

Appeal Decision

Hearing held on 5 January 2016

Site visit made on 5 January 2016

by Kenneth Stone BSc (Hons) DipTP MRTPI

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

Decision date: 01 March 2016

Appeal Ref: APP/L3815/W/15/3129444

Little Springfield Farm, Plaistow Road, Ifold, West Sussex RH14 0TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Stephenson Developments (Southern) Holdings Limited against the decision of Chichester District Council.
 - The application Ref 14/04100/FUL, dated 1 December 2014, was refused by notice dated 24 June 2015.
 - The development proposed is described as 'demolition of existing industrial buildings and erection of three detached dwelling houses with associated landscaping, surfacing, car parking provision and access works'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. At the start of the hearing it was confirmed that the latest site plan was that which showed the amended layout of plots 2 and 3 and which had the original locations of those buildings shown in dotted lines. The plan was still identified as drawing 04, with no revision number, similar to the original plan submitted with the application. As the application had been amended during the Council's consideration of the application I have taken this amended plan as the proposed scheme layout. As the numbering could potentially create confusion concerning the appropriate plan, a plan number with a revision number, 04 rev F, was allocated to the plan.
 3. Subsequent to the determination of the application the Chichester Local Plan: Key Policies 2014 – 2029 (CLP) was adopted in July 2015. The CLP supersedes the policies in the Chichester District Local Plan, First Review 1999 (CDLP). The policies identified in the reasons for refusal which relate to the CDLP are no longer relevant; those in the CLP have full weight as it forms the development plan for the area and planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration.
 4. Following the closing of the hearing the Council adopted a Community Infrastructure Levy Charging Schedule (CIL) and a Planning Obligations and Affordable Housing Supplementary Planning Document (POAHSPD). The parties were afforded an opportunity to comment on the new policy documents prior to my determination of the appeal.
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Main Issues

5. The main issues in this appeal are:

- The effect of the proposed development on employment land supply in the local economy;
- Whether the proposal would result in a sustainable pattern of development having regard to its accessibility;
- The effect of the proposal on the character and appearance of the area; and
- Whether the proposal would meet local housing need having regard to the mix of dwellings.

Reasons

6. Little Springfield Farm is located on the south side of Plaistow Road outside the settlement boundary of the village of Ifold, and therefore within the open countryside. It contains a farmhouse, old farm buildings and open fields used for pasture, as well as wooded areas. The appeal site subdivides the old farm buildings from the remainder of the holding and would be accessed along the access road to the farm which would continue to provide access to the original farm house, known as little Springfield, and Tawlbrook, a large detached property located between the appeal site and Plaistow Road. The original farm buildings have the benefit of a lawful development certificate, PS/02/03398/ELD. The extent of the use of the site is described in the first schedule as 'the use of the land and buildings for industrial purposes falling primarily within Class B2 of the Town and Country Planning (Use Classes) Order 1987 together with ancillary storage connected with that use'.
7. At the time of my visit the premises were vacant insofar as there was no businesses being run from them. There remained some ancillary storage of the original main occupier in some of the buildings but this did not amount to an on-going industrial or business use of the premises. According to the Statement of Common Ground the present main occupier, the site owner, had given notice of his retirement and closure of his business on 31st January 2015.

Employment land supply

8. Policy 26 of the CLP states, in part, that existing employment sites will be retained to safeguard their contribution to the local economy. It goes on to state that planning permission will be granted for alternative uses on land or floor space currently or previously used in employment generating uses where it has been demonstrated that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses. Paragraph 16.7, preceding the policy, states that to demonstrate that an employment site is no longer required, applicants will be required to provide supporting evidence on the viability of the site for continued employment use including the availability of employment land /floorspace in the local area and demonstrating that genuine attempts have been made over an extended period to market the site for business or similar uses. Guidance is set out in the CLP at appendix E 'Appropriate Marketing Guidance'.
9. Paragraph 22 of the Framework advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no

reasonable prospect of a site being used for that purpose. It goes on to advise that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

