issues of recreational disturbance are yet to be addressed by a S.106 contribution through the SDMP and that the planning agent had only made a limited Policy analysis for the earlier application.

When commenting on 07/05509/FUL the Conservancy objected to these two cottages, largely on the basis that if their use for holiday lets were to cease, the proposals essentially were tantamount to two new dwellings being built outside any defined settlement boundary, contrary to Policies RE1 and RE4 of the 1999 Chichester Local Plan Review.

It is clear that the holiday let market is extremely competitive. By focusing on the upper end of the market, these holiday lets are naturally more expensive than other accommodation, where those letting are seeking best value for money. There does not appear to be any discussion of whether the applicant sought to let at a cheaper rate to be more competitive between January 2014 and the current time. Such a strategy may have increased the likelihood of the properties being let more frequently, thus (potentially) improving the viability of this enterprise.

If the council is persuaded by the case put by the applicant, The Conservancy was less likely to object to a single dwelling within Class C3 being formed from the two cottages, but still now maintains that the site is in an unsustainable location for new housing.

The Conservancy is sympathetic to the situation the applicant now finds herself in with regards to her health, but ultimately there has been no change in policy since the Appeal was dismissed.

As the proposals would not significantly boost the supply of housing in the District, it is considered more weight should be given to the development strategy and permission be refused.

## **6.5 Highways**

Summarised:

Raises no highway safety concerns for the application, no highway safety concerns were raised for application 07/05509/FUL. Do not anticipate that this proposal would give rise to a material intensification of movements to or from the site.

In regards to vehicular parking provision, the Planning Statement states that the site is served by a double-car garage and parking area with two additional parking spaces. The applicant has not demonstrated the location of these, and as such, would need to demonstrate parking, turning and cycle provisions to secure adequate provisions for any future occupants. These can be secured via condition.

## **6.6 Water and Access Office, West Sussex Fire and Rescue Service**

Summarised:

1st October 2020: As these are existing properties do not think we have the jurisdiction to put a condition on existing buildings, this should have been identified at the time of the build. The condition raised previously will be for information only, the owner may want this information to inform their insurance company they do not have sufficient water supply for firefighting within the required distance as it may affect their house insurance.

30<sup>th</sup> September 2020: Conditions submitted stating that details showing the proposed location of one fire hydrant or stored water are required to be submitted prior to the commencement of the development and prior to the first occupation they will be installed.

## **6.7 Third Party Comments**

5 no. letters of support have been received, summarised:

Fully support the removal of the restriction on use.

It is very difficult in these times to run a viable business as there is so much competition.

Have seen the difficulty of renting these properties and can understand why they are poorly suited not being close to any shops or attractions (ie the beach). The rental market has changed and with Airbnb allowing occupiers greater flexibility to rent homes there is simply less demand for rentals.

There is a need for permanent housing stock in the vicinity.

It would be far more beneficial to the area if the restriction was lifted in favour of residential accommodation.

Viewed one of the properties online in 2018 when looking for a new home. After speaking with the selling agent, discovered there is a restriction on these houses. For this reason did not actually view either of the properties. It is a completely inappropriate restriction to be held over a home.

1 no. letter of objection has been received querying whether the properties were ever intended to be used as holiday accommodation and stating that the application should only be decided in accordance with planning policies and not on personal and financial circumstances. The name and address of the writer were withheld therefore this comment is given limited weight.

## **7.0 Planning Policy**

### The Development Plan

**7.1** The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the Site Allocations DPD and all made neighbourhood plans. There is no made neighbourhood plan for West Itchenor 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 30: Built Tourist and Leisure Development

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 43: Chichester Harbour AONB

Policy 45: Development in the Countryside

Policy 46: Alt, COU and/or Re-use of Existing Buildings in the Countryside

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours  
Special Protection Areas

Appendix E: Appropriate Marketing Guidance

### Chichester Local Plan Review Preferred Approach 2016 - 2035

**7.3** Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2021. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2022. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

### National Policy and Guidance

**7.4** Government planning policy now comprises the February 2019 National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development,  
For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or



d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

**7.5** Consideration should also be given to Sections 4 (Decision-Making), 12 (Achieving well-designed places) and 14 (Meeting the challenge of climate change, flooding and coastal change)

#### Other Local Policy and Guidance

**7.6** The West Itchenor Village Design Statement is a material consideration.

**7.7** The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

### **8.0 Planning Comments**

**8.1** The main issues arising from this proposal are:

- i) Principle of development
- ii) Design and impact upon visual amenity/character of area
- iii) Impact upon the amenity of neighbouring properties
- iv) Highway Safety
- v) Special Protection Areas

