

Public Document Pack

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A meeting of **Planning Committee** will be held in The Assembly Room - The Council House (Chichester City Council), North Street, Chichester on **Wednesday 24 April 2019** at **9.30 am**

MEMBERS: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mr G Barrett, Mrs J Duncton, Mr M Dunn, Mr J F Elliott, Mr M Hall, Mr L Hixson, Mrs J Kilby, Mr G McAra, Mr S Oakley, Mr R Plowman, Mrs J Tassell and Mrs P Tull

AGENDA

1 **Chairman's Announcements**

Any apologies for absence which have been received will be noted at this stage.

The Planning Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

2 **Approval of Minutes**

The minutes relate to the meeting of the Planning Committee on 13 March 2019 (copy to follow).

3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 17 (b).

4 **Declarations of Interests** (Pages 1 - 2)

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies.

Such interests are hereby disclosed by each member in respect of agenda items in the schedule of planning applications where the Council or outside body concerned has been consulted in respect of that particular item or application.

Declarations of disclosable pecuniary interests, personal interests and prejudicial interests are to be made by members of the Planning Committee in respect of matters on the agenda or this meeting.

PLANNING APPLICATIONS - AGENDA ITEMS 5 TO 12 INCLUSIVE
Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

- 5 **WW/18/02708/DOM- Dolphins Rookwood Lane West Wittering Chichester West** (Pages 3 - 30)
Retrospective erection of a shed and replacement boundary fencing.
- 6 **SY/18/01751/FUL - Land To The Rear Of 28 Park Lane Selsey Chichester West** (Pages 31 - 38)
Retrospective resurfacing of existing tarmac track and concrete hardstanding
- 7 **SI/18/01584/FUL -Longreach 14A Chalk Lane Sidlesham** (Pages 39 - 47)
Erection of agricultural storage barn
- 8 **PS/18/02939/FUL - Valtony Loxwood Road Plaistow** (Pages 49 - 65)
Erection of 1 no. replacement dwelling, pool and garage buildings following demolition of all existing buildings and removal of hardstanding
- 9 **FB/18/03033/DOM - Little Dolphins Main Road Fishbourne Chichester West** (Pages 67 - 74)
Retrospective erection of a shed and replacement boundary fencing
- 10 **SDNP/18/05093/LDE - Buryfield Cottage, Sheepwash, Elsted, Midhurst, GU29 0LA** (Pages 75 - 85)
Existing lawful development certificate for occupation of a dwelling house without complying with an agricultural occupancy condition
- 11 **SDNP/18/05965/FUL - Land East Of Flint Acre Farm Bignor Park Road Bignor** (Pages 87 - 105)
Change use of land from agricultural to equestrian use. Erection of private stable building, associated hard standing, new 5 bar gate and access to the highway including culvert to ditch
- 12 **SDNP/19/00253/FUL - Aldsworth Manor Farm Sheepwash Lane Aldsworth** (Pages 107 - 124)
Retrospective change of use of the land and building to builders yard and siting of a timber-clad portable building for ancillary office use
- 13 **Schedule of Outstanding Contraventions** (Pages 125 - 149)
This report presents the Schedule of Outstanding Planning Enforcement Contraventions. The report provides an update on the position of contraventions included in the previous schedule and includes cases that have since been authorised.
- 14 **Chichester District Council - Schedule of Planning Appeals, Court and Policy Matters between 22-Feb-2019 and 04-Apr-2019** (Pages 151 - 166)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 15 **South Downs National Park - Schedule of Planning Appeals, Court and Policy Matters between 21-02-2019 and 04-04-2019** (Pages 167 - 175)
The Planning Committee will consider the monthly schedule updating the position with regards to SDNPA planning appeals, litigation and recent planning policy publications or pronouncements.
- 16 **Consideration of any late items as follows:**
The Planning Committee will consider any late items announced by the Chairman at the start of this meeting as follows:
 - a) Items added to the agenda papers and made available for public inspection
 - b) Items which the chairman has agreed should be taken as matters of

urgency by reason of special circumstances to be reported at the meeting

17 Exclusion of the Press and Public

There are no restricted items for consideration.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]
5. How applications are referenced:
 - a) First 2 Digits = Parish
 - b) Next 2 Digits = Year
 - c) Next 5 Digits = Application Number
 - d) Final Letters = Application Type

Application Type

ADV Advert Application
AGR Agricultural Application (following PNO)
CMA County Matter Application (eg Minerals)
CAC Conservation Area Consent
COU Change of Use
CPO Consultation with County Planning (REG3)
DEM Demolition Application
DOM Domestic Application (Householder)
ELD Existing Lawful Development
FUL Full Application
GVT Government Department Application
HSC Hazardous Substance Consent
LBC Listed Building Consent
OHL Overhead Electricity Line
OUT Outline Application
PLD Proposed Lawful Development
PNO Prior Notification (Agr, Dem, Tel)
REG3 District Application – Reg 3
REG4 District Application – Reg 4
REM Approval of Reserved Matters

Committee report changes appear in bold text. Application Status

ALLOW Appeal Allowed
APP Appeal in Progress
APPRET Invalid Application Returned
APPWDN Appeal Withdrawn
BCO Building Work Complete
BST Building Work Started
CLOSED Case Closed
CRTACT Court Action Agreed
CRTDEC Hearing Decision Made
CSS Called in by Secretary of State
DEC Decided
DECDET Decline to determine
DEFCH Defer – Chairman
DISMIS Appeal Dismissed
HOLD Application Clock Stopped
INV Application Invalid on Receipt
LEG Defer – Legal Agreement
LIC Licence Issued
NFA No Further Action

REN Renewal (of Temporary Permission)
TCA Tree in Conservation Area
TEL Telecommunication Application (After PNO)
TPA Works to tree subject of a TPO
CONACC Accesses
CONADV Adverts
CONAGR Agricultural
CONBC Breach of Conditions
CONCD Coastal
CONCMA County matters
CONCOM Commercial/Industrial/Business
CONDWE Unauthorised dwellings
CONENG Engineering operations
CONHDG Hedgerows
CONHH Householders
CONLB Listed Buildings
CONMHC Mobile homes / caravans
CONREC Recreation / sports
CONSH Stables / horses
CONT Trees
CONTEM Temporary uses – markets/shooting/motorbikes
CONTRV Travellers
CONWST Wasteland

NODEC No Decision
NONDET Never to be determined
NOOBJ No Objection
NOTICE Notice Issued
NOTPRO Not to Prepare a Tree Preservation Order
OBJ Objection
PCNENF PCN Served, Enforcement Pending
PCO Pending Consideration
PD Permitted Development
PDE Pending Decision
PER Application Permitted
PLNREC DC Application Submitted
PPNR Planning Permission Required S64
PPNREQ Planning Permission Not Required
REC Application Received
REF Application Refused
REVOKE Permission Revoked
S32 Section 32 Notice
SPLIT Split Decision
STPSRV Stop Notice Served
STPWTH Stop Notice Withdrawn
VAL Valid Application Received
WDN Application Withdrawn
YESTPO Prepare a Tree Preservation Order

Chichester District Council

Planning Committee

Wednesday 24 April 2019

Declarations of Interests

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies are set out in the attached agenda report.

The interests therein are disclosed by each member in respect of planning applications or other items in the agenda which require a decision where the council or outside body concerned has been consulted in respect of that particular planning application or item.

Declarations of disclosable pecuniary interests, personal interests, prejudicial interests or predetermination or bias are to be made by members of the Planning Committee or other members who are present in respect of matters on the agenda or this meeting.

Personal Interests - Membership of Parish Councils

The following members of the Planning Committee declare a personal interest by way of their membership of the parish councils stated below in respect of the items on the schedule of planning applications where their respective parish councils have been consulted:

- Mr J F Elliott – Singleton Parish Council (SE)
- Mr R J Hayes - Southbourne Parish Council (SB)
- Mr L R Hixson – Chichester City Council (CC)
- Mrs J L Kilby – Chichester City Council (CC)
- Mr G V McAra - Midhurst Town Council (MI)
- Mr S J Oakley – Tangmere Parish Council (TG)
- Mr R E Plowman – Chichester City Council (CC)
- Mrs L C Purnell – Selsey Town Council (SY)

Personal Interests - Membership of West Sussex County Council

The following members of the Planning Committee declare a personal interest by way of their membership of West Sussex County Council in respect of the items on the schedule of planning applications where that local authority has been consulted:

- Mrs J E Duncton - West Sussex County Council Member for the Petworth Division
- Mr S J Oakley - West Sussex County Council Member for the Chichester East Division
- Mrs L C Purnell – West Sussex County Council Member for the Selsey Division

Personal Interests - Chichester District Council Representatives on Outside Organisations and Membership of Public Bodies

The following members of the Planning Committee declare a personal interest as Chichester District Council appointees to the outside organisations or as members of the public bodies below in respect of those items on the schedule of planning applications where such organisations or bodies have been consulted:

- Mr G A F Barrett - Chichester Harbour Conservancy
- Mr T M E Dunn – South Downs National Park Authority
- Mr R Plowman – Chichester Conservation Area Advisory Committee

Personal Interests – Chichester City Council Representatives on Outside Organisations and Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a Chichester City Council appointee to the outside organisations stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

NONE

Personal Interests – West Sussex County Council Representatives on Outside Organisations and Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a West Sussex County Council appointee to the outside organisation stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

- Mrs J E Duncton – South Downs National Park Authority

Personal Interests – Other Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a member of the outside organisation stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

- Mrs L C Purnell – Manhood Peninsula Partnership (Chairman)

Parish: West Wittering	Ward: West Wittering
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WW/18/02708/DOM

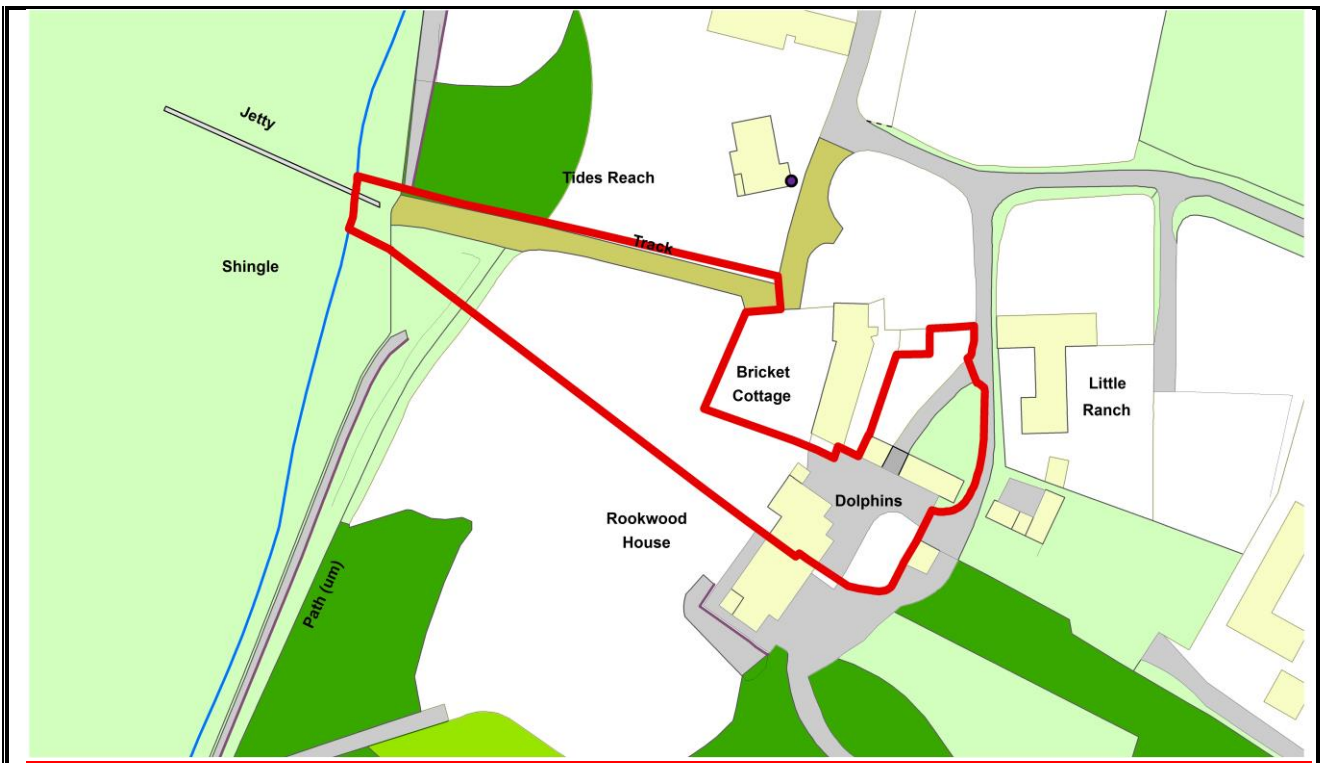
Proposal Proposed steps down through garden to a 1.5 metre long tunnel beneath public footpath rising through to another set of steps to the foreshore garden.

Site Dolphins Rookwood Lane West Wittering Chichester West Sussex PO20 8QH

Map Ref (E) 478221 (N) 99764

Applicant Mr George Chapman

RECOMMENDATION TO PERMIT



	<p>NOT TO SCALE</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

1.0 Red Card: Cllr Barrett - exceptional level of public interest.

1.1 This application was deferred at the meeting on 13 February 2019 for further information regarding the status of the land and impact on SSSI. Further information is provided in bold text throughout the report.

2.0 The Site and Surroundings

2.1 The application site is located to the northwest of a residential property known as Dolphins. The rear garden of Dolphins extends to the northwest and is intercepted by a raised ground which forms a public right of way (PROW) across the site. Beyond the PROW to the northwest is a further area of land covered in grass and vegetation to the boundary with the footpath. This land is open to the foreshore, to the northwest side, and there is an existing timber outbuilding located on this section of land.

2.2 Whilst there is raised ground either side of the public footpath it should be noted that the ground level of the footpath itself is lower than the ground levels of the garden.

3.0 The Proposal

3.1 This application proposes a 1m wide pedestrian tunnel connecting the garden to the foreshore land and underneath the PROW. The tunnel would provide a direct pathway for the occupants of Dolphins to have access from their garden to the land adjoining the foreshore (also within the applicant's ownership) which is in residential use, in connection with Dolphins.

