



## Appeal Decision

Site visit made on 27 February 2023

by **J Reid BA(Hons) BArch(Hons) RIBA**

an Inspector appointed by the Secretary of State

**Decision date: 13 February 2023**

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**Appeal Ref: APP/L3815/W/22/3302155**

**Goose Cottage, Durbans Road, Wisborough Green RH14 0DG**

- 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 Mr D Gent against the decision of Chichester District Council.
  - The application Ref WR/21/03603/FUL, dated 13 December 2021, was refused by notice dated 28 February 2022.
  - The development proposed is "Conversion of outbuilding to Use Class E(g) with associated works to facilitate the proposed use".
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### Decision

1. The appeal is dismissed.

### Main issues

2. The main issues are:
  - whether the proposed development would be reasonably accessible for workers and visitors, and
  - its effect on the living conditions of the occupiers of The Badgers and Roosters regarding noise and disturbance.

### Reasons

#### *Accessibility*

3. LP Policy 1 reflects the presumption in favour of sustainable development in the National Planning Policy Framework (Framework). In line with LP Policy 1, LP Policy 2 sets out the settlement hierarchy for the District, and it explains that outside Chichester city and the designated Settlement Hubs, the Service Villages will be the focus for new development and facilities. In the Rest of the Plan Area outside the Settlement Boundaries of the settlements listed in LP Policy 2, development is restricted to that which requires a countryside location or meets an essential local rural need or supports rural diversification in accordance with LP Policies 45 to 46.
4. LP Policy 45 states that within the countryside, outside Settlement Boundaries, development will be granted where it requires a countryside location and meets essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements.
5. The appeal site is outside any settlement boundary designated in the Chichester Local Plan: Key Policies 2014-2029 (LP) so it is, in policy terms, in the countryside. The site is within a group of dwellings surrounded by mainly

open countryside well away from the village of Wisborough Green. The nearby dwellings are mostly arranged in a linear pattern along Durbans Road, but the site, which includes a broadly rectangular piece of land and its access route, is mainly behind The Badgers on its roughly north west side. Roosters lies on the other side of the site, and there are mainly open fields at the back.

6. The broadly L-plan timber-clad barn-hipped roofed appeal building is situated near the west corner of the site, which also includes a greenhouse, stables, outbuilding and tent style 'garage'. The appeal building was previously incidental to Roosters. After the site had been separated from Roosters, my colleague, in her appeal decision ref APP/L3815/W/15/3003400, allowed the appeal subject to the condition including that 'the land and buildings shall be used for the purposes of keeping poultry and the garden shed for storage only and for no other purpose what so ever'. It is clear from my colleague's appeal decision that the 'garden shed' is the appeal building in this case. The poultry keeping ceased some time ago.
7. The proposal would re-use the appeal building, which would not need external alterations. The development would include an open plan office plus staff and meeting rooms, and 4 on-site parking spaces.
8. The site is roughly 700 m from the centre of the Service Village of Wisborough Green, where there are limited services and facilities, and a little less from the nearest bus stop. There is a footpath from the site to both, but walking or cycling to and from the village, or commuting by bus, would not be attractive to most office workers and visitors in inclement weather. So, most trips would be likely to be made using the private car.
9. It is not clear how many workers would occupy the office, but there are likely to be several, as the proposal would be likely to operate at capacity to be viable. As flexible working would allow more people to travel to the premises less frequently, their trips would be similar to or greater than full-time office occupiers' daily trips. There is little information about any potential occupiers' business. Moreover, there is almost nothing to show that the proposal would need to be located in the countryside, or that it would meet an essential, small scale, and local need. So, the proposal would be contrary to LP Policy 45.
10. Due to the site's scale, it is likely that poultry keeping would have generated one or 2 trips each day throughout the year to feed and attend to the poultry, plus occasional deliveries and despatches. By contrast, several office workers would reasonably be expected to commute to and from existing settlements on weekdays by car. The trips of visitors, and for servicing and deliveries, would also be likely to be made by private or commercial vehicles. Cycle storage would be available, but due to the time constraints during the working day, workers and visitors seeking a meal or snack, or other sundries such as a newspaper, would be likely to drive to services and facilities within the village or further away. So, the proposal would generate much more vehicular travel than before within the rural area.
11. Whilst the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, there is almost no evidence to show that the development would need to be located in the countryside. The proposal could support services and facilities within the village, but as this would be outweighed by the increase in vehicular travel movements, it would not make more efficient use of the land and building.

12. Moreover, whilst LP Policy 46 aims to grant proposals for the conversion or re-use of a building in the countryside where all of 6 criteria are met, it was not a concern of the Council in its reasons for refusal. I see no reason to disagree.
13. Therefore, I consider that the proposed development would not be reasonably accessible for workers and visitors. It would be contrary to LP Policies 1 and 2, LP Policy 8 which aims for development to be well located to minimise the need for travel and to encourage the use of sustainable transport modes, LP Policy 39 which seeks for development to be located to minimise additional traffic generation, LP Policy 45, and Policy OA3 of the Wisborough Green Neighbourhood Plan 2014-2029 (NP) which aims to only permit development outside the settlement boundary on sites allocated in the NP or in accordance with the LP. It would also be contrary to the Framework which aims to promote sustainable transport modes and to actively manage patterns of growth.

#### *Living conditions*

14. The site includes a lengthy access from the road, which is close to the dwellings at The Badgers and Roosters and their private gardens where the occupiers would reasonably expect to enjoy the most peace. There are windows in the sides of The Badgers and Roosters that face this part of the site close by, and the shorter than most back garden at The Badgers would be close to the parking and turning area within the main part of the site.
15. Poultry keeping would have been likely to generate little more than a couple of trips to and from the site each day. Instead, the comings and goings of vehicles associated with the proposal, and their related parking and turning manoeuvres, would be expected to generate much more activity at the site. So, the neighbouring occupiers would be subjected to much more noise and disturbance. Whilst that noise and disturbance would mainly occur during the working week, it would be harmfully at odds with the relatively quiet semirural residential context that the nearby occupiers' would reasonably expect to enjoy in the nearest parts of their homes, and in their back gardens. So, the proposal would have an unacceptable effect on the living conditions of the neighbouring occupiers. Comparisons with noise and disturbance due to the behaviour of poultry attract little weight because the former poultry keeping was said to be no more than a hobby, and there are no domestic fowl at the site.
16. Thus, I consider that the proposal would harm the living conditions of the occupiers of Roosters and The Badgers, regarding noise and disturbance. It would be contrary to the Framework which seeks a high standard of amenity for existing and future users.

#### *Other matters*

17. The proposal would be within the wider setting of the roughly C18 barn-hipped roofed and part tile hung listed building at The Badgers. Due to its distance from the site, and as there is tall vegetation by the adjoining boundaries, its setting would be preserved. I have also had regard to another colleague's appeal decision ref APP/L3815/W/19/3243435 for a proposed 'single bedroom dwelling', and my findings are consistent with his. The appellant's suggested condition to control the use of the proposal would not overcome the harm that the proposal would cause. Moreover, as the harm identified in the main issues would outweigh the proposal's benefits including the economic gain, the proposal would not amount to sustainable development.

**Conclusion**

18. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
19. For the reasons given, the appeal should be dismissed.

*J Reid*

INSPECTOR