#### Assessment

##### i) Principle of development

**8.2** Policy 30 of the Local Plan (Built Tourist and Leisure Development) states that: 'Proposals involving the loss of tourist or leisure development, including holiday accommodation, will only be granted where there is not proven demand for the facility and it can no longer make a positive contribution to the economy'. Appendix E of the Local Plan sets out the requirements to demonstrate that there is no proven demand for the facility and that it can no longer make a positive contribution to the economy. Appendix E requires that applications such as this need to be accompanied by robust and credible evidence that adequate marketing has occurred in order to support the argument that there is no longer a demand and a viability assessment for loss of tourist or leisure development including holiday accommodation.

- 8.3** Planning permission to convert the two properties from tourist accommodation to unrestricted residential use has been sought previously through planning application 16/02845/FUL for the removal condition 8 (occupancy restriction) from planning permission of WI/07/05509/FUL and through application 17/00866/FUL for a change of use. Application 16/02845/FUL was refused in November 2016 whilst application 17/00866/FUL was refused in May 2017, and subsequently dismissed at appeal in February 2018. One of the reasons for refusal for both of the applications included the;
- ‘unrestricted Class C3 dwelling house would result in the unrestricted residential use of the accommodation in use class C3 of the Town and County Planning (Use Classes) Order 1987 as amended and the loss of an economically beneficial use - i.e. holiday accommodation - within the rural area and Chichester Harbour Area of Outstanding Natural Beauty. The applicant has failed to demonstrate that there is no longer a need for holiday accommodation in this rural location and where the LPA considers there is a proven demand for this type of accommodation. Furthermore the change of use would result in an additional dwelling in an unsustainable rural location contrary to the aims and objectives of Local Plan policy and paragraph 55 of NPPF which only allows for this form of development where special circumstances have been demonstrated. As such the proposal would result in an un-sustainable form of development contrary to policies; 1, 2, 30 and 45 of the Chichester Local Plan and paragraphs 14, 17 and 28 of the National Planning Policy Framework.’
- 8.4** In the Planning Officer’s assessment of application 17/00866/FUL, the application was found to be almost identical to application 16/02845/FUL. The assessment stated that the information submitted for application 16/02845/FUL was considered to be inadequate for the purposes of demonstrating that there was no longer a demand for the tourist accommodation. The Local Planning Authority (LPA) had been made aware, through the submitted marketing report, that offers were made for the premises but not at a price the applicant was willing to accept; leading the LPA to question the realistic marketing price for the premises. The assessment also concluded that the properties had not been genuinely marketed as business premises, rather as unrestricted residential dwellings. In respect of 17/00866/FUL it was found that no additional endeavours had been carried out since the 2016 application to make the tourism accommodation as successful as possible, and no additional information was provided to demonstrate why the applicants continued to use an agent charging over 20% of the income but who had only achieved 35% occupancy. No business plan was submitted nor was evidence of a reduction in letting fee in response to low occupancy rates submitted for the 2017 application. As such, the LPA maintained the proposal was contrary to the Development Plan and the application was refused.
- 8.5** The appeal inspector found that limited evidence had been submitted on reducing business costs and it was not clear why the properties had not been advertised in other ways (such as on AirBnB), the properties had not been marketed competitively and the properties had only been marketed together not separately. The Inspector determined the application was contrary to policy 30 because there was a lack of information regarding the viability of the business, and that it would also be contrary to policies 1, 2 and 45. As a result the appeal was dismissed.