10. The recently adopted policy 26 is consistent with the Framework and allows for the redevelopment of industrial land where it can be proven it is no longer required for business purposes. In this context the Council have set out guidance on marketing requirements of such sites and the policy further requires consideration of the viability of redevelopment. The appellant has tested a number of redevelopment scenarios for industrial, office, mixed use and residential development of the site and concluded that the only viable option that generates a return such that would lead a landowner to undertake the development would be a residential scheme. The Council's Estates Manager has noted that whilst there may be some queries that could be raised around the specific figures, in general that proposition is accepted. The Council have therefore accepted that there would not appear to be a viable redevelopment option open to the land owner for a commercial business use.
11. In terms of marketing the application was submitted prior to the adoption of the CLP and therefore any supporting information submitted would not have been required to meet the more rigorous requirements in policy 26 and appendix E. There were no such requirements under policy B8 of the CDLP, only a requirement to demonstrate an adequate supply of industrial land, that the proposal would not result in the loss of types and sizes of sites of which there was a limited availability and that the proposal would facilitate relocation of existing uses. However, the CLP was well advanced and the requirements of the policy and appendix were in the public domain. As it stands now the CLP is the development plan and it is against this policy I must assess the appeal.
12. The site is presently not being used for business purposes with the main occupier ceasing in January 2015 and the last other user vacating at the end of 2014 and with the other buildings not being occupied for some time. Furthermore the proposals would result in the loss of less than 2000 sqm of floorspace, and there is not an existing use to be relocated. On this basis the additional information at E.6 of appendix E would not apply except in relation to the marketing of the site.
13. Gascoines, an experienced firm of chartered surveyors, have now been employed to market the site. They have provided a commercial report, a commercial report (addendum) and an addendum to commercial report to support the appeal and provided a further Marketing Resume/Update at the hearing. From this information and that submitted by the site owners in representations it is evident that the site has been the subject of various marketing campaigns over a number of years going back at least 10 years. There has been a continual attempt to let space at the site with various techniques employed. This has included the provision of a sign board at the site, internet presence and direct mailing. Since Gascoines' involvement, as detailed in the update, marketing details have been prepared, uploaded to their website, a new sign board has been erected at the entrance and advertisements have gone into the press. Gascoines have maintained an enquiry log and analysed the reasons for unsuccessful interest.

14. Much of the information now provided and the actions now in place meet the requirements of appendix E and it is in the context of the length of time that these have been on-going that matters fall down. However, when the reasons for lack of interest progressing are considered these reflect those from the historical marketing approaches and relate to the nature, location, accessibility and standard of the accommodation. The appeal documents also include a conditions assessment of the buildings and this demonstrates the poor quality of the existing buildings including the lack of facilities, the poor construction, poor services and generally the unsuitable nature of the buildings to fulfil the requirements of modern business needs. The Council did not provide any substantive evidence to contradict this evidence but suggested that works could have been undertaken over the years to improve and upgrade the premises. From what I saw on site and the conditions report and the viability assessments I am satisfied that there would not be a viable scheme to redevelop or upgrade the existing buildings. Given the previous marketing, the more recent assessment of that and the involvement of Gascoines I am also satisfied that there is evidence to suggest that the buildings in their present condition would be unlikely to be let at a viable return. The costs analysis sheet submitted at the hearing, based on a rental value of £5 per sqft of the buildings which would be rateable, which was not challenged by the Council, would result in a net loss, taking account of outgoing costs.
15. The proposals now before me and as supplemented with the additional information meet the requirements of appendix E albeit that the time period may be questionable for all of the information. However, when this is balanced against the fact that the more recent information reaffirms and supports the historic evidence and that the Framework advises that regard should be had to market signals I am satisfied that it has been demonstrated that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses and therefore the proposal complies with policy 26.
16. On the basis of the above I conclude that the proposed development would not result in material harm to employment land supply in the local economy. Consequently it would not conflict with policies 3 or 26 of the CLP which seek to ensure a flexible supply of employment land and premises, amongst other matters, through the protection of existing employment sites and premises.

Sustainability

17. The appeal site is a brown field site containing previously developed land in the form of vacant industrial buildings, formerly agricultural buildings. The recently adopted CLP provides for a development strategy and settlement hierarchy at Policy 2. This identifies Chichester City as a sub-regional centre, settlement hubs and lower order service villages. Below this the policy notes that there is a presumption in favour of sustainable development within settlement boundaries which will be reviewed through the preparation of Development Plan Documents of Neighbourhood Plans. The appeal site lies outside of the Settlement Boundary for Ifold. In the rest of the plan area, outside the settlements listed, development is restricted to that which requires a countryside location or meets an essential rural need.
18. The Plan is an up to date plan and the Council has provided further evidence to demonstrate that it can identify a five year housing land supply, on this basis

the policies for the supply of housing are up to date, including those related to housing supply and the settlement boundaries.