4.0 History

04/00612/DOM	PER	Demolition of existing conservatory. Construction of new conservatory to side of house, conversion of existing outbuilding with covered link to new conservatory.
18/00623/DINPP	PPREQ	Steps down through garden to 1.5m long tunnel beneath footpath, then rising through another set of steps to the foreshore section of the garden.
18/00624/PREHH	PRE	Steps down through garden to 1.5m long tunnel beneath footpath, then rising through another set of steps to the foreshore garden.

Enforcement history:

2014 - The beach hut was reported to the enforcement team on 15.04.2014 (14/00108/CONHH). No breach was identified as it was found that a similar development had existed in this position prior to the hut being erected. As such no enforcement action was taken and the case was closed.

2017 – Enforcement case received on the 03.04.2017 (17/00108/CONENG) in respect of alleged earth movement on the site to raise ground level and the installation of a scaffold bridge. The soil had been imported from a source 100m from its present location to raise and level a small area of land. This operation did not amount to significant earth movement and so it was considered that planning permission was not required; also, no harm to the AONB was identified. For these reasons, no further action was taken. The bridge was removed voluntarily and so the case was closed.

5.0 Constraints

Listed Building	No
Conservation Area	No
Countryside	Yes
AONB	Yes
Tree Preservation Order	No
EA Flood Zone	
- Flood Zone 2	Adjacent
- Flood Zone 3	Adjacent
Historic Parks and Gardens	No
Special Protection Area	Adjacent
SSSI	Adjacent
Ramsar	Adjacent
Coastal Footpath	Yes

6.0 Representations and Consultations

6.1 Parish Council

OBJECTION ON BEHALF OF WEST WITTERING PARISH COUNCIL TO APPLICATION FOR TUNNEL ONTO FORESHORE AT CHICHESTER HARBOUR – DOLPHINS ROOKWOOD LANE – WEST WITTERING WW/18/02708/DOM – LEGAL ISSUES

1. **The Application Site includes land designated SSSI and SPA Confirmed by:**
 - a. **Natural England letter 9th January 2018**
 - b. **Chichester Harbour Conservancy use of Magic maps with underlay****No provenance for inaccurate map relied upon by CDC and applicant**

Legal Implications – Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2017 apply and:

- **All operations/development or potentially harmful activities MUST be consented by reference to Natural England**
- **If not consented then a criminal offence is committed**
- **No permitted development rights exist for the site**
- **All existing activities on site to create garden need consent**
- **Change of use to garden requires consent**

2. **The Application Site does not have a lawful use as garden**

There is no lawful certificate to confirm that the site has a 10 year use as garden. The Parish Council has photographic evidence that the change of use as garden has only taken place in the past three years. The Council should require an application for a Lawful Certificate under S191 T&CPA 1990 so all available evidence can be tested.

3. **The Appropriate Assessment does not comply with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 The Habitats Appropriate Assessment was not available for the committee. It must include all the non- consented activities for assessment of potential harm to the SSSI as part of the “in-combination” test required by the law. The unconsented activities which must be included in the Appropriate Assessment are:**

- **Change of Use to garden**
- **Erection of beach hut**
- **Erection of fence and gates**
- **Importation of soil**
- **Importation of grass seed**
- **Mowing of lawn**
- **Destruction of the path to the sea/jetty**

The AA has not been completed in accordance with the law and Natural England must be reconsulted and informed of all the above activities on the site. 4. National Planning Policy Framework (Government Guidance) and Adopted Plan Policies The officer’s report is wrong. There is no presumption in favour of sustainable development for the site. The NPPF has protective policies for this site see paras 175 and 177 which specifically exclude these sensitive sites from the general presumption in favour of sustainable development.

Relevant adopted plan policies: The law (S38 Town and Country Planning Act 1990) states these policies are the starting point for any planning decision yet they were not analysed in the report:

- **Policy 43 – Chichester Harbour Area of Outstanding Natural Beauty (ANOB) – natural beauty are conserved and enhanced**
- **Policy 44 - Development around the Coast (not in report) – development must have no harmful effects or net loss of nature conservation, or character of ANOB and ensure public access is retained**
- **Policy 45 – Development in the Countryside – development must require a countryside location and local need exists**
- **Policy 48 – Natural Environment – development must have no adverse impact rural character, respect and enhance landscape character and public amenity**
- **Policy 49 – Biodiversity – development must avoid adverse impacts and safeguard biodiversity value**
- **Policy 50 – Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas – confirms no presumption in favour of sustainable development for site**

22/01/2019

Further to my email of 22/1/19 the Council would like to add that paras 174 and 175 of the NPPF together with CDC's own Local Plan policies (both adopted and emerging) - all protect these sites and are material when looking at the application. This material evidence should be added to the Parish Councils objection statements and provide your reasons for refusal.

22/01/2019

Following the Parish Council objection to the proposed tunnel onto the foreshore from the garden of Dolphins in Rookwood Lane, we understand that the District Council has now accepted that the foreshore is either part of the SPA (as the citation for the designation would suggest) or in any event is within the zone of influence for the European designated site. The Parish Council therefore wishes to make additional representation regarding this application and to ask you to reconsider the enforcement case regarding the recreational use of the foreshore.

We understand that as a result the applicant has been asked to prepare an Appropriate Assessment which is required by the Habitats Regulations if any plan or project is being considered which may have a significant effect on the flora or fauna of the European designated site. In some areas of the country, including, the Thames Basin Heaths, areas of Dorset and Ashdown Forest all now recognise a zone of influence of five or more kilometres around these protected areas so that the Habitats regulations are engaged despite the development being a considerable distance away. This is, in part, because of the risk from recreational disturbance, predation and disturbance by domestic dogs and cats on the ground nesting birds. Whilst the ecology of these heathland sites are different from the foreshore, the rules protecting them are the same and must be adhered to.

Whilst the strict tests in the Habitats Regulations have not to date been adhered to by Councils whose statutory duty is to protect the European designated sites in Chichester Harbour and the rest of the south coast, the rules are just as applicable as they are to other areas with the same designations. As these areas are also all SSSIs they are subject to similar protection under the Wildlife and Countryside Act 1981. These areas should be subject to management plans to ensure they are managed in a manner that protects their conservation objectives.

The Habitats Regulations adopt a precautionary approach to the granting of consents, before a Council can grant planning permission it has to be satisfied that the proposal, either on its own or in combination with other plans or projects, will not "have an adverse effect" either the habitat or the birds that feed, roost or breed there. This is a very high bar as experience has shown that the "in combination" part of the test is almost impossible to prove. The effect is that any proposal that could cause any harm will not be permitted.

The relevant tests which have to be applied by the Council or Inspector on appeal are set out in Regulation 63 which is set out below:

Assessment of implications for European sites and European offshore marine sites

63.—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

(2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

(3) The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.

(4) It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate.

(5) In the light of the conclusions of the assessment, and subject to regulation 64, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

(6) In considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.

There are some exceptions to this rule, but they apply to project of Overriding Public Interest (Reg 64).

You will see that the "in combination rule" is set out in Regulation 63(1)(a). The Parish Council is advised that in applying the precautionary principle to a development which will undoubtedly cause recreational disturbance and a risk of increase use by domestic animals using the tunnel, the test is failed. To grant planning permission would be ultra vires and challengeable in the courts.

The Parish Council does not understand how a proposal such as the tunnel could be granted planning permission by the District Council or an Inspector without that decision being ultra vires.

The Parish Council is also advised that the District Council has recently closed the Enforcement case regarding the land on the foreshore being used for a domestic garden - the grass is mown and there is a beach chalet which has changed the use of the land. The recreational use including mowing the grass to form a lawn is deemed to cause disturbance and the Parish Council respectfully requests that this is looked at again in light of the evidence above.

08/12/2018

The Parish Council objects to this application.

The Inset Map 37 for West Wittering shows the boundary of the SSSI, SPA and SAC going right up to the coastal path covering the foreshore. Please can the CDC officers confirm that the foreshore in front of Dolphins, which is a continuation of the same foreshore edging the coastal path is also covered by these designations? This is an important point as, if this is (as the Parish Council believes) the case then the Habitats Regulations are engaged as are the adopted planning policies protecting these important habitats and birds. If the foreshore is so protected then a Habitats Appropriate Assessment is required, whereby it needs to be shown that the proposal would not have a significant effect on the habitat or the birds. The Parish Council does not believe that this project is one which falls within the type that could be acceptable under the terms of the Habitats Regulations and therefore must be refused.

Further, if the foreshore is covered by these designations then it does not attract PD rights or immunity from enforcement and the dumping of imported soil to create grass and change the use of the foreshore to garden would require licence and planning permission. The fact that it is within the ownership of Dolphins does not create "garden" as suggested by the application. As you know recent changes to this site were the subject of Enforcement action. The Parish Council argument regarding the definition of curtilage was important here and still relevant and requests that Ms Nicola Golding of CDC is also consulted regarding the legal requirement for an HA.

The ecologist for the owner has conceded that there will be some temporary harm to the birds but that mitigation will reduce the harm. Since the European Court case of People over the Wind it is not acceptable to screen out the need for an appropriate assessment with the potential effects of mitigation. The harm to the birds must be assessed on its own.

The ecologist has not considered any long term impacts of the tunnel which will provide a new thoroughfare for domestic pets, dogs cats and rodents to gain easy access to the foreshore which is not possible at present. There is therefore potential for an increase in predation and disturbance. These impacts need to be assessed and any harm to the birds and habitat also included in a Habitats Assessment.

Whether the Proposal falls within the designated land or not it is in very close proximity. Very recent case law (7th November 2018) relating to an Irish matter, Holohan, Guilfoyle and others v An Bord Pleanala from the European Courts has confirmed that proposals on these adjacent sites are of such potential harm to the habitats and birds that they should also be subject to a full Habitats Assessment.

The introduction of this tunnel onto the foreshore should be assessed not as a link from one part of a residential garden to another, but a new link from residential land to foreshore and all the risks to the birds should be fully assessed.

Further, the site is in the AONB.

The Parish Council would be happy to meet with you to explain its objections further with Cllr Barrett.

6.2 Natural England

13/03/2019

I have been investigating the boundary of the Chichester Harbour SSSI in the vicinity of Dolphins, Rookwood Lane.

A scanned copy of the original SSSI master map (1985) is attached. As you will hopefully be able to see from this, the scale of the map and the thickness of the line means that the foreshore garden is underneath the line. Therefore, it is difficult to tell whether the intention of the original SSSI was to include this piece of foreshore or not.

When the site was first digitised, the background map would have been the latest OS master map. This may have changed since the version of OS map that was used for the original SSSI mapping. Therefore, the person digitising the site would have used features that were obvious boundaries on the latest OS master map.

As shown on the map submitted by the applicant, the SPA boundary (which would have aligned with the SSSI boundary, and is the same as the SAC boundary) as defined in 1997 does not include the foreshore garden. Therefore, this indicates that the tunnel would not directly impact the SPA/SAC as originally mapped and designated.

The change between that version of the boundary and the current one on MAGIC, may be because the OS master map gets regularly updated. Therefore, it could be that the feature to which the SSSI boundary was digitally aligned has moved as OS has updated their master map.

However, as far as the determination of the application for the tunnel is concerned, Natural England's view is that, even if the boundary feature to which the designated sites are digitally aligned has moved and the foreshore garden were included in the designated site boundary, the application would not have an adverse effect. As set out in our letter of 9 January, the nature and design of the proposal and the small scale of any loss, in this specific location would not adversely impact the designated sites.

23/01/2019

No objection – subject to appropriate mitigation being secured. In our previous letter dated 9 January 2019, Natural England stated that the proposal would result in a small area of loss of Chichester Harbour SSSI (and overlapping internationally designated sites). Following this, the applicant supplied further information, and I understand that you have been able to check the measurements on a map. Based on this, Natural England is satisfied that the proposal would not, in fact, lead to the direct loss of any designated nature conservation sites. For the avoidance of doubt, Natural England's other comments on this proposal remain, ie that mitigation measures are necessary to avoid impacts on the adjacent designated sites during construction. Therefore, a Construction Environmental Management Plan, including measures to minimise dust, noise and visual disturbance, silt and water quality impact, should be secured.

Natural England does not wish to provide detailed comment on impacts on the Chichester Harbour AONB, however, this should not be taken as implying that there are no impacts. We recommend taking the advice of the Chichester Harbour Conservancy as they will have more detailed knowledge of the site and its wider setting.

09/01/2019

Apologies for taking longer than I'd intended to respond to this one - the issue of the designated site boundary took longer to sort out as I needed to check with colleagues. The MAGIC map has the correct boundary, so there will be a small loss. But as stated in the attached letter, we don't think this will lead to an adverse impact. However, this will still have to go through an Appropriate Assessment - due to the loss, and the fact that mitigation measures are proposed to avoid construction impacts.

6.3 CDC Environment Officer

30/10/2019

Due to the location to Chichester and Langstone Harbour SPA as detailed within the Preliminary Ecological Appraisal Survey (Sept 2018) considerations for dust, fencing, noise, lighting, and chemical and fuel storage. We are satisfied that the recommendations made within table 7 of the Preliminary Ecological Appraisal Survey (Sept 2018) for each of these issues is suitable and a condition should be used to ensure these take place.

Overwintering birds

Due to the risk of disturbance to overwintering birds, construction works must avoid the winter months (October - Feb) to ensure they are not disturbed by any increase in noise and dust.

Nesting Birds

Due to requirement to avoid the winter months because of the over wintering birds, there may be a need to undertake vegetation clearance during the bird nesting season (1st March - 1st October). If works are required during this time an ecologist will need to check to ensure there are no nesting birds present on the site before any works take place (max 24 hours prior to any works commencing).

6.4 Chichester Harbour Conservancy

06/03/2019 (summarised)

The harbour conservancy has submitted a document detailing how the proposal would conflict with specific paragraphs of the NPPF and policies of the Local Plan.

NPPF (2018) [Officer note: Please be aware this has been superseded by the NPPF published February 2019]

Para. 170 - 18/02708/DOM is developing the coastline.

Para. 172 - 18/02708/DOM does not conserve and enhance the AONB. 18/02708/DOM does not conserve and enhance wildlife and cultural heritage.

Para. 175 - 18/02708/DOM is in the SSSI. 18/02708/DOM development benefits do not outweigh the impacts. 18/02708/DOM would result in the loss of irreplaceable foreshore habitat.

Chichester Local Plan 2014

Para. 10.5 - 18/02708/DOM is inside the AONB and does not protect scenic beauty. Views to the site from the water have changed from a natural foreshore to a developed garden (in 2017); and views to the water from the footpath are hindered by excessive fencing.

