The Planning Inspectorate

Appeal Decision

Site visit made on 15 December 2015

by Rory Cridland LLB (Hons)

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

Decision date: 29th January 2016

Appeal Ref: APP/Y3805/W/15/3133156
Land between 3-4 Holmbush Close, Shoreham-by-Sea, West Sussex, BN43 6TT

- 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 Adam Cierniak against the decision of Adur District Council.
- The application Ref AWDM/0159/15, dated 1 February 2015, was refused by notice dated 30 March 2015.
- The development proposed is for a change of use of land into domestic curtilage, erection of garden shed/storage and erection of a wooden fence.

Decision

1. The appeal is dismissed.

Preliminary matter

2. The appellant has referred in his appeal statement to the Council's lack of information on why this development requires planning permission. However whether or not planning permission is required is not a matter for me to determine in the context of an appeal made under section 78 of the 1990 Act. It is open to the appellant to apply for a determination under sections 191 or 192 of the Act in relation to this matter and my decision on this appeal does not affect such a determination.

Main Issue

3. The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal site is situated on a residential estate characterised by properties set back from the street with generally wide open frontages. This gives the surrounding area a sense of openness which is characteristic of the cul-de-sac generally. The site itself has historically been used as highway verge, deliberately set aside when the estate was set out, but was subsequently found surplus to requirements and sold into private ownership. It is currently an overgrown grassy area, with a number of trees on the land, some of which are the subject of Tree Preservation Orders (TPO's).

5. The enclosure of the site would be in contrast to the openness of the existing street scene and would be significantly out of keeping with the surrounding

frontages, which help form part of the estates spacious character. It would have a significantly adverse impact on the surrounding area.

6. I noted during my site visit that the site had been left untended and the grass was somewhat overgrown, nevertheless this did not detract from the overall contribution this parcel of land makes to the wider street scene. The addition of a hard standing, with the increased potential for vehicular parking would significantly reduce this contribution and would exacerbate the harm already identified.

7. Likewise, the site's current amenity value is enhanced by the trees situated on it, many of which are subject to existing TPO's. As a group they make a positive contribution to the character of the surrounding area and help create a natural barrier to the commercial area to the north. Their enclosure would diminish their impact and would be detrimental to the existing street scene.

8. The appellant has pointed to the fence at the rear of the site in support of his appeal. However, I noted during my site visit that this is set back some distance from the road and is shrouded to a large extent by trees and other vegetation and, as such, does not appear prominent in the street scene. The proposed development, on the contrary, would be highly prominent and would detract from the sense of openness currently enjoyed.

9. In conclusion, I find that the proposed development would result in the loss of an attractive area of amenity land which would be detrimental to the character and appearance of the surrounding area, contrary to paragraphs 56 and 64 of the National Planning Policy Framework.

10. The appellant has expressed concerns regarding speculation by neighbours and the linking of this application to his commercial activities. He has also expressed concerns on the manner in which the Local Planning Authority has handled the application. However, I have determined this appeal only on the planning merits of the proposal before me and based solely on the information submitted.

11. I also note the appellants concerns regarding fly tipping and dog fouling on the site and acknowledge the potential for these things on the site. However, I do not regard this as sufficient to justify the granting of planning permission.

Conclusion

12. For the reasons set out above, and having taken all other matters into account, I conclude that the appeal should be dismissed.

Rory Cridland

Inspector