19. The location of the proposed housing is to the south of Ifold village and not within the settlement boundary. There are limited services available in this settlement and the local store has recently closed. The CLP identifies a requirement for 10 houses to be provided in Plaistow and Ifold and there is an emerging site allocations plan which identifies a site outside the settlement boundary on the south side of Plaistow Road close to the appeal site. Given the very early stages of this plan which has only just gone out to consultation it does not hold any significant weight.
20. The use of the site for residential purposes and the day to day living needs of residents would require services associated with residential use including shopping, schools, doctors and other health services to name a few. None of these are directly available at Ifold and given the limited bus services available and poor pedestrian and cycle linkages residents of the development would be heavily reliant on the private car, this would be an unsustainable form of development in this countryside location.
21. Against this I must weigh that the site has a current industrial use and could generate activity in the form of comings and goings, deliveries etc to those premises which would be by motor vehicle. The Highways report demonstrates that there would be greater traffic movement with the retained industrial use or an alternative industrial use than with the residential scheme. The emerging allocations plan also appears to recognise the constraints of the village in being able to provide for the additional housing requirement and is identifying a site outside the settlement boundary. However, this is properly a decision for the plan making process and consideration of the settlement boundary which it is noted will be reviewed in policy 2.
22. As there is no over riding need to provide housing in the area, as there is a five year supply of housing land, and the site lies outside the settlement boundary of a recently adopted local plan, with an emerging allocations plan seeking to address the provision of the housing requirements in the area it would seem to me that to grant consent for this development in the countryside would conflict with the provisions of the development plan. Presently the site is identified as in open countryside and is in a location where in the future occupiers would be heavily reliant on the private car, this is therefore an unsustainable location.
23. I note the appellant's comments that the emerging plan holds no significant weight but that it demonstrates that the Council is considering sites outside the settlement boundary itself. The appellant has noted that it will be making representations on this aspect of the allocations plan. This is their prerogative and consideration of alterations to the settlement boundary and allocation of sites outside those boundaries is most properly dealt with in the development plan process.
24. For the reasons given above I conclude that the proposed development would result in an unsustainable pattern of development, having regard to its accessibility. Consequently it would conflict with policies 1, 2 and 39 of the CLP which amongst other matters require development to be sustainably located, within the settlement hierarchy and that can be accessed by sustainable modes of transport.

Character and appearance

25. The appeal site presently accommodates a number of large agricultural buildings that have more recently been used for industrial purposes. The site sits back from Plaistow Road, in excess of 100m and is screened by a mature tree boundary. The layout of the existing buildings also provides larger buildings on the northern boundary screening the assemblage of smaller buildings to the rear, south of those larger buildings.
26. The volume, height, and scale of buildings are such that the existing development provides for a significant built form in the open countryside. However, these buildings were originally agricultural and retain that appearance. The layout of buildings is arranged around what would have been a farm yard and would be a not uncommon appearance in a modern farm enterprise. The rustic nature and appearance, including the materials, could be reasonably expected in a countryside location and are not out of place.
27. The proposed development would replace these with three large residential properties, in small plots, and would result in a significant change to the character and appearance of this location. The design, layout and separation of the properties would appear suburban in character and result in significant domestication of the site. The proposed buildings in association with the existing bungalow would result in a small enclave of residential development away from the main road and from the village, appearing isolated.
28. Whilst views into the site would be limited, the development would be glimpsed through the trees from Plaistow Road and would appear as an incongruous residential development in a countryside location. The Framework notes that the intrinsic character and beauty of the countryside should be recognised. The tight suburban form of the proposed residential development of this site would not contribute to the distinctive rural landscape character of the area.
29. For the reasons given above I conclude that the proposed development would result in material harm to the character and appearance of the area. Consequently it would conflict with policies 1, 33 and 48 of the CLP, which seek to secure high quality sustainable development that protects the distinctive local character of the area.