Para. 19.58 - 18/02708/DOM is inside the SPA and will adversely affect its integrity.

Para. 19.67 - 18/02708/DOM is on the foreshore, of biodiversity and landscape value.

Policy 22 - 18/02708/DOM is a private application with no community benefits.

Policy 43 - 18/02708/DOM breaches Policy 43.

Policy 44 - 18/02708/DOM breaches Policy 44.

Policy 48 - 18/02708/DOM breaches Policy 48.

Policy 49 - 18/02708/DOM breaches Policy 49. In particular, the Council are asked to note the reasonable alternative to the development – simply walking across the footpath.

Policy 50 - 18/02708/DOM is likely to increase recreational disturbance in the SPA and therefore requires an Appropriate Assessment.

Chichester Harbour AONB Management Plan (2014-2019)

Ref.	Policy and Comment
Special Qualities	<p>The unique blend of land sea – especially the combination of large open water areas, narrow inlets and intimate creeks. Threatened by climate change, rising sea levels and inappropriate development.</p> <ul style="list-style-type: none"> • 18/02708/DOM is inappropriate development. <p>An overall sense of wilderness within the seascape. The naturalness that creates this sense is very dependent on maintain natural processes and avoiding the dominance of man-made influences and structures.</p> <ul style="list-style-type: none"> • 18/02708/DOM is a man-made influence and structure.

	<p>Picturesque harbourside settlements. Careful control of development is required if these harbourside villages are to retain their character.</p> <ul style="list-style-type: none"> • 18/02708/DOM will damage the character of West Wittering. <p>Wealth of flora and fauna, notably the vast flocks of wading birds, adds to the richness and diversity of the landscape. Chichester Harbour is internationally important for its many species and habitats and these must be given priority for protection. The health of the landscape is measured by the biodiversity the Harbour offers.</p> <ul style="list-style-type: none"> • 18/02708/DOM is inside the internationally important Ramsar, Special Protection Area and Special Area of Conservation. <p>The Harbour offers a very special sense of peace and tranquillity, largely engendered by the gentle way it is used and the closeness of nature that is experienced. People pressure, inappropriate development and pollution, particularly light and noise, can easily destroy this fragile value as can inappropriate activities.</p> <ul style="list-style-type: none"> • 18/02708/DOM is inappropriate development.
S1	<p>Promote the conservation and enhancement of the special qualities of the AONB and its setting, and raise awareness of the AONB designation.</p> <ul style="list-style-type: none"> • 18/02708/DOM is a breach of policy LS1
S2	<p>Promote and protect the importance of tranquillity in the natural landscape of the AONB.</p> <ul style="list-style-type: none"> • 18/02708/DOM does not protect tranquillity.
C1	<p>Conserve and enhance habitats and species to achieve favourable condition of the SSSI and favourable conservation status of the European sites and species.</p> <ul style="list-style-type: none"> • 18/02708/DOM will have a detrimental impact on the SSSI and the conservation status of European sites and species.
C5 / EL5	<p>Minimise the impact of recreational disturbance on the designated habitats and sites.</p> <ul style="list-style-type: none"> • 18/02708/DOM will provide a new access private access point to the foreshore in the designated habitats and sites, thereby increasing the impact of recreational disturbance.
D1	<p>Ensure that all development is appropriate and conserves and enhances the landscape, wildlife and historic environment of the AONB.</p>

	<ul style="list-style-type: none"> • 18/02708/DOM does not conserve or enhance the landscape of wildlife of the AONB.
D2	<p>Ensure that development complies with the protective framework for sites designated for nature conservation and that where appropriate, mitigation measures are incorporated.</p> <ul style="list-style-type: none"> • 18/02708/DOM does not comply with the protective framework for sites designated for nature conservation.
L2	<p>Improve access for people with restructure mobility and socially excluded groups.</p> <ul style="list-style-type: none"> • 18/02708/DOM would be inaccessible for people with restricted mobility.

10.12.2018

Objection: would allow passage of wildlife onto the beach which has SPA designation and thus have potential to disturb birds nesting on the ground.

Members also resolved that were the council minded to grant planning permission, this should be subject to

- (1) Any pump being fitted to drain the tunnel of surface water run-off to be silent to preserve the tranquillity of the area; and,
- (2) That the structural integrity of the public footpath is not compromised, that the public footpath remains open during the works. The method statement and recommendations of the ecological report shall be fully observed. And also that the applicant enters into a planning legal agreement to assume liability for any substantial defect resulting to the public footpath from failure of the structural support to the proposed tunnel, including a regular (at least annual) inspection regime, the results of which to be reported to the Chichester District Council and West Sussex County Council, with any identified defect to be repaired within an agreed timescale.

6.5 Environment Agency

07/11/2018

We have no objection to the proposed development as submitted.

Advice to Applicant

We recommend that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan.

Please note that it is not our role to assess any details on flood evacuation or emergency plans, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/ users covered by our flood warning network.

07/11/2018

Thank you for your clarifying advice below. In light of this and after talking to our flooding specialists we have no comments to make, and in fact we do not require an FRA. We recommend that you check with the Lead Local Flood Authority (West Sussex County Council) as groundwater flooding is within their remit. The only advice we would offer the applicant is to sign up to our flood warning system.

05/11/2018

Thank you for consulting the Environment Agency on the above application. We are unable to see a Flood Risk Assessment (FRA) in the documents available online. If one has been submitted, please can you make it available to us within 7 days. Please note that if the FRA is not made available to us within one week we will object due to lack of FRA. Please re-consult us once it is available.

6.6 CDC Land and Coastal Drainage Officer

Thank you for consulting us. We have the following observations and advisory comments:

-The proposed tunnel base is located approximately 1m below ground water levels, it is likely the tunnel will fill with groundwater, especially during winter months.

-Rain water will also get within the tunnel.

-It appears unlikely from the flood map for planning that coastal inundation will occur.

-Consideration should be given to either keeping the tunnel water tight or provision of some form of positive drainage, i.e. french drains and pumps.

6.7 WSSC Public Right of Way

19/12/2018

The applicant has been in contact as requested with our Engineers and PROW is now in a position to remove its holding objection. The removal of our holding objection is subject to the applicant meeting the following requirements.

Subject to the planning application being given consent, Technical Approval is required from the County Council as the Highway Authority, as the works directly affect a public right of way/highway. The applicant must ensure a detailed design is submitted to our Highway Structures Engineers for their approval before any works take place. Meetings with our Engineers and the applicants' contractor and/or designer to discuss the design may be required.

In order to protect the right of way and the County Councils maintenance liability into the future, we require a legal agreement with the current landowner which is also tied to any future property successors covering liability. Work will start on the legal agreement once the applicant's technical specification has satisfied our Engineers.

28/11/2018

Thank you for the opportunity to comment on the above application which affects a public right of way (PROW). Firstly we would like to clarify that this PROW has the public status of being a definitive public footpath for pedestrians only and is known as FP1.

Having considered the information available, PROW West Sussex County Council will submit a holding objection as we require further clarification from the applicant. On plan Proposed Site Cross Section View and Concrete Culvert Profiles (paper 3) there appears to be height difference between the profile section A and B levels which seems considerable, can the applicant clarify?

If planning consent is granted by the District we would need to see and approve a specification for the block culvert and for the reinstatement of the surface of the right of way. If planning consent is granted by the District and the application proceeds, the public right of way would, in the interests of public safety need to be temporarily closed during works by way of a TTRO.

In order to protect the right of way and the County Councils maintenance liability into the future, we require an agreement with the current landowner which is also tied to any future property successors covering liability in the unfortunate event of either a failure or collapse of the block culvert under the right of way.

6.8 Third Party Representations

14 x Third Party letters of objection have been received (from 12 households) concerning:

- a) Foreshore becoming extension of the garden,
- b) Sets a precedent,
- c) Visually incongruous,
- d) Harmful to wildlife,
- e) Increased flood risk,
- f) Weakens sea defences in the area.

6.9 Applicant/Agent's Supporting Information

The plans show the tunnel and the steps up and down to the underpass are all located below garden level, including the embankments and therefore should not be visible from outside the subject site.

The proposed underpass beneath the footpath would be very discrete and not visible from: the Harbour; Footpath or anyone walking, as they have a right to do, along the mean high water mark.

Leachate and rainwater run-off from within the tunnel will be controlled by 2 submersible pumps discharging water into an adjacent and existing land drain. The dB rating of the pumps is so small the manufacturers don't even bother to publish it for it amounts to a very quiet hum and nothing more.

The applicant will enter into a legal agreement [with WSCC], on a continuing basis, regarding tunnel maintenance and preservation of the safety of the PROW.

Various concerns expressed regarding Wildlife, Vermin and Household Pets accessing the beach/foreshore can be resolved by a gate within the tunnel.

The ecologist who has conducted a detailed survey of the site believes " it will be no less or more accessible to cats/dogs/rats as it ever has been and there is virtually free access along the coastline anyway" this seems a more accurate interpretation of the facts as they relate to this specific site.

There is no intention to change the foreshore habitats as the land is already turfed and used as garden, therefore there will be no direct impact on or loss of the foreshore habitats associated with the designated sites. For small scale projects such as this, simple mitigation measures in consultation with Natural England and the Planning Department can/have been, agreed to ensure no short or long term impact.

Submersible pump/s used within the tunnel to control water ingress will be silent to the outside to preserve the tranquillity of the area and the PROW.

Any of the above points can be included as conditions of planning approval, if you think this would be appropriate.

Additional information has been submitted by the applicant including;

- a) Submission of an aerial photograph of Dolphins and its gardens dated from 1951 that shows the foreshore garden as cultivated garden and the position of the original footpath when it was closer to the house.**

- b) Copies of correspondence (28 November 1997) and plans (17 November 1997) from English Nature [now known as Natural England] to the occupiers of the property known as Dolphins informing the occupiers of the revisions to the boundary of the Solent Maritime proposed Special Area of Conservation (pSAC) and SSSI as it would affect the land owners of Dolphins. The plan from Natural England shows the foreshore garden of Dolphins as not being included within their proposed revisions for the Solent Maritime pSAC nor the SSSI.**
- c) Confirmation regarding drainage; the tunnel would be drained via a connection to the existing piped drainage system that is linked to an existing soakaway. This existing drainage system is located close to the proposed tunnel and would not require significant further ground works.**
- d) Additional information has also been submitted regarding the boundary of the SPA which discussed the consultation process with NE and the landowners. Photographic evidence has also been submitted to support the use of the foreshore garden as a private domestic garden in excess of 10 years.**

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for West Wittering at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 3: The Economy and Employment Provision
- Policy 6: Neighbourhood Development Plans
- Policy 8: Transport and Accessibility
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- Policy 44: Development around the Coast
- Policy 45: Development in the Countryside
- Policy 47: Heritage and Design
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

National Policy and Guidance

- 7.3 Government planning policy now comprises the 2018 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-date⁷, 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.

- 7.4 Consideration should also be given to Sections 4 (Decision-Making), 9 (Promoting Sustainable Transport), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and Enhancing the Historic Environment).

Other Local Policy and Guidance

- 7.5 The following documents are material to the determination of this planning application:
West Wittering Village Design Statement
The Chichester Harbour Management Plan (2014-2019)

Other Local Policy and Guidance

- 7.6 The following Supplementary Planning Documents are material to the determination of this planning application:

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

Assessment

The main considerations are:

- i. Principle of the development
- ii. Impact on visual amenity, character of site and surroundings and AONB
- iii. Impact on Special Protection Area
- iv. Flood risk
- v. Impact on neighbouring amenities
- vi. Impact on Public Right of Way (PROW)

i. Principle of the development

8.1 The application site is located within the countryside as defined within the Chichester Local Plan (CLP) policy 2. Development in the countryside is limited to that which is sustainable, essential for agriculture, requires a countryside location, where there is demonstrated need/demand and is small scale, structurally sound, of traditional or architectural merit and connected to existing buildings and whilst supporting the local rural economy.

8.2 **The principle of the provision of a tunnel does not contravene principles or policies within the Development Plan, subject to assessment against other detailed policies within the plan and those other considerations material to the case. The land adjoining the foreshore has been used as private amenity land in association with the residential use of the dwellinghouse Dolphins for many years and the land to the east of the proposed tunnel lies within the curtilage of Dolphins; and the proposed tunnel would facilitate uninterrupted movement between these two parcels of land.**

ii. Impact on visual amenity, character of site and surroundings and AONB

8.3 The proposed tunnel would be positioned within an area located close to the foreshore which has a rural character. **The tunnel, once completed, would be landscaped in a manner that would result in the majority of the development being below ground level thereby reducing any visual impact that the tunnel may have within this sensitive landscape setting.** The PROW is vegetated on both sides of the path and users of the PROW would largely be unaware of the visual presence of tunnel beneath the PROW.

