



Appeal Decision

Site visit made on 1 April 2026

by **E Everitt BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 April 2026

Appeal Ref: 6002136

Little Flitchings, Rickmans Lane, Plaistow, West Sussex RH14 0NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr P Voice against the decision of Chichester District Council.
 - The application Ref is PS/25/01104/FUL.
 - The development proposed is occupation of existing two bedroom annexe as a single dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 19 August 2025, the Council adopted the Chichester Local Plan 2021-2039 (the Local Plan). This replaced the Chichester District Local Plan 2014-2029 which is cited in the reasons for refusal on the Council's Decision Notice. I have had regard to the comments provided by the main parties on this matter and have considered the proposal against the relevant policies in the current Local Plan.
3. The Council's second reason for refusal, relating to water neutrality, was withdrawn during the course of the appeal. This came following updated advice from Natural England setting out that development in the Sussex North Water Supply Zone will not have a likely significant effect on the Arun Valley sites in line with the Habitat Regulations. Accordingly, I will not consider this matter any further.

Main Issue

4. The main issue is whether the requirements of Policies NE11 and S2 of the Local Plan have been met.

Reasons

5. Policy S2 of the Local Plan specifies that development outside of the settlements identified in the policy is restricted to that which requires a countryside location or meets an essential local rural need or supports rural diversification in accordance with Policy NE11.
6. Policy NE11 sets out requirements for development in the countryside, including specifying that proposals for alterations, change of use and/or re-use of existing buildings will be permitted where it can be demonstrated that a) the building is structurally sound and is capable of conversion without the need for significant extension, alteration or rebuilding, b) economic and community uses have been

considered before residential, with residential uses only permitted if economic and community uses are shown to be inappropriate and unviable, and c) proposals for the conversion of existing buildings will be permitted where they support sustainability in rural areas.

7. The appellant has put to me that Policy NE11 seeks to ensure that buildings capable of supporting rural economic activity are not lost prematurely to residential use. They suggest that the policy does not apply in this case as the existing building is a purpose-built domestic building which has never operated as an economic unit and is not a former agricultural or commercial structure capable of providing rural diversification. Nonetheless, Policy NE11 does not specify that it only applies to particular buildings. Given this, even though the proposal would not result in the loss of a rural employment building or remove land from productive rural use, I am of the view that Policy NE11 would be applicable in this case.
8. The existing building is arranged as residential accommodation with kitchen and bathroom facilities and 2 bedrooms. It is evident that the building could be occupied as a dwelling without significant extension, alteration or rebuilding. Use as a dwelling would contribute towards meeting the need for 2-bedroom properties identified in the Council's Housing & Economic Development Needs Assessment.
9. The appellant asserts that, due to the layout and form of the building as well as its location within a domestic curtilage, economic and community uses would be inappropriate and the building is unlikely to appeal to any business. Notwithstanding this, Policy NE11 requires that economic and community uses are shown to be unviable before residential uses are permitted. As it has not been demonstrated through substantive evidence, such as an independent appraisal or marketing in accordance with the requirements set out in Appendix C of the Local Plan, that such uses would be unviable, I am not satisfied that the information before me suitably addresses this requirement.
10. Against this background, the proposal would be contrary to Policy S2 in that it would lead to an additional dwelling in the countryside which is not supported by the criteria set out within the policy. This is irrespective of the building already existing and the proposal not including any physical changes, with no new construction, additional built form or expansion into open countryside proposed.
11. The appellant suggests that any commercial retrofit would require significant alterations and that this and the subsequent commercial use would result in a greater impact upon the rural character and the setting of the Grade II listed building known as Little Flichings¹ than the proposed use. However, a commercial or community use would not necessarily result in increased vehicle movements, activity, visual intrusion or any other impact. In this regard, the impacts of any potential future use do not justify setting aside the clear requirements of Policy NE11.
12. In conclusion, therefore, as there is insufficient information before me to demonstrate that economic and community uses are unviable, I conclude that requirements of Policies NE11 and S2 of the Local Plan have not been met. As such, the proposal is also contrary to the relevant provisions of Policy S1 of the Local Plan which, in summary, seeks to direct development towards larger and more sustainable settlements.

¹ List entry number 1226662

Other Matters

13. As noted above, the building is located close to, and forms part of the setting of, the Grade II listed Little Fitchings. Mindful of the statutory duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its setting. The setting of the listed building comprises its extensive garden and associated structures, including the building which is the focus of this appeal. This setting contributes positively to the significance of the listed building.
14. Nevertheless, the information before me indicates that the building does not have a historic function or link to the listed building and does not form part of the curtilage listing. The proposal would not result in any physical changes to the building. In addition, no physical changes are proposed as part of the sub-division of the curtilage. Consequently, I consider that the proposed development would preserve the setting of the listed building and the contribution this makes to its significance.
15. The appellant highlights that Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) establishes the principle of residential re-use of buildings in the countryside. However, I am assessing the proposal before me and the proposed development does not fall within the scope of Class Q. As such, the extent of development, including physical changes, possible under Class Q does not alter my assessment of the appeal proposal and is a neutral factor in my decision. A lack of physical or environmental harm also has a neutral effect on the planning balance.

Planning Balance and Conclusion

16. The appellant refers to the *Corbett v Cornwall Council* [2020] judgement where the judge emphasized the importance of considering the development plan as a whole. In this instance, while there are many aspects of the proposal that would be acceptable, I have found that the proposal would conflict with the Council's policies regarding its spatial strategy. In my view, this draws it into conflict with the development plan as a whole.
17. The appellant has drawn the *Stratford on Avon District Council v Secretary of State for Communities and Local Government* [2014] JPL 104, *Cala Homes (South) Limited v Secretary of State for Communities and Local Government* [2011] EWCA Civ 639, JPL 1458 and *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13, 2 P & CR 9 judgements to my attention in respect of material considerations being considered in favour of proposals even where a proposal does not accord with the development plan. In reaching my decision, I have considered and attached weight to the material considerations which weigh in favour of the appeal proposal.
18. Matters weighing in favour of the proposed development include that the proposal would make effective use of the site and the existing building, consistent with the Government's objective as set out in the National Planning Policy Framework. The proposal would also contribute towards housing supply in the District, albeit the contribution would, by reason of the scale of the proposed development, inevitably be limited. I attach moderate weight in favour of the proposal to these matters.

19. However, these cumulative benefits do not, ultimately, outweigh the conflict with the development plan I have identified above. Therefore, the appeal should be dismissed.

E Everitt
INSPECTOR