- 8.6** As part of the submission of this current application a Planning Statement, a letter from Tod Anstee Property Consultation and a letter from The Accountancy Company were submitted. A significant amount of the information submitted comprises evidence submitted for the previous applications, and little has been submitted covering the period since application 17/00866/FUL was dismissed at appeal. The letter from Tod Anstee Property Consultation states that since January 2018 they have continued to market the properties at a guide price of £800,000, they expect an unrestricted value for the properties to be in the region of £1,300,000 and they have received eight formal enquiries since January 2018 but no offers submitted. The letter then states that in their experience the demand for properties with a holiday let restriction is limited and that nearly all of the enquires were for unrestricted residential use.
- 8.7** The marketing of the properties has not changed since the appeal decision for application 17/00866/FUL and the points the Inspector gave on why the evidence was lacking have not been addressed in this current application. Additional information has been sought during the course of the application, however the agent responded that it would not have made any difference to the viability of the properties if they had been advertised on AirBnB and although the properties were marketed at £800,000 if an offer had been made it would have been accepted, but none were because of the use restriction. It was also stated that if an offer had been made for just one property, it would have been accepted but it was not and that the properties have been continuously marketed for five years.
- 8.8** The Council's Economic Development Service and Estates department were consulted on the current proposal, and both have stated that the marketing of the properties does not fulfil the general marketing requirements of Appendix E as the properties have not been robustly marketed. The application fails to comply with Appendix E as no evidence that the guide price is appropriate has been submitted, and that during the marketing of the properties for use as tourist accommodation and then when marketed for sale, the properties were only marketed by more traditional residential and commercial agents rather than those who specialise in marketing holiday lets. Evidence that the guide price is appropriate including examples of other holiday lets for sale in or around the south-east, has not been provided.
- 8.9** The issues the Inspector raised have not been addressed in the current application and there is no evidence that the properties have been run as tourist accommodation for the past four years. The Estates Team also commented that the asking price of £800,000 does not adequately reflect the use restriction on the properties therefore they consider that the properties were overpriced in view of the use restriction. The marketing of the properties has not changed since the appeal decision for application 17/00866/FUL, for example it has not been sought to market the properties separately and/or at a lower therefore as stated in that appeal decision, the marketing of the properties is not sufficient as it has not met the requirements of Appendix E of the Local Plan.

- 8.10** One of the main arguments for the change of use for the properties from tourism to residential use is that the tourist accommodation use is not financially viable due to a lack of demand and the cost of running them being too high. As stated by Economic Development Service and Estates, the appropriate marketing companies for the tourism accommodation, such as AirBnB were not used. Despite the Inspector of application 17/00866/FUL stating this, no attempt was made to market the tourism use through AirBnB and similar companies. The application has failed to demonstrate there is no longer a need for holiday accommodation in this rural location, an area where it is considered there to be demand for holiday accommodation due to the local tourist attractions including the local beaches and proximity to Chichester.
- 8.11** It has been claimed that the costs involved with constructing and then running the properties as tourism accommodation were too high for the properties to be financially viable. As was stated by the Officer in the previous application, whilst the cottages may have cost more/caused financial losses to build than originally planned, this does not mean that they are not viable. The costs of running the properties as tourism accommodation were submitted for the previous applications and have been resubmitted as part of the evidence for this application. As with the previous applications, no evidence has been put forward to demonstrate the applicants sought to minimise expenditure and therefore reduce costs and increase profitability. This includes reviewing the outgoings to assess whether it is reasonable to spend (for example) £120 a week on maintenance and gardening or £72 per cottage per month on electricity alone. It is considered that some of the fixed charges associated with the running of the holiday cottages as outlined above could be significantly reduced and therefore increase profitability.
- 8.12** The application has not demonstrated that the tourism accommodation use is not viable. The properties have not been used for tourism accommodation since at least July 2017 and that they have not been in use for over three years is not justification that they are unviable. Notwithstanding that the tourism use was not extensively advertised, the properties were in this use over three years ago and even if the properties had been unviable then, which the previous applications found not to be the case, this does not mean they are unviable now and no evidence has been provided to prove otherwise. The application is not therefore in accordance with Appendix E and as such conflicts with the development plan. The proposed unrestricted residential use of the properties would not comply with Policy 45 as they do not require a countryside location or meet the essential, small scale and local need that cannot be met within or immediately adjacent to an existing settlement.
- 8.13** In the appeal for application 17/00866/FUL the Inspector stated that it had been alleged that the LPA did not have a 5 year housing land supply (5YHLS). At the time of that appeal the LPA did have a 5 year housing land supply. At this time the Council is unable to demonstrate a 5YHLS. Whilst this is the case, policy 30 and Appendix E are still a consideration and the proposal conflicts with these policies, and the provision of a single dwelling would not provide any significant impact to the Council's housing supply position. Notwithstanding this, an Interim Position Statement for Housing Development (IPS) has been adopted by the Council to ensure appropriate delivery of housing whilst the Council is unable to demonstrate a 5YHLS. One of the criteria in the Interim Position Statement is that the at least one of the boundaries of the site must adjoin or be immediately adjacent to a settlement boundary.

The nearest settlement boundary, West Wittering, is over a mile away from the application site therefore the application fails to meet the first requirement of the IPS. It is considered that provision of a dwelling would remain contrary to the development plan and there are no material considerations that would outweigh the harm identified.