- 8.4 The Chichester Harbour Conservancy has submitted further comments explaining its concerns about the impact of the development upon the landscape and the designated Special Protection Area, and these have been taken into consideration. Officers are satisfied that the development would not have a harmful landscape impact in terms of the visual amenity of the locality and the natural beauty of the wider AONB. The tunnel would be below the existing ground level with the entrances of the tunnel (on both sides) lying flat and level with the ground albeit small areas of balustrade would be visible above ground level. The proposed arrangement would result in the tunnel having very limited impact on the landscape, and it would not be particularly visible from either the harbour or the public footpath adjacent to the site.
- 8.5 Given the nature of the development there would be ground disturbance during construction. Therefore, a condition requiring the submission of a Construction Environmental Management Plan is considered necessary. The condition would control measures to minimise dust, noise and visual disturbance, silt and water quality impacts in order to protect the designated sites and landscape.
- 8.6 It is proposed to retain the existing hedges along the footpath which will ensure physical features, such as the steps to the tunnel and balustrade would not be prominently visible. Also, soil from the excavation would be spread onto the tops of the box culvert profiles, covered in vegetation and blended into the adjacent embankments. A condition securing a landscaping scheme would ensure this approach is implemented and the disturbance caused to the ground during construction made good.
- 8.7 Concerns have been raised regarding the impact of the tunnel on the visual amenities of the locality **and whether the development would be able to conserve and enhance the natural beauty of the AONB**. In this case the tunnel, its steps and timber balustrade would be located primarily below ground level and the impact on the visual amenities of the area, particularly from the PROW, which has a **lower ground level than the ground level where the mouths of the tunnel would be located (on both sides)** would be minimal. Furthermore, the proposed landscaping scheme would help to soften the impact of the proposed development on the character and appearance of the rural area **and natural beauty of the AONB landscape**. On this basis it is considered that there would be limited impact on the natural beauty of the countryside and the protected qualities of the AONB would be conserved **and enhanced**. Materials for the steps and balustrade could be secured through a suitably worded planning condition. Subject to compliance with these conditions the proposals would comply with Policies 33, **43**, 45 and 48 of the Local Plan.

iii) Impact on Special Protection Area

- 8.8 The tunnel would be located approximately 1m to the northeast of the designated boundary of the Special Protection Area, RAMSAR site and SSSI. During the application process there have been a number of queries with regard to the position of the tunnel in relation to the boundary of these areas. A further site plan has been submitted by the applicant to clarify the position of the proposed tunnel. The proposals have been checked against this plan and it is considered to be located outside these designated areas.
- 8.9 Due to the proximity to Chichester and Langstone Harbour SPA as detailed within the Preliminary Ecological Appraisal Survey (Sept 2018) considerations for dust, fencing, noise, lighting, and chemical and fuel storage are necessary. The Environmental Protection Team is satisfied that the recommendations made within table 7 of the Preliminary Ecological Appraisal Survey (Sept 2018) for each of these issues is suitable and a condition is recommended to ensure these take place.
- 8.10 Due to the risk of disturbance to overwintering birds, construction works must avoid the winter months (October - Feb) to ensure they are not disturbed by any increase in noise and dust. However, due to this requirement there is likely to be a need to undertake vegetation clearance during the bird nesting season (1st March - 1st October). If works are required during this time an ecologist will need to check to ensure there are no nesting birds present on the site before any works take place (max 24 hours prior to any works commencing).
- 8.11 Natural England have been consulted during the application process and have advised that; 'Natural England is satisfied that the proposal would not, in fact, lead to the direct loss of any designated nature conservation sites. For the avoidance of doubt, Natural England's other comments on this proposal remain, ie that mitigation measures are necessary to avoid impacts on the adjacent designated sites during construction. Therefore, a Construction Environmental Management Plan, including measures to minimise dust, noise and visual disturbance, silt and water quality impacts, should be secured'.
- 8.12 Objections have been raised regarding the link that the tunnel would provide for pets to access the foreshore at any time. The applicant has advised that a pedestrian gate could be included within the tunnel to ensure pets cannot escape without supervision. Such a condition is included within this recommendation.

8.13 Natural England has provided further commentary regarding the SPA boundary which is detailed within paragraph 6.2 above. It is acknowledged that there is ambiguity regarding the definitive line of the SPA boundary as digital maps have progressed. However, despite the uncertainty about whether the proposed development would fall within, or to the north, of the designated SPA Natural England are clear that the proposed development would not result in harm to the SPA. Natural England has expressly advised that “As set out in our letter of 9 January, the nature and design of the proposal and the small scale of any loss, in this specific location would not adversely impact the designated sites.” On the basis of the advice received from Natural England, and the Council’s own Environment Officer it is considered that the proposal would not result in an adverse impact upon any designated sites, and therefore it would be unreasonable to refuse the application on the basis of its impact upon the designated sites.

8.14 Furthermore, the Local Planning Authority (LPA), as the responsible authority, have carried out an Appropriate Assessment which has concluded that the likely impacts could be mitigated appropriately via suitable conditions (securing amongst others the mitigation proposed within the Preliminary Ecological Appraisal Survey - Sept 2018) and therefore the size scale and location of the development and impact on the SPA would not be considered harmful. Additionally, the timing of the works would need to be the subject of a condition given the sensitive location of the site and to ensure minimal impact on overwintering birds and their habitats. **The Appropriate Assessment has been updated to include an assessment of the cumulative impact of the current proposal and the previous earthworks that took place on the site, namely the importation and levelling of soil on the site in winter 2016. It is concluded that the cumulative impact of the proposal and the earthworks undertaken would not have an adverse effect on the integrity of the designated sites.**

8.15 Based on the additional information received, and having fully considered all of the representations received officers remain to the view that subject to appropriate mitigation and conditions securing such it is considered that the impact on these designated areas would not be significant, either on its own or cumulatively, and therefore officers consider that the proposed development would not be harmful.

iv) Flood risk

8.16 The site is within Flood Risk Zone 1 as identified on the Flood Risk Zone of the Environment Agencies mapping, it lies above the Mean High Water Mark, close to Flood Risk Zones 2 & 3. A Flood Risk Assessment is not required for this development and the EA have been consulted and have not raised an objection. That said the tunnel would include a pump at its base so that rain water can be extracted.

8.17 Sea Defences; the CDC Land and Coastal Drainage Officer have been consulted and no objection has been raised. It has been stated that; The proposed tunnel base is located approximately 1m below ground water levels, it is likely the tunnel will fill with groundwater, especially during winter months and rain water will also get within the tunnel. However, it appears unlikely from the flood map for planning that coastal inundation will occur. Consideration has been given to using waterproofing paint and provision of a positive drainage, i.e. french drains and pumps.

8.18 There are no sea defences to this section of the foreshore. Sea level rise is a concern for coastal properties and gardens and the EA have recommended that the applicant would be well advised to join the EA's flood warning scheme. On this basis the proposals are considered to be acceptable within regards to avoiding and mitigating flood risk and therefore the proposals comply with Policy 42 of the Local Plan.

v) Impact on neighbouring amenities

8.19 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for existing and future users (of places). The tunnel would be significantly distanced from neighbouring properties and gardens, would be below ground and would have limited impact on neighbouring amenities in terms of their living conditions and privacy.

8.20 The tunnel would include a pump to extract ground water. The applicant has advised that the pump would be at the base of the tunnel which is 2m below ground in a French drain style. The pump would be used to pump out rain water. To ensure the noise from the pump does not cause disturbance for residence and wildlife appropriate noise levels and timings of use would need to be achieved. A condition regarding details of the pump and its noise levels would be necessary.

8.21 Therefore, on balance of the details of this case, it is considered that the development would comply with paragraph 127 of the 2018 NPPF.

vi) Impact on PROW

8.22 The PROW would not be diverted as a result of this development. WSCC PROW team has been consulted and has advised that a licence would be required for the proposed works. Guidance for the applicant has also been provided. The applicant has stated their intention to enter a legal liability agreement with WSCC to safeguard the structure and public use of the PROW. This would be required as part of a license required from the County Council, outside of the planning process.

8.23 There would be a disturbance to the footpath during construction which will need to be managed by the contractors to ensure pedestrians are given a safe right of way. In this regard the application details confirm that work will not commence until the ground and water table conditions are favourable and soil will not be removed from within close proximity to the footpath if there is any possibility of trench collapse due to sodden soil or heavy rains. Boarding to protect the continuing use of the footpath whilst excavation is carried out will be provided to ensure public safety and suitable warning signage would inform users of the footpath to proceed with care.

Other Matters

Established use of the foreshore land

- 8.24 Concerns have been raised regarding the lawful use of the land and development that has been built in the north western triangular section of land within the site, abutting the foreshore. In this regard the Council's Planning Enforcement team have previously investigated the use of the land for residential purposes and have concluded that the land has a lawful use as residential garden, although it does not form part of the curtilage to the dwelling.
- 8.25 Since the February committee meeting, Officers have investigated the use of the land further and additional information provided by the applicant and Parish Council has been considered.
- 8.26 The applicant has provided photographic evidence of the land being used as, and having the character of, a domestic residential garden for a period in excess of 10 years. The earliest photo provided since the previous Planning Committee dates from 2004 although available documentary evidence indicates that the land has been used in connection with the dwellinghouse known as Dolphins since the 1950s. The evidence suggests a grassed area of land has been maintained as a manicured lawn and used for family events and garden activities that would be indicative of activities one would expect with a residential use over a significant time period. Given the character of the land, the activities and the length of time this has taken place Officers are satisfied that the use of the land has been residential garden for in excess of 10 years. This assessment accords with the decision made by the Council's Planning Enforcement team in 2017 following a full assessment of the use of the land.
- 8.27 In conclusion, Officers are satisfied that based on the information available, the foreshore land which forms part of the application site has an established and lawful residential garden use.

Works to ground levels

- 8.28 The Parish Council has provided photographic evidence of engineering works taking place to the foreshore garden. The works comprise the importation of top soil to a section of the land within the foreshore garden to raise its level, and these works appear to have taken place in 2017. Although these works do not form part of this application it is noted that planning enforcement records show that soil was imported and spread over a 'depressed' area of ground which had previously appeared in the landscape as a private gravelled footway in active use by the landowner and their visitors and not a PROW. It did not therefore represent undisturbed habitat or natural landscape. For these reasons, officers considered that the works undertaken in 2017 did not give rise to any identified harm and being of limited scope they were not held to be engineering operations that required planning permission. However as detailed within paragraph 8.14 above the works have been considered as part of the Appropriate Assessment undertaken in connection with the current application, as required by the Habitat Regulations (2017).

Impact on heritage asset

8.29 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority (LPA) to have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses. In addition, Section 16 of the National Planning Policy Framework (NPPF) stresses the importance of protecting heritage assets, stating that Local Planning Authorities' should take account; of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive contribution to local character and distinctiveness. Policy 47 of the Chichester Local Plan states that permission should only be granted where it can be demonstrated that the proposal conserves or enhances the special interest and settings of the designated heritage assets. Rookwood House, the neighbouring property to the south east of the application site, is a grade II listed building and it is located approximately 75m from the proposed tunnel. The tunnel would be below ground and would not be particularly visible from the wider area or from within the curtilage of the listed building. It is considered that due to the nature of the development combined with its scale, location and minimal visual impact that the tunnel would not have any significant impact upon the setting of the listed building and therefore the proposal would be acceptable in respect of its impact upon the significance of the designated heritage asset.

Conclusion

8.30 Based on the above it is considered that the proposal complies with the Development Plan and therefore the application is recommended for approval.

Human Rights

8.31 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to refuse/permit is justified and proportionate.

RECOMMENDATION PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 10, 11, 8, 7, 4 and 3.

Reason: To ensure the development complies with the planning permission.

3) The development shall only be carried out in accordance with the recommendations within the Preliminary Ecological Appraisal Survey (Sept 2018). Unless otherwise agreed in writing by the Local Planning Authority.

Reason; to ensure appropriate mitigation concerning wildlife and their habitats.

4) Construction works must not be carried out in winter months i.e. from October to and including February.

Reason; to ensure the development does not disturb overwintering birds given the location of the site next to the SPA.

5) **No development shall commence**, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) waste management including prohibiting burning.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

6) Prior to commencement of any works full details/specifications of the proposed pump including its noise levels shall be submitted to and agreed in writing by the local planning authority. The pump shall only be implemented in accordance with the agreed details and retained and maintain as agreed in perpetuity.

Reason: To ensure the development does not cause a unacceptable level of noise disturbance to neighbouring amenities and the tranquillity of the countryside. As the pump would be located underground this needs to be agreed prior to commencement.

7) The development hereby permitted shall not be first brought into use until; full details of the hard and soft landscaping have been submitted to and agreed in writing by the Local Planning Authority.

The details shall include;

a scaled site plan indicating the planting scheme for the site showing the; schedule of plants and positions, species, plant sizes (at time of planting) and proposed numbers/densities. In addition, the scheme shall include details of all existing trees and hedgerows on the land including details of any to be retained, together with measures for their protection during the course of the development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site.

The landscaping scheme shall also include full details of any proposed hard landscaping showing any external hardsurfaces and their positions, materials and finishes.

The works shall be carried out in full accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice.

The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees and to conserve and enhance biodiversity.

8) Prior to first use of the tunnel or completion of the works whichever is the sooner full details of a gate or barrier within the tunnel shall be submitted to and agreed in writing by the Local Planning Authority. The agreed gate shall be implemented prior to first use of the tunnel and only in accordance with the agreed details and retained/maintained as agreed in perpetuity.

Reason; in the interest of wildlife protection to ensure pets are contained within the garden of the host property.

INFORMATIVES

- 1) Please be aware of the following advice from WSCC PROW;

Subject to the planning application being given consent, Technical Approval is required from the County Council as the Highway Authority, as the works directly affect a public right of way/highway. The applicant must ensure a detailed design is submitted to the Highway Structures Engineers for their approval before any works take place. Meetings with our Engineers and the applicants' contractor and/or designer to discuss the design may be required.

In order to protect the right of way and the County Councils maintenance liability into the future, WSCC require a legal agreement with the current landowner which is also tied to any future property successors covering liability. Work will start on the legal agreement once the applicant's technical specification has satisfied our Engineers.

- 2) Due to requirement to avoid the winter months because of the over wintering birds, there may be a need to undertake vegetation clearance during the bird nesting season (1st March - 1st October). If works are required during this time an ecologist will need to check to ensure there are no nesting birds present on the site before any works take place (max 24 hours prior to any works commencing).
- 3) Advice form the EA;

We recommend that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan.

Please note that it is not our role to assess any details on flood evacuation or emergency plans, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/ users covered by our flood warning network.

For further information on this application please contact Maria Tomlinson on 01243 534734

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PGQMHUERKTG00>

Parish: Selsey	Ward: Selsey North
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SY/18/01751/FUL

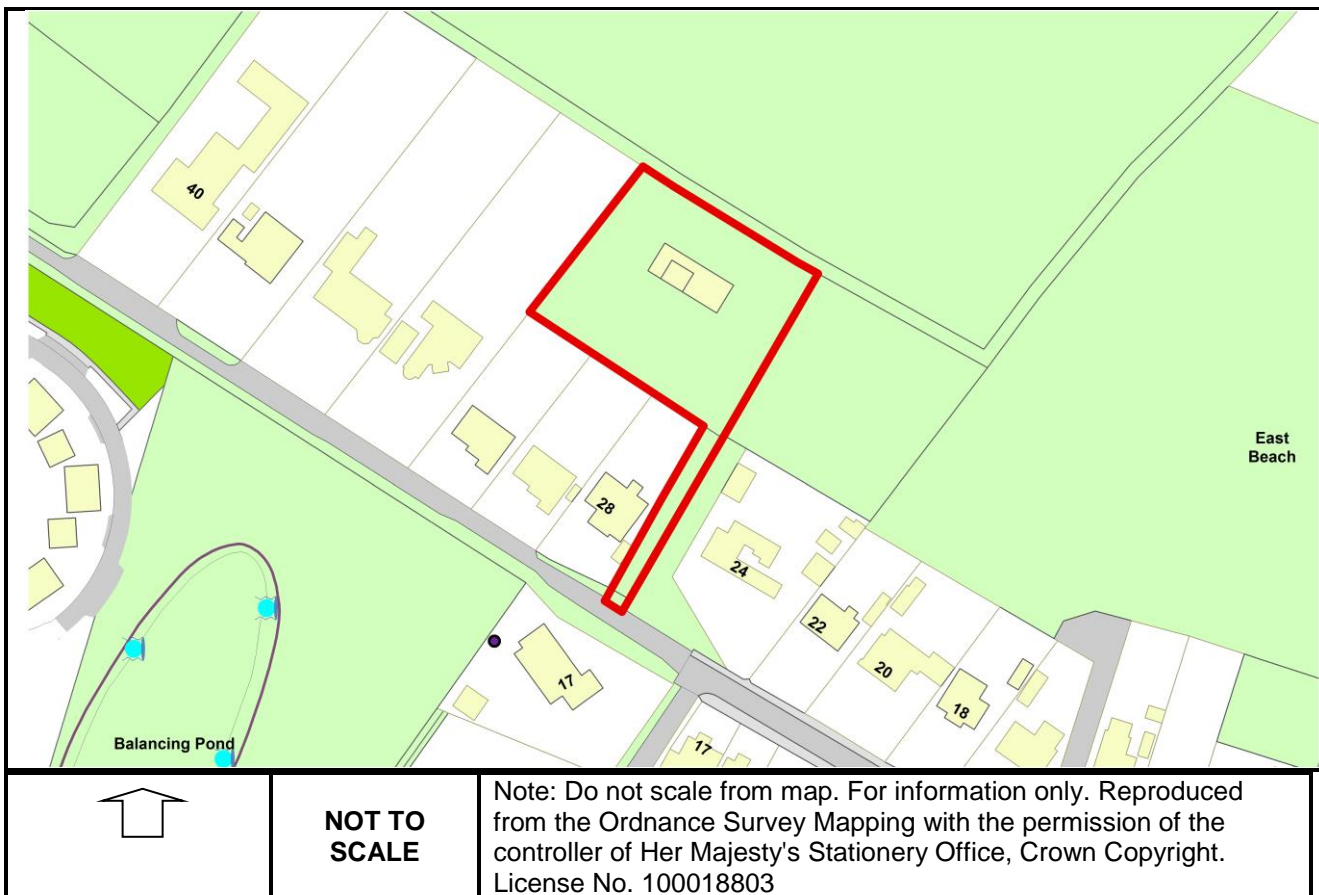
Proposal Retrospective resurfacing of existing tarmac track and concrete hardstanding.

Site Land To The Rear Of 28 Park Lane Selsey Chichester West Sussex PO20 0HE

Map Ref (E) 486802 (N) 94034

Applicant Mr Stone

RECOMMENDATION TO PERMIT



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

1.1 Parish Council objection – Officer recommends permit

2.0 The Site and Surroundings

- 2.1 The application site is located on the north-east side of Park Lane and comprises an access track situated between 24 and 28 Park Lane and land to the rear of 28-32 Park Lane. There are two storage buildings on an area of concrete hardstanding positioned centrally on the site. The track extends from Park Lane to the storage buildings, and the remainder of the site is laid to grass or is unmade ground. There is a metal gate approximately 1m in height to the entrance of the site and the site boundaries comprise a mix of wire fencing, brick walls, fences and trellis fencing up to a maximum height of approximately 2m.
- 2.2 There are residential dwellings to each side of the existing access track and to the north west of the site, whilst to the north east there is open countryside. The settlement boundary for Selsey extends from Park Lane to midway up the track, ending in line with rear boundaries of the neighbouring dwellings. The remainder of the site, comprising the track, storage building and surrounding land fall outside of the settlement boundary within the designation rural area.

3.0 The Proposal

3.1 The application is a retrospective application for the resurfacing of the existing tarmac track and concrete hardstanding. The access track is located on an area of land 5m in width and the tarmac track is 3m in width. The tarmac extends for 57m into the site, at which point it widens to 8.5m and curves round to the north-west to adjoin the outbuildings and the area of concrete hardstanding. The concrete base extends along the north-east and around the north-west sides of the outbuildings. The tarmac track comprises porous tarmac over a substrate of type 1 compacted rubble (non-porous).

4.0 History

None relevant

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Selsey Town Council

The Committee discussed the application at length and Members agreed with the concerns raised. Selsey Town Council Objects to the application on the grounds of the photograph on the plans does not demonstrate that the surface was previously tarmac. Resurfacing does not take into account a porous surface and therefore any new surface should meet SUDS recommendation as having proper surface drainage and it is incongruous to have a path leading nowhere in a countryside location.

6.2 CDC Senior Drainage Officer

Comments received following submission of drainage scheme (5 April 2019)

When considering our response we have taken into account that this is a retrospective application (permeable surfacing would have been preferable), and that the previous arrangement was a mix of permeable/impermeable surfacing. We are satisfied that the proposal should adequately drain the development (access road), and ensure that water does not discharge onto the highway. Therefore we have no objection to the application being approved. Construction of the drainage should commence at the earliest practicable opportunity.

Comments received following further discussions with applicant (23 November 2018)

A French drain arrangement should adequately drain the driveway, they will need to demonstrate that the driveway will drain to the French drain (and not to the highway), and calculations to demonstrate that there is sufficient capacity to deal with a 1 in 10yr rainfall event. We would also like to see a sketch of the proposal including spec. of fill material and all dimensions. With regard to a condition, this is a retrospective application so a time dependant condition is not appropriate. Once they have an acceptable proposal, it should be installed at the "earliest opportunity", if we were to give them a time implemented condition we would expose ourselves to unnecessary risk if flooding occurred in the meantime. There is no reason why this work could not be delivered at anytime of year, but we will have to accept that the applicant is governed by contractor availability.

Initial comments (19 October 2018)

For the avoidance of doubt, compacted type 1 (as has been constructed) cannot be considered to be permeable. In the absence of a positive drainage system such as a gulley or ACO drain, water will now shed off the surface and therefore has the potential to result in increased flood risk off-site.

6.3 Third Party Comment

No third party comments have been received.

6.4 Agent's/Applicant's supporting information

The application is accompanied by correspondence from the agent and a Design, Planning, Landscape, Noise and Access Statement which explains;

- a) the site has been owned by the applicant since 1982, and it has always been used for recreational purposes including the storage of family cars, vehicle workshop and a store for garden machinery,
- b) the site has recently been used by Portsmouth/Southern Water for the temporary storage of equipment during the sewer upgrade at Solar Park, Drift Road which resulted in unavoidable damage,
- c) it was necessary for Portsmouth/Southern Water to repair the damage, including the renewing of the tarmac and concrete area,
- d) the track was previously tarmac and the resurfaced track is marginally narrower than the original tarmac drive,
- e) the tarmac is porous with verges to each side to provide drainage from any surface water.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. Selsey Town Council is revising its previous draft Neighbourhood Plan (2017), but at this time policies within it have limited weight.
- 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 39: Transport, Accessibility and Parking
Policy 42: Flood Risk
Policy 45: Development in the Countryside

National Policy and Guidance

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

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as running through both plan-making and decision-taking:

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.

7.4 Consideration should also be given to paragraphs 124 and 127 relating to the requirement for good design.

Other Local Policy and Guidance

7.5 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 considerations are:

- i. Principle of development
- ii. Design and Impact upon Visual Amenity/Character of Area
- iii. Impact upon the amenity of neighbouring properties
- iv. Drainage
- v. Highway Safety

Assessment

i) Principle of Development

8.2 Policy 1 and 2 of the Chichester Local Plan (CLP) outline the presumption in favour of sustainable development and restricts new development outside of settlement boundaries unless there is a small scale local need in accordance with policies 45 or 46 of the Local Plan. The application relates to the resurfacing of an existing access track within the application site. Although part of the site lies outside of the settlement boundary the development that has taken place does not encroach outside of the site into the open countryside. Furthermore, the storage buildings and the access to these buildings have been in situ for many years and therefore form part of the lawful use of the site.

8.3 It is considered that the works relate to a small scale and local need to access the existing buildings on the site without crossing unmade ground or grass that could result in such materials being spread onto Park Lane on exit from the site. Therefore, in principle, resurfacing the access track and area of hardstanding within the application site would not conflict with the objective of the Development Plan to ensure new development is located in the most sustainable location and would be acceptable despite part of the site lying outside of the settlement boundary.

ii) Design and Impact upon Visual Amenity/Character of Area

8.4 The Local Plan and National planning policies seek to ensure that new development respects and responds the context of the site and takes the opportunities available to improve the overall quality of an area, ensuring that development is visually attractive and sympathetic to the surrounding building environment and landscape setting.

8.5 When the track was first constructed on the site the verges either side were laid bare which resulted in a rather formal appearance. The verges have recently been seeded with grass which has helped to soften the appearance of the track. However, there are parts of the verges where the seed has not taken so these parts are currently bare. It is therefore considered that in order to improve the visual amenity, a condition should be considered requiring that the verges are reseeded within the first planting season following any permission granted for the resurfacing of the track. There are examples of hardstanding and driveways serving the residential properties close to the application site, therefore although the neighbouring properties are not comparable in terms of scale, with the reseeded of the verges, it means that the track is less incongruous than it would be in a more rural setting.

8.6 The Council's aerial photography records available from 1991, 2001, 2007 and 2013 clearly show the 2 no. outbuildings on the site and an access track to the buildings. It appears that over the years the extent of hardstanding has varied, with the section closest Park Lane being overgrown in the last 5-10 years. It is considered however that the records and the information submitted demonstrate that a surfaced access track has existed historically.

8.7 On balance, it is considered that upgrading the access to the site has not caused harm to the visual amenity or character of the area which would warrant refusal of the application, however in order to ensure that the impact of the access is softened and the visual amenity of the locality is protected a condition is recommended requiring the verges adjacent to the access track to be reseeded within the next planting season. Subject to the proposed condition it is considered that the proposal would accord with the national and local planning policies that seek to ensure the quality and character of an area are not adversely affected by new development.

iii) Impact upon the amenity of neighbouring properties

8.8 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for existing and future users. The use of the application site would not change as a result of the proposed development and it is therefore considered that the proposal would not result in any adverse impacts upon the amenities of neighbouring properties.

iv) Drainage

8.9 The Parish Council has raised a concern about surface water drainage due to the use of tarmac. The application site lies within flood zone 1, an area at least risk of flooding, however there is a known issue with surface water drainage in the locality and therefore it is essential that the track is effectively drained to ensure the development does not increase the risk of flooding on the site or elsewhere. The applicant has confirmed that the track has been constructed with porous tarmac, however it has been laid over compacted rubble which would not be sufficiently porous to adequately manage the surface water. The verges to each side of the track are currently bare and although in time these will be laid to grass which would assist with the surface water drainage alongside the track, water would still shed off the surface and have the potential to result in increased flood risk off-site. Therefore a positive drainage system would need to be installed in order to prevent the track increasing the risk of flooding in the area.

8.10 In liaison with the Council's Senior Drainage Engineer a drainage scheme has been submitted. An ACO drainage gully is proposed to be installed at the entrance of the track. In addition a French drain is proposed alongside the south-east side of the track for a distance of 42.6m. There would be a 30cm gap between the track and the drain, the drain would be 50cm wide x 70cm deep and filled with 20mm rejects contained within a permeable liner. The French drain would be connected to the ACO drainage by an outlet pipe. Due to the width of the proposed French drain there would be space between the French drain and the boundary for the grass area alongside the boundary of the site to be retained.

8.11 The Council's Drainage Engineer has confirmed that they are satisfied that the proposal should adequately drain the track. It is therefore considered that subject to conditions the proposed development would adequately manage surface water without increasing the risk of flooding on the site or elsewhere. The proposal therefore accords with policy 42 in this respect.

v) Highway safety

8.12 The extension of the tarmac track beyond the entrance gate has formalised the access and as it has made it more visible to pedestrians and drivers using Park Lane has improved the safety to the highway. No alterations have been made to the access point with Park Lane and therefore the proposal would accord policy 39 of the Chichester Local Plan which requires sites to have safe and adequate means of access.

Conclusion

8.13 Based on the above assessment it is considered the proposal complies with the Chichester Local Plan Key Policies; with particular reference to Policies 39, 42 and 45 and there are no material considerations that indicate otherwise.

Human Rights

8.14 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall not be carried out other than in accordance with the approved plans: EL012, 001 and 002

Reason: To ensure the development complies with the planning permission.

2) Within 2 months of the date of this decision the submitted drainage scheme comprising ACO and French drains shall be provided fully in accordance with plans 001 and 002. Thereafter the drainage measures shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

3) Within the first planting season following this decision the areas of bare ground within the site, including the verges to both sides of the access track and hardstanding hereby permitted shall be replanted with a native grass mix. Any areas of grass that die within the first 5 years following planting shall be re-seeded. Thereafter the grassed areas shall be and maintained in perpetuity.