Housing need

30. Policy 33 of the CLP requires new residential development to, amongst other matters, provide for an appropriate density of development. The policy indicates that the density will be determined by, amongst other matters, an appropriate mix of dwellings. The Council point to the evidence in the Coastal West Sussex Strategic Housing Market Assessment (2012) (CWSSHMA) which identifies in the north east sub area of Chichester that the estimated size of dwellings required between 2011 and 2031 would be in the following distribution 4.4% 1 bedroom, 17.7% 2 bedrooms, 45.9% 3 Bedrooms and 32.1 4+ bedrooms. Policy 4 of the CLP sets out the housing provision for the borough and Policy 5 sets out parish housing sites 2012 -2029, with the preamble to the policy noting that small scale housing sites will be identified to address the specific needs of local communities in accordance with the indicative parish housing numbers set out in the policy. Plaistow & Ifold has an indicative number of 10. This would suggest that the specific needs of the

parish will be assessed and considered at the allocations plan stage within the strategic housing number.

31. The CWSSHMA is a strategic assessment of housing need over the plan period and does not seek to identify individual site or proposal specific requirements. With a small site or scheme it would be impossible to fully meet the proportions of the needs assessment in every case. Policy 5 provides the mechanism to identify the numbers with the following allocations plan making an assessment of the need of the individual parish. On larger sites where there is an ability to have a range and mix of units spread across sites then there may be a reasonable justification to rely on the headline figures. The proposal would provide for three housing units that would provide for units in the 4+ bedrooms category and meet an identified need in the borough. There is no specific evidence before me on the need for Plaistow & Ifold. On this basis I am not in a position to conclude that the proposed development would not meet an existing need or conflict with the housing needs for the district as there is no evidence to suggest that delivery of housing in the district has been excessively weighted towards larger properties or that the Council is finding it difficult to provide mid range or smaller properties.
32. On balance for the reasons given above I conclude that the proposal would meet local housing need having regard to the mix of dwellings. Consequently it would not conflict with policies 5 or 33 of the CLP which require housing to, amongst other matters, meet the needs of local communities.

Other matters

33. I note the number of letters of support for the proposal and the petition provided at the start of the hearing. It appears that there is a good degree of community support for the redevelopment of the site, as a brown field site, and the provision of housing in the immediate area. However, I have identified harm resultant from the specific proposals before me and the community support may well also assist in the preparation of the allocations plan for this area and the identification of an appropriate site to accommodate housing through the plan making process.
34. The Council confirmed in the Statement of Common Ground and again at the hearing that they were not seeking any section 106 contributions from the scheme. The recent adoption of the CIL charging schedule would mean that should permission be granted for the development it would be liable to pay CIL in accordance with the CIL charge. This however does not affect the matters on which this appeal has turned. The Council have not raised any specific issues in relation to either the CIL charging schedule or the POAHSPD in respect of this appeal.

Overall conclusions

35. I have concluded that the proposed development would not result in a material loss of industrial land harmful to the local economy and that it would provide an appropriate mix of dwelling sizes. I have, however, also concluded that the proposal would be unsustainably located, outside the settlement boundary in the open countryside and that it would harm the character and appearance of the surrounding area. The lack of harm to the economy and housing need does not outweigh the harm that I have identified.

36. Positive benefits derive from the scheme in the context of additional housing units. However, the Council can identify a five year housing land supply, the proposal only provides three additional units and there is an emerging allocations plan considering the location of additional housing in the immediate locality. On this basis I conclude that the harm that I have identified outweighs the positive benefits of the scheme. The proposals would not support the environmental or social roles required to meet the objective of sustainable development as set out in the Framework and therefore the appeal should fail.
37. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Neville Surtees BSc (Hons)
MRICS

Barton Willmore LLP

Andy Russell BSc (Hons) MRICS

Gascoignes Chartered Surveyors

Martin Critchell

MC Architects

Stephen Emry

Stephenson Developments

FOR THE LOCAL PLANNING AUTHORITY:

Fjola Stevens

Principal Planning Officer Chichester District
Council

Karen Neglia

Economic Development Officer Chichester District
Council

INTERESTED PERSONS:

Karen King-Wilson
James King-Wilson

Landowner
Landowner

DOCUMENTS Submitted at Hearing

1. Letter of notification of the time, date and location of the Hearing submitted by the Council.
2. Petition in support of the planning application and appeal proposals submitted by the appellant.
3. 'Appendix E: Appropriate Marketing Guidance' to the Chichester Local Plan: Key Policies 2014 – 2029 (July 2015) submitted by the Council.
4. Marketing Resume/Update: January 2016 by Gascoignes submitted by the appellant.
5. Extract of table showing, income, costs and profit/loss from various buildings within the appeal site submitted by the appellant.