**8.14** The application has failed to demonstrate there is no longer a need for holiday accommodation in this rural location and therefore has not demonstrated that the loss of the tourism accommodation would be in accordance with policy 26 and Appendix E. The proposal is not in accordance with local and national policy and there are no other material considerations that would justify an exception to be made to these policies, nor has any information been submitted during the course of the application to justify a departure from the previous decisions of the LPA and the Planning Inspector. Therefore it remains that the principle of the loss of tourism accommodation is not acceptable.

ii) Design and impact upon visual amenity/character of area

**8.15** There are no external alterations proposed at this time. It is considered that the proposed development would not have a significant impact upon the visual amenity or character of the surrounding area which is within the AONB. The proposal would therefore be acceptable in this respect.

iii) Impact upon the amenity of neighbouring properties

**8.16** There is a neighbouring residential dwelling to the west of the site and there are a group of residential dwellings to the east of the site. No external alterations are proposed to the properties and the proposed residential use would not be materially different to the tourism use, It is therefore considered that the proposed change of use of the properties to residential use would not cause harm to amenities of the neighbouring properties.

iv) Highway Safety

**8.22** There are no concerns on highway safety grounds with the application. If the principle of the application had been considered acceptable, the use of the garage for residential use would have helped to provide parking for the residential accommodation. Highways requested further details be conditioned to demonstrate parking, turning and cycle provisions if the application is permitted. As the principle of the application is not considered acceptable, these will not be conditioned.

v) Special Protection Areas

**8.23** The site falls within the 5.6km 'Zone of Influence' for Chichester and Langstone Harbours Special Protection Area where Policy 50 the Local Plan states all net increases in dwellings must provide appropriate mitigation measures to enable the LPA to ascertain that the development would not adversely affect the integrity of the SPA. It is considered that the entering of a legal agreement to secure a financial contribution to offset the impact provides adequate mitigation. However in this instance, as the proposed development is considered unacceptable in principle, no mitigation has been sought, however, were the applicants to appeal the Councils decision and the appeal to be allowed, appropriate mitigation measures should be sought at this stage.

## Conclusion

8.10 Since the previous appeal, through which the Inspector determined that the loss of the tourism use was not justified, there has been no material change in policy or circumstances on the site and no evidence to demonstrate that the necessary marketing has been submitted to support the loss of the tourism accommodation. Although the Council is unable to demonstrate a 5YHLS it is considered that the provision of a single dwelling would not outweigh the harm identified and the proposal would not meet the requirements of the IPS which the Council has developed in order to deliver housing whilst it is unable to demonstrate a 5YHLS. It remains that the proposal would result in an unjustified dwelling in the countryside which would not comply with local and national planning policies and there are no material considerations that would outweigh the harm identified. It is therefore recommended that the application is refused.

## Human rights

8.11 In reaching this conclusion the Human Rights of the applicant has been taken into account when reaching this recommendation and it is concluded that the recommendation to refuse is justified and proportionate.

## **RECOMMENDATION**

REFUSE for the following reasons:-

1) The change of use and conversion of the two self-contained holiday cottages to a single unrestricted dwelling house would result in the unrestricted residential use of the accommodation and the loss of an economically beneficial use - i.e. holiday accommodation - within the rural area and Chichester Harbour Area of Outstanding Natural Beauty. The applicant has failed to demonstrate that there is no longer a need for holiday accommodation in this rural location and where the LPA considers there is a proven demand for this type of accommodation. Furthermore the change of use would result in an additional dwelling in an unsustainable rural location contrary to the aims and objectives of Local Plan policy and paragraph 79 of NPPF which only allows for this form of development where special circumstances have been demonstrated. As such the proposal would result in an un-sustainable form of development contrary to policies; 1, 2, 30, 45 and Appendix E of the Chichester Local Plan, sections 2 and 6 of the National Planning Policy Framework 2019 and the Chichester District Council Interim Position Statement for the Delivery of Housing Development..

2) The development lies within the 5.6km zone of influence upon the Chichester and Langstone Harbours Special Protection Area (SPA), where increases in net residential development are likely to have a significant effect on the SPA. There has been no appropriate avoidance and/or mitigation measures submitted that would enable the Local Planning Authority to ascertain that the residential use would not adversely affect the integrity of the SPA. No mitigation measures or contributions have been provided and, therefore, the proposed dwelling is contrary to paragraph 177 of the 2019 National Planning Policy Framework, Policy 50 of the Chichester Local Plan: Key Policies 2014-2029 and Supplementary Planning Document Planning Obligations and Affordable Housing Supplementary Planning Document July 2016.

## Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - Block Plan (A1)	2		13.08.2020	Not Approved
PLAN - Location Plan (A4)	1		13.08.2020	Not Approved

### Informative

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, it has not been possible to resolve them. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

For further information on this application please contact Vicki Baker on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QEOSF2ERMFV00>