Reason: To ensure adequate provision for surface water drainage and to avoid discharge of water onto the public highway and neighbouring properties.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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=PANVHGERN0800>

Parish: Sidlesham	Ward: Sidlesham
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SI/18/01584/FUL

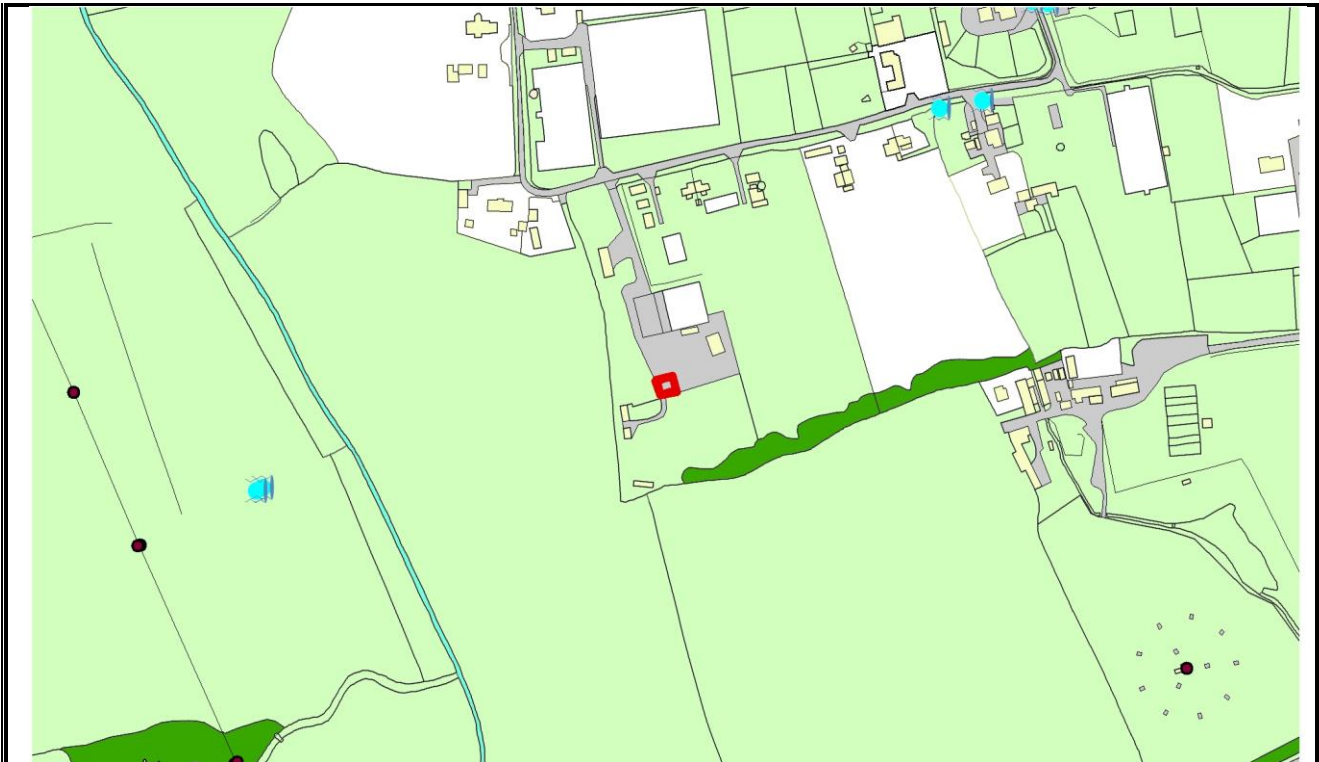
Proposal Erection of agricultural storage barn.


Site Longreach 14A Chalk Lane Sidlesham PO20 7LW

Map Ref (E) 484888 (N) 96869

Applicant Mr M Long

RECOMMENDATION TO PERMIT



	NOT TO SCALE	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
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1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site is located to the south of Chalk Lane, in a countryside location, within the Parish of Sidlesham. The site comprises an associated agriculturally tied dwelling which fronts Chalk Lane. A former agricultural barn which was subject to conversion under the prior approval process to residential is located to the north east of the site. A glasshouse in use for horticultural purposes is located to the north east and stables are located to the south west of the field. An unmade access track leads off Chalk Lane, continues south into the site, leading to the glasshouse and dwelling to the north east and to the southern part of the field.

2.2 Chalk Lane is characterised by residential development with associated horticultural development and small holdings. The area maintains a rural appearance.

3.0 The Proposal

3.1 The application seeks planning permission to construct an agricultural barn to provide storage for the applicant's machinery and equipment used for the maintenance of the land. This would include tractor, trailers, mowers and other general equipment for the maintenance of the land. The building would be situated to the south of the existing glasshouse, on an area of existing hardstanding, adjacent to the field access which leads into the southern part of the site. No additional hardstanding is proposed.

3.2 The building would be constructed with a slate roof and oak boarding, with double full height doors on the north elevation. The barn would measure 9m long by 6m wide, with a floor area of 54sqm. The roof would be pitched measuring 4.2m to the ridge and 2.85m to the eaves.

4.0 History

09/00135/FUL	PER	Erection of Agricultural Barn.
09/02254/COU	PER	Siting of mobile home or residential caravan for agricultural worker for temporary period of three years.
12/03347/FUL	PER	Erection of dwelling for agricultural worker.
14/02306/DOC	DOCDEC	Discharge of conditions relating to 12/03347/FUL, conditions 3,5,9,10

15/00818/ELD	PER	Erection of agricultural barn, not by way of lawful implementation of planning permission SI/09/00135/FUL.
15/03391/PA3Q	REF	Proposed change of use from agricultural building to 1 no. dwelling. (C3 Use Class).
16/00904/ELD	REF	Retention of residential timber chalet.
16/03737/PA3Q	YESPAP	Proposed change of use from agricultural building to 1 no. dwelling (C3 Use Class).
17/00068/DOC	DISCHA	Discharge of condition 1, 2, 3, 4 from permission SI/16/03737/PA3Q.
17/00722/FUL	PER106	Change of Use from Agriculture to 1 no. Dwelling (C3 Use Class) - Amendments to alternative to Part 3, Class Q Prior Approval - SI/16/03737/PA3Q - to provide changes to fenestration and insertion of flue for wood burning stove.
17/01657/NMA	PER	Non material amendment to planning application SI/17/00722/FUL - minor changes to internal room layout, replace existing rooflights with new rooflights and change front door detail.
18/02415/FUL	PCO	Erection of cattle barn.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	YES
- Flood Zone 2	YES
- Flood Zone 3	NO

6.0 Representations and Consultations

6.1 Parish Council

The Parish Council strongly objected to this application. In 2017 the owner of Longreach applied for consent to convert a 'redundant' barn to a dwelling. This was granted. There is no evidence to back up the applicant's requirement for a new agricultural building on the property. The PC regards this Application as typical of the abuse of the legislation currently being exercised.

6.2 Natural England

No comments received.

6.3 2 letters of objections have been received concerning :

- a) Justification
- b) Highway Safety
- c) Light Pollution
- d) Noise and Disturbance

6.4 1 letter of support has been received concerning:

- i) Support for the proposal

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Sidlesham at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 39: Transport, Accessibility and Parking
- Policy 42: Flood Risk and Water Management
- Policy 45: Development in the Countryside
- Policy 47: Heritage
- Policy 48: Natural Environment
- Policy 49: Biodiversity

National Policy and Guidance

- 7.3 Government planning policy comprises the National Planning Policy Framework (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development, For decision-taking this means:
- a) approving development proposals that accord with an up-to-date development plan without delay; or
 - b) 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.
- 7.4 Consideration should also be given to Sections 1 (Achieving Sustainable Development) 4 (Decision-Making), 9 (Promoting Sustainable Transport), 11 (Making effective use of land), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment).

Other Local Policy and Guidance

- 7.5 The following documents are also material to the determination of this planning application:
- Surface Water and Foul Drainage Supplementary Planning Document (SPD)

8.0 Planning Comments

- 8.1 The main issues arising from this proposal are:
- i. Principle of development
 - ii. Impact upon visual amenities and character of the area
 - iii. Ecological considerations
 - iv. Flood Risk

Assessment

- i) Principle of Development
- 8.2 Policy 45 of the Chichester Local Plan (CLP) states that within the countryside, development will only be granted where it requires a countryside location and meets an essential, small scale and local need which cannot be met within or immediately adjacent to existing settlements.

- 8.3 The applicant's main holding has an area of 1.4 hectares and there is an agreement since 2013 to rent 2 acres of land immediately next door. This is a formal tenancy which is renewed annually and has just been renewed for the coming year. In addition there are a further 2 acres of land rented further to the north of Chalk Lane on a grazing licence and 2 acres on Lockgate Road Sidlesham on a verbal agreement. The applicants business is small scale and focuses on the growing of ornamental plants for sale within local farm shops and markets/carboot sales within Sussex. The plants are currently being grown within part of the existing glasshouse. The applicants are also looking to expand into the keeping of cattle for breeding and meat, and there is a further application (18/02415/FUL) under consideration for the erection of a barn to house cattle on land to the south of the application site. The glasshouse is the only part of the holding that is used for the growing of plants, the remainder being available for cattle to graze.
- 8.4 A previous agricultural barn granted permission in 2009 was not restricted to an agricultural use only, and in November 2016 prior approval was granted for the change of use of the agricultural building to a dwelling. At that time the officer assessment concluded the barn and wider site was still in agricultural use but the Town and Country (General permitted Development) Order (GPDO) does not require agricultural buildings to be demonstrated as redundant in order to qualify for conversion under the provisions of the GPDO. The barn has since been converted to residential use and all the equipment previously stored within has been moved to the existing glasshouse.
- 8.5 In respect of the current application; at the time of an officer site visit in March 2019 the glasshouse was laid out with plants and with a potting area. This took up approximately two thirds of the glasshouse, with the remaining area given over to the storage of equipment which would be moved into the proposed storage building should permission be granted. The applicant intends to grow the business further and requires the remainder of the greenhouse to do this.
- 8.6 The applicant has provided a list of the equipment to be stored within the building, which includes tractors, trailers, mowers and general tools for the maintenance of the land and any other equipment for the agricultural operations taking place. The equipment is currently on site stored within the glasshouse and officers are satisfied that it is equipment used for agricultural operations on the site. The relocation of the equipment would allow the glasshouse to be brought back into its full capacity for the growing of plants.
- 8.7 The holding no longer comprises any buildings which would be capable of housing the equipment. Additionally there are no other buildings on the rented land. The applicants live on site and the storage of the equipment on this parcel of land would allow for natural surveillance in the event of any trespasses. It is considered that the scale of the building would be proportionate to the amount and size of equipment that would be stored within the proposed building.

8.8 Overall it is considered the proposal, can demonstrate a requirement for its countryside location and an essential, small scale and local need which could not be met within or immediately adjacent to existing settlements. The proposed building would be functional in form, with clad elevations and openings necessary for the tractor to access the building. Its proposed size has been justified in terms of the equipment required to be stored. The principle of the proposal would be acceptable, subject to the material considerations as set out below

ii) Impact upon Visual Amenities and Character of the Area

8.9 Policy 45 sets out that proposals requiring a countryside setting, for example agricultural buildings should pay special attention to scale, siting design and materials to ensure any impact on the landscape and rural character of the area is minimised. Policy 48 requires the development to respect distinctive local landscape character and sensitively contribute to its setting and quality.

8.10 The proposed building would be situated on an area of existing hardstanding which formally hosted a glasshouse and it would be adjacent to the existing field access track with a hardcore surface. Its location would allow manoeuvrability of the larger vehicles into the building and maintenance/storage to the front when required. It would not appear as an isolated building when viewed in the context of the site and its operations.

8.11 It is considered that the proposal would be designed and constructed of materials sympathetic to its rural setting and its functional need. Its proposed siting would allow it to be read in the context of the existing buildings and not in isolation and therefore its impacts on the landscape and rural character of the area would be minimised. The proposal would therefore accord with local development plan policies 1, 45 and 48.

iii) Ecological Considerations

8.12 Policy 49 of the CLP seeks to ensure that the biodiversity value of a site is safeguarded and demonstrable harm which may arise to protected species or habitats is avoided or mitigated. The proposal by reason of its location on an area of former hardstanding with low ecological value, its scale and form would not give rise to unacceptable biodiversity impacts and therefore would comply with policy 49 of the CLP.

iv) Flood Risk

8.13 The proposed location of the building falls partly within flood zone 2. The use of the building for agricultural storage purposes would fall within a less vulnerable category, a use which would be acceptable in this flood zone. The proposal would therefore comply with policy 42 and section 14 generally of the NPPF, which seeks to ensure that new developments are not at risk of flooding.

Significant Conditions

- 8.14 As the proposal seeks the construction of a building to be used for agricultural storage purposes and there are no other buildings to facilitate the storage for the agricultural enterprise, it is considered that it would be proportionate and justified to condition the building to be used for that purpose only in perpetuity and if that use ceases for the building to be removed from the land and the land restored to its former condition.

Conclusion

- 8.15 Based on the above assessment it is considered the proposal complies with development plan policies 1, 45, 47 and 48 and therefore the application is recommended for approval.

Human Rights

- 8.16 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to refuse/permit is justified and proportionate.

RECOMMENDATION PERMIT subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 1, 2, 6

Reason: To ensure the development complies with the planning permission.

- 3) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended, the building hereby permitted shall be used for agricultural purposes only as defined in section 336 of the Town and Country Planning Act 1990, as amended. If the building ceases to be used for that purpose the building shall within 3 months be permanently demolished, all debris removed from the site and the land restored to its former condition or a condition to first be agreed in writing by the Local Planning Authority.

Reason: To accord with the justification and requirement for the building.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact Caitlin Boddy on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PANVHGERN0800>

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Parish: Plaistow And Ifold	Ward: Plaistow
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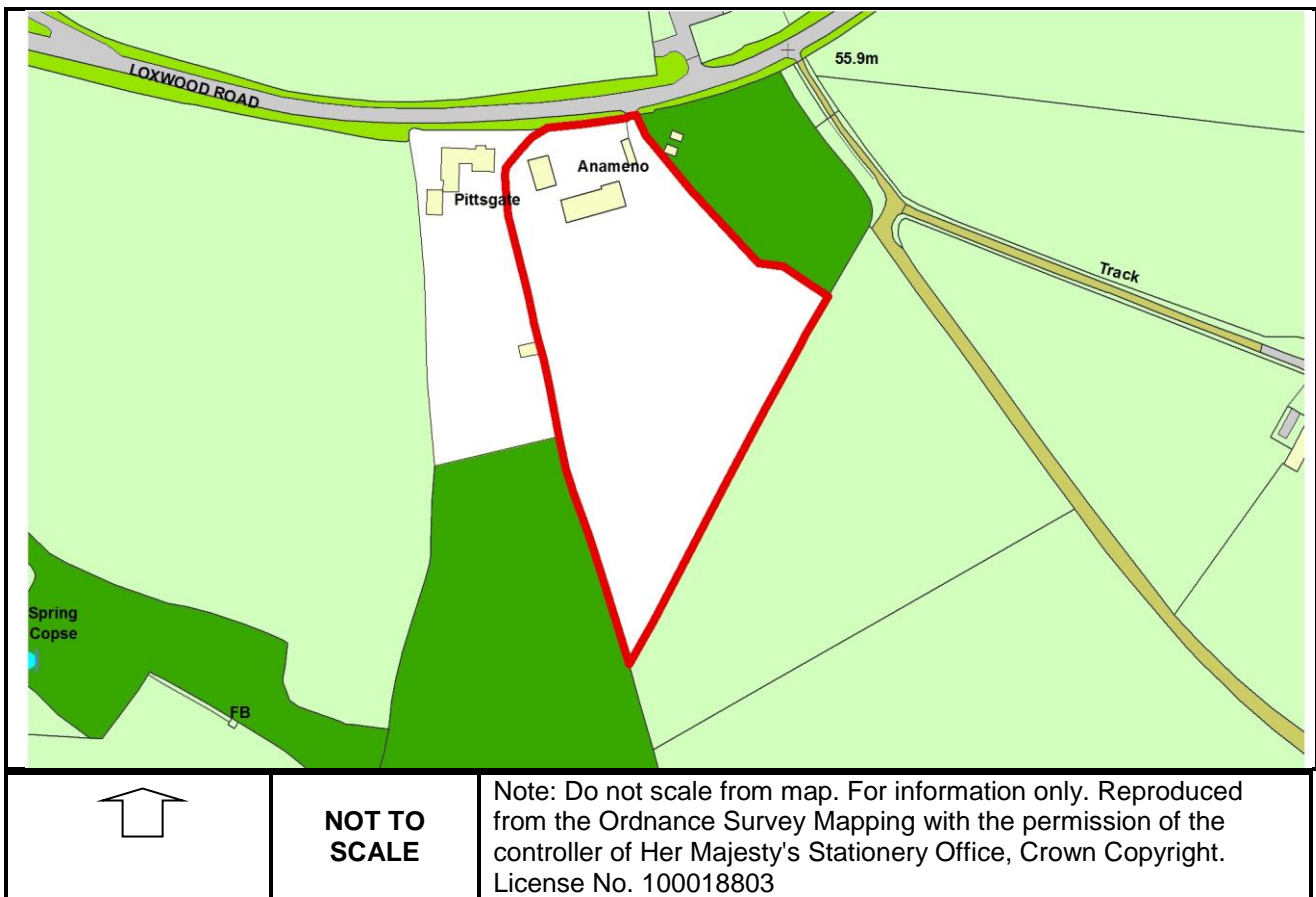
Proposal Erection of 1 no. replacement dwelling, pool and garage buildings following demolition of all existing buildings and removal of hardstanding.

Site Valtony Loxwood Road Plaistow RH14 0NY

Map Ref (E) 501527 (N) 130885

Applicant Mr Southon

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 Parish Council Objection - Officer recommends Permit.

2.0 The Site and Surroundings

2.1 The application site is a large residential plot situated on the southern side of Loxwood Road, approximately half a kilometre west of Ifold. The site contains a large two-storey house, a one-and-a-half-storey outbuilding (with garage at ground floor level with ancillary accommodation above), a stone archway structure and various elements of hardstanding. The existing buildings are of contemporary/1970s design and comprise predominantly red brick, tile hanging, and tiled roofs. The site slopes gently downwards (north to south) away from the frontage to Loxwood Road, and within the site are areas of woodland covered by a Tree Preservation Order (TPO) and classified as Ancient Woodland; although centrally in the site there are no trees. The application site is within the Bat Home and Movement Networks; and the presence of brown long-eared bats within the site is known. There are no constraints with regards to heritage value and the site is within Flood Zone 1.

3.0 Proposal

3.1 The application seeks planning permission to replace an existing dwelling, outbuilding, archway and hardstanding with a new two-storey dwelling, annexe and pool building.

3.2 The approximate dimensions of these proposed buildings would be as follows:

Dwelling (maximum dimensions including main building and linked side range):
28.42m length x 18.76m depth x 9.22m ridge height

Annexe:
14m long x 5m deep x 6.8m max/ridge height

Pool Building:
18.6m long x 7.6m deep x 5.9m ridge/max height

3.3 The proposed materials would include:

- Red facing brickwork
- Painted timber casement windows to front and side
- Aluminium windows to rear
- Stained timber cladding
- Reclaimed clay tiles
- Lead flashing to dormer cheeks
- Oak porch
- Soldier course detailing
- Arch brick lintels
- Glazed link
- Frameless balcony balustrade

3.4 The application has been revised since submission, following the request of officers to; reduce the footprint, scale and bulk of the replacement dwelling and pool building, alter fenestration primarily to the rear of the dwelling, reduce the proposed link element within the dwelling between the two sections, bring the outbuildings closer to the dwelling and further from the neighbouring boundary and protected trees, and other minor design related improvements.

4.0 History

01/03075/DOM	PER	Two storey extensions at the front, rear and side.
78/00065/PS	PER	3 car garage, 1st floor music room. Existing garage to games room.
79/00018/PS	WDN	Storage depot.
86/00076/PS	PER	To retain existing brickwall & gateposts surmounted.
88/00052/PS	DISMIS	c/u Reg nursing home and 14 no. sheltered housing units.
95/00997/OUT	REF	One four/five bedroom detached house with double garage.
97/00679/DOM	PER	Single storey rear extension.
97/00831/DOM	PER	Two storey front extension.
98/00863/DOM	PER	Two storey extension at rear and single storey extension at side.
04/01614/FUL	REF	Erection of 1 no. five bedroom house.
07/05187/DOM	PER	Conversion of existing garage to provide annex accommodation; erection of garage; removal of outbuilding.
08/02270/DOM	PER	Single storey. Residential extension, comprising a swimming pool house and related facilities.
08/04499/DOM	PER	Single storey extension comprising a pool house and related facilities.

18/00515/PLD	PER	Proposed lawful development - erection of single storey side extension and detached incidental outbuilding.
18/00516/PLD	PER	Proposed lawful development - erection of single storey incidental swimming pool building.
18/00532/PA1A	NOPA	Single storey flat roof rear extension (a) rear extension - 8m (b) maximum height - 2.8m (c) height at eaves - 2.5m.
95/00076/REF	DISMIS	One four/five bedroom detached house with double garage.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Ancient Woodland	YES
Tree Preservation Order	YES
EA Flood Zone	Flood zone 1

6.0 Representations and Consultations

6.1 Parish Council

Plaistow and Ifold Parish Council objects to this application.

The Parish Council is concerned that the information available in relation to this application is incomplete; and all relevant information should be available before a decision can be made. The area is rural in character with adjacent woodland and ponds and lakes therefore we would expect ecological survey work to include not only bats but other protected species. For example, there are water bodies within 500m of the development and, as such, a Great Crested Newt survey should have been undertaken, however this appears to have been over looked. The Arboricultural Impact Appraisal does not adequately identify the boundary of the ancient woodland and the proximity of the development to it. Consequently, it is difficult to assess the potential impact.

The proposed development has a substantial amount of glazing, including a full glazed link and numerous roof lights and the light spill will be significant. The Parish Council is concerned that the impact upon the bats has not been considered from the internal light spill into essentially a dark sky environment. The Environmental Officer appears only to have considered external lighting and we would respectfully request that the impact of the design scheme itself should be considered.

The proposed development is an imposing structure in a prominent position on one of the highest points in the parish and close to Public Rights of Way. The Parish Council is of the view that the visual impact of the scheme upon the countryside and the valued landscape has not been assessed.

6.2 CDC Environment Officer

Additional comments (received 10/01/19)

I have read through the Parish comments and the information relating to great crested newts, and it is not a requirement that every development that is within 500m of a water body has a great crested newt survey undertaken on it. As I am sure you would appreciate, almost all developments would need a survey if this was the case. Following Natural England's guidance I have assessed the site to determine what surveys would be required based on the habitat onsite and the proposed works. For this site, the habitat which was assessed as requiring further survey work was bats and these surveys have been undertaken. I don't feel that further survey work is required for this site and following NE guidelines we wouldn't ask for a GCN survey for this site.

Bats - Following submission of the Phase 2 Bat Emergence Survey (September 2018), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species Licence will be required for the works, and this will need to be obtained prior to any works taking place.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

6.3 Tree Officer (summarised)

The area has 2 no. Tree Preservation Orders (TPO's) covering the site and adjacent property PS/88/00785/TPO and PS/05/00002/TPO which are both part of an ancient woodland (appropriate measures should be considered taking this into account), and covers all species but mainly consisting of Hornbeam, Maple, Ash Oak, Wild Service Tree.

I have reviewed the issue as a desktop exercise.

The proposal originally showed the outbuilding/garage complex slightly further north-west to where it is shown now (Latest Drawing: (SK)300 rev D) to alleviate the impact of the 2 no. adjacent Alder trees root protection areas. Clearly there is a line of Leyland Cypress trees on the boundary which are not shown on the drawing and other vegetation that could be impacted by the proposal. On the aerial photos (CDC's 2013 and Google maps 2019) the area to the north-east of the proposed outbuilding seems more densely tree'd.

The submitted Arboricultural Impact Appraisal dated November 2018, although unclear if written by a qualified Arboricultural expert, reviews the issues in accordance with BS 5837 (2012). No indication of where any protective fencing will be placed but the fencing shown in Appendix 1 of the report would be acceptable.

The foundations should not impinge on the RPA's of any adjacent trees. The only tree shown/close to the outbuilding is an Alder tree and its RPA is well away from the building. Conditions should require Protective fencing (shown on a plan) and no materials stored under the trees or within the RPA's, nor any mixing of cement or fires. There could be future pressure/impact on the existing adjacent trees, i.e. to fell or prune in order to help alleviate light and given proximity to the building.

6.4 Forestry Commission

No comments received to date.

6.5 Third Party Representations

One third party comment has been received, which neither supports nor objects to the planning application. The following comments were made within this representation, which are addressed within the main body of this report:

- Potential overlooking to neighbouring property
- Proximity of pool house to neighbouring boundary and noise
- Potential for noise complaints against neighbour by virtue of proximity of proposed house to existing neighbouring tennis court
- Suggests planting/screening condition to address all concerns raised

6.6 Applicant/Agent's supporting information

During negotiations with the applicant throughout the process, the following additional information was submitted

- Examples of nearby design including photos
- Additional design rationale and justification statement
- Various alternative design options for informal consideration
- Response to concerns raised by the LPA and Parish Council

7.0 Planning Policy

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans.

Chichester Local Plan: Key Policies 2014-2029

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 & Settlement Hierarchy
- Policy 25: Development in the North of the Plan Area
- Policy 33: New Residential Development
- Policy 39: Transport, Accessibility & Parking
- Policy 40: Sustainable Design & Construction
- Policy 45: Development in the Countryside
- Policy 47: Heritage and Design
- Policy 48: Natural Environment
- Policy 49: Biodiversity

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF) 2019.

7.4 Section 2(Achieving sustainable development), paragraphs 10 and 11 state:
"So that sustainable development is pursued in a positive way, at the heart of the Framework 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-date⁷, 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 proposed⁶; 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 Sections 4 (Decision making), 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment) are also relevant to the consideration of the application.

7.6 Neighbourhood Plan

The Plaistow and Ifold Neighbourhood Plan is in the process of preparation and so there is no made neighbourhood plan for this area. Its policies consequently have little weight at this stage.

7.7 Other Local Policy and Guidance

The following documents are also relevant to the consideration of the application:

CDC Design Guidance for Alterations to Dwellings & Extensions 2009
CDC Surface water and drainage SPD

7.8 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:

- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main considerations are as follows:

- i) Principle of development
- ii) Design, scale and impact on character of the area and countryside
- iii) Impact upon amenity of neighbouring properties
- iv) Highways and parking
- v) Ecological considerations
- vi) Trees
- vii) Other matters and material considerations

i) Principle of development

8.2 The application site is in lawful residential use and the proposed replacement of a single dwelling and outbuilding with a new dwelling and outbuildings is therefore considered acceptable in principle, subject to compliance with development plan policies and assessment of the material planning considerations as assessed below.

ii) Design, Scale, Character and Countryside

- 8.3 The proposed dwelling is substantial in size, however, officers consider that the proposal represents a high quality design that would respond to the context of the site and its surroundings. With regard to the change in size and scale from existing to proposed, the proposed footprint of built form on the site would be approximately 511 sq m, compared to the existing footprint of 402 sq m; however, noting the change of shape of the house from a rectangular form to more of an L-shape or N-shape. The maximum ridge height of the house is proposed to increase from approximately 8.6m to 9.2m (600mm increase). It is important to note that the proposed siting is further back in the plot where the site level is slightly lower. Given the change in site levels, albeit sloping away from the frontage, a condition can be attached requiring a site level plan to be submitted. In terms of the building's façade and main body, its width, depth and bulk would not increase by an unacceptable degree.
- 8.4 The increase in scale is considered to be relatively modest given the spacious nature of the plot, and the size of the site allows for such an increase in built form without the site appearing cramped or over-developed. With regard to the proposed pool building and garage/annexe, these are modest in size, of appropriate design in-keeping with the main house, and would replace an existing garage/annexe building of a similar size. It is understood that there was historically a pool building within the grounds of the existing dwelling; in the south-eastern corner where now only a hardstanding remains.
- 8.5 The site is well screened, particularly to the front and sides, and the siting of the proposed buildings are set back further from the road and at a slightly lower level; thus reducing any perceived impact. Therefore, there is not considered to be a detrimental impact on the street scene or surrounding countryside. A Public Right of Way (PROW) is located off Loxwood Road, approximately 60m to the east, but behind a section of ancient woodland; thus not allowing for views of the application site or development from this public vantage point.
- 8.6 It is considered that a great deal of information has been submitted alongside this application, outlining the rationale behind the proposed design. It is clear that the surrounding character, built form, vernacular and individual buildings have been taken into account. The applicant has also revised the design of the scheme following discussions with officers to address any concerns and make appropriate amendments to detailing, in addition to reducing the overall scale and massing of the dwelling and the pool building. The existing building is not of any architectural merit and the replacement, albeit larger, is considered to be of high quality design, sensitive to its surroundings.

8.7 The Parish Council has raised a number of design concerns; specifically the scale, level of fenestration and the glazed link. Since these comments were received, the scheme has been amended to reduce the scale, reduce the amount of glazing on the rear elevation and pool building, and to significantly reduce the glazed link element. The site is not within a designated landscape area, or within the National Park. The impact on the surrounding landscape has nevertheless been taken into account, and for the reasons set out above it is considered that the proposal would not be harmful to the landscape. In addition the fenestration has been reduced to reduce the amount of light spillage, albeit there is no specific planning policy for this area that requires dark night skies to be protected.

8.8 The proposal is therefore considered to be of an acceptable scale, form and design, would provide a better quality design and accommodation in comparison to the existing dwelling, and would not be to the detriment of the surrounding area or countryside; thus complying with Local Plan Policies 25, 33, 47 and 48.

iii) Impact upon amenity of neighbouring properties

8.9 There is only one nearby dwelling in relation to the application site; situated immediately to the west of the site, close to its frontage with Loxwood Road. The proposed replacement dwelling is set back deeper into the plot and further from the neighbouring boundary to the west. The westernmost elevation of the main dwelling would sit approximately 35 metres from the neighbouring boundary. Additional planting is proposed on the western boundary which would further screen the development from its neighbour. The occupier of this property has raised concerns regarding potential overlooking and noise. Since this comment was received, the scheme has been amended to move the proposed dwelling and pool house further from the boundary. As a result, and given the proposed dwelling and outbuildings would have a lesser relationship with the neighbouring property than the existing, it is considered that the amenity of the neighbouring property would be safeguarded. The proposal therefore accords with Local Plan Policy 33 and the Council's Design Guidance for Alterations to Dwellings & Extensions.

iv) Highways and Parking

8.10 The application does not involve changes to the access or a material change or intensification of the site's use. Adequate parking and turning for vehicles remain within the site, and there would be sufficient covered areas for cycle parking. Thus, there are no implications for highways safety or parking, subject to the construction process being controlled through a Construction Management Plan, which can be made the subject of a condition. The proposal therefore complies with Local Plan Policy 39.

v) Ecological considerations

- 8.11 The only known significant ecological designations on the site are the presence of bats; in particular brown long-eared bats. The site is also within the Bat Home and Movement Networks and involves demolition of buildings. As such, a Stage II Bat Survey and Report have been undertaken and submitted, which includes proposed mitigation. The Council's Environment Officer was consulted and raised no objections to the proposal, subject to the development and mitigation being fully implemented in accordance with the measures proposed within this report. This can be secured via a condition, and therefore the proposal can be considered acceptable in terms of biodiversity and would accord with Local Plan Policy 49.
- 8.12 It is noted the Parish Council has raised concern that a wider biodiversity survey should have been undertaken, including to establish the likelihood of great crested newts on site. However, it is not a requirement for a great crested newt survey to be carried out in all circumstances where there is a water body within 500m and for all scales and types of development. Natural England advice states that a survey is only required if all three of the following criteria are present: 1) records suggest newts may be present, there is a pond within 500m of the site, and the development contains suitable habitats. It is evident that there is no historical record of newts on the site, in addition to limited suitable habitats. The Council's Environment Officer has assessed the site in terms of its likely habitats, required surveys and standing advice from Natural England, and determined that further ecological surveys are not required. Great crested newts are nevertheless protected under separate legislation, and an informative can be included making the applicant aware of this.

vi) Trees

- 8.13 The main body of the development, including the replacement house and the pool building, would be sited within the centre of the site where there are no trees; however, the proposed garage/annexe building would be closer to TPO trees and ancient woodland. Since the application was first submitted, the applicant has provided additional information including a Tree Protection Plan and, in addition to this, the siting of the proposed garage/annexe building has been moved further away from the protected trees/ancient woodland within this tree line. The siting of the outbuilding is now clearly outside the root protection area (RPA) of the nearest protected tree, and considered to be sufficient distance from the nearby trees so as to no material impact upon them. The outbuilding would be partly within an area of existing hardstanding/foundation, which would be removed as part of the development.

- 8.14 The applicant had proposed to remove the existing hardstanding using a hand-dig method and to use appropriate piling foundation for the buildings. Now that the proposed building is sited further from the trees, this hand-dig method and foundation type is not considered necessary, as confirmed by the Council's Tree Officer, and therefore this is not the subject of a condition. The Council's Tree Officer was consulted and raised no objection to the application, although does comment on the potential for future pressures on these nearby trees in terms of pruning or light received. However, given the nearest tree is 7.2m away and the scale of the outbuilding is relatively minor, there is not considered to be any significant impact on nearby trees, nor would there be a likely requirement for them to be pruned. Conditions are recommended requiring the tree protection measures to be implemented prior to the commencement of works and for the planting of new trees in accordance with a submitted landscaping scheme.
- 8.15 For the reasons set out above it is considered that the proposal would not result in any adverse impact to trees within the site, and therefore the proposal accords with policy 48 of the Local Plan which seeks to protect trees and biodiversity.

vii) Other Matters and Material Considerations

- 8.16 There are not considered to be any implications for flood risk or drainage given the nature of development and siting within Flood Zone 1.
- 8.17 The agent has agreed to the inclusion of all pre-commencement conditions.

Conclusion

- 8.18 The proposal is considered to be in accordance with local and national development plans and guidance, including design and rural policies 25, 33, 47 and 48 of the Chichester Local Plan, and would preserve the character and amenity of the surrounding area and countryside; and is therefore acceptable. There are no other material considerations which outweigh this conclusion.

Human Rights

- 8.19 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

9.0 Officer Recommendation

RECOMMENDATION PERMIT subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: SK300 Rev D, SK301 Rev E, SK302 Rev D, SK303 Rev G, SK304 Rev D & SK307 Rev A.

Reason: To ensure the development complies with the planning permission.

- 3) No development shall commence until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

4) No development or demolition shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The measures approved within the CMS shall thereafter be fully adhered to during the demolition and construction process. The CMS should provide for the following:

- a) hours of delivery
- b) details and method of demolition
- c) provision for parking of vehicles
- d) provision for storing of equipment, materials and waste
- e) details for the erection and maintenance of any security hoarding
- f) measures to control emission of dust and noise
- g) provision of road sweepers and/or wheel washing facilities
- h) details of proposed external lighting to be used during construction, which should only be used for security and safety purposes, including measures to limit the disturbance from any lighting required
- i) waste management, including prohibiting burning of materials/waste

Reason: In the interests of highway safety and protecting nearby residents from nuisance during all stages of development, and to ensure the use of the site does not have a harmful environmental effect. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

5) No development shall commence on site, including demolition, until protective fencing has been erected in accordance with the approved Tree Protection Plan (drawing number SK307 Rev A) and in accordance with the recommendations of BS5837:2012. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that preservation and protection of the protected trees and trees designated as ancient woodland. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

- 6) Notwithstanding any details submitted, no development above ground floor slab level of any part of the development shall commence until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality.

- 7) The development hereby permitted shall not be first occupied until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan, referencing the indicative planting and screening shown within the approved Tree Protection Plan (drawing number SK307 Rev A), and schedule of plants: noting species, plant sizes and proposed numbers/densities. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

- 8) The construction of the development and associated works, including demolition, shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

- 9) On the day on which the new dwelling or garage annexe hereby permitted is first occupied, whichever is the earlier, all existing buildings within the application site shall cease to be occupied and within three months of that day the existing dwelling and all existing outbuildings and hardstanding shall be demolished and removed, the resultant materials cleared from the site, and the land reinstated in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to secure the removal of the existing dwelling and outbuildings which are being replaced, and in order to protect the character of the area and countryside.

- 10) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the recommendations section of the submitted Phase 2 Bat Emergence Survey produced by S.G. Dodd, dated September 2018.

Reason: To ensure that the protection of ecology is fully taken into account during the construction process, and in order to ensure the development will not be detrimental to the maintenance of protected species and to provide biodiversity enhancement.

- 11) The proposed hard surfaces hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous surface within the site, and thereafter shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage and to avoid discharge of water onto the public highway.

- 12) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting these Orders, the two outbuildings hereby permitted consisting of the garage with accommodation at first floor and the pool building shall only be used as ancillary accommodation to the host property known as 'Valtony' as shown within the red line boundary of the Location Plan.

Reason: In the interest of amenities and to prevent the use of the building as a new dwelling which would not normally be considered acceptable in this countryside location?

13) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Classes A and E; of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding area, and to prevent overdevelopment of the site and preserve the rural character of the countryside.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

3) A Natural England Protected Species Licence will be required for the works, which will need to be obtained prior to any works taking place.

For further information on this application please contact James Gellini on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PHTTPGERLM700>

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Parish: Fishbourne	Ward: Fishbourne
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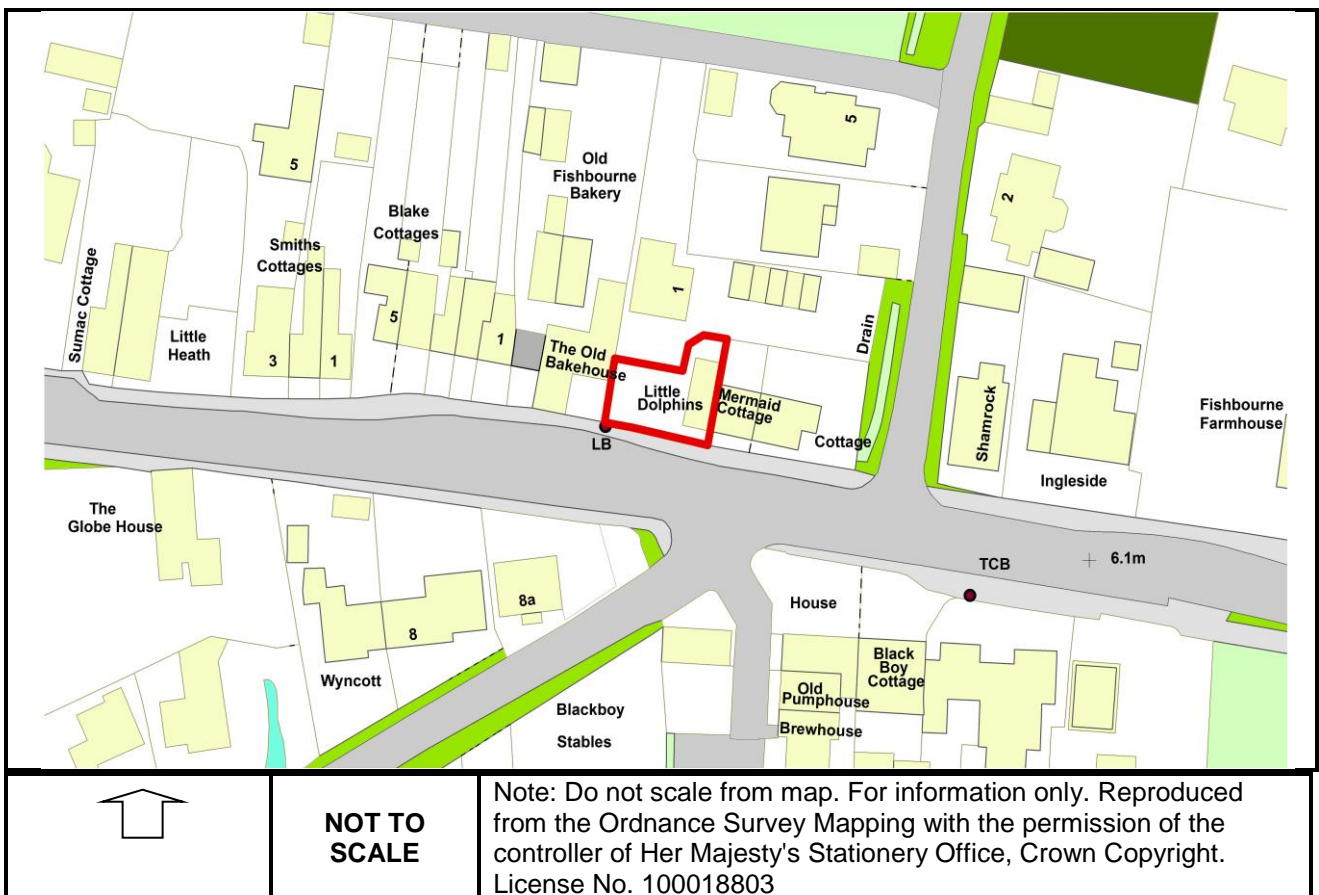
Proposal Retrospective erection of a shed and replacement boundary fencing.

Site Little Dolphins Main Road Fishbourne Chichester West Sussex PO18 8BD

Map Ref (E) 483112 (N) 104796

Applicant Mr Richard Spawton

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 Applicant is a Member/Officer of Council, or spouse/partner.

2.0 The Site and Surroundings

2.1 The application site is occupied by a two storey, end of terrace dwellinghouse, located outside of the Fishbourne Settlement Boundary, but within an established cluster of residential properties, east of Black Boy Lane and to the north of the junction of the Main Road with Old Park Lane. The property is Grade II Listed; occupying a prominent position on the northern side of the A259, within the Fishbourne Conservation Area.

2.2 The dwelling (known as Little Dolphins) forms the western end property in a terrace of three early 19th century terraced cottages. All three period cottages (Little Dolphins, Mermaid Cottage and April Cottage) were listed (Grade II) on the 28th January 1986. The listing description of the property is as follows;

BOSHAM CHICHESTER ROAD (north side) SU 80 SW FISHBOURNE 16/615 April Cottage, Mermaid's Cottage and Little Dolphins- II One building. Early C19. Two storeys. Five windows. Red brick. Hipped tiled roof. Casement windows.

2.3 Along with The Black Boy Inn and Fishbourne Farmhouse, the three cottages form a historic core of properties that are grouped around the junction with Black Boy Lane. The Fishbourne Conservation Area Character Appraisal acknowledges that, in addition to Fishbourne Farmhouse, the three cottages are an important remnant of Fishbourne's agricultural economy as the cottages were interspersed with the farms that were located in the area at the time of construction.

3.0 The Proposal

3.1 The application seeks planning permission for the erection of a shed within the garden to the side of the existing dwelling and replacement boundary fencing along the front of the site. A fence and shed of a different sizes to those proposed have already been erected on site without permission.

3.2 Amendments have been sought to the proposals since they were initially submitted and therefore the proposal is slightly different to what has been constructed on site. The fence as now proposed would be lower than the existing unauthorised fence, and the proposed shed would also be reduced in footprint. The fence would be 1.2m in height to the front of the property, increasing to 1.5m in height for the remainder of the front boundary. The existing shed would be reduced in width by 1.2 metres so that it would measure approximately 2.5 metres (h) x 3.35 metres (d) x 4.15 metres (w). The shed would be located to the north-west corner of the garden area, to the west of the dwelling-house. In addition, the shed as proposed would be stained 'Cupirno!' Old English Green and it is proposed that English Ivy would be planted to grow over the proposed fence.

4.0 History

18/01931/LBC	PER	Internal alterations including replacement staircase, removal of downstairs bathroom, new bathroom at first floor, lining of walls, replacement window sills and covering of floor to living room
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5.0 Constraints

Listed Building	Grade II Listed
Conservation Area	Yes
Rural Area	Yes
AONB	No
Flood Zone 2	No
Flood Zone 3	No

6.0 Representations and Consultations

6.1 Parish Council

No Comment.

6.2 Third Party Comments

No letters of support or objection have been received.

6.3 Applicant/Agent's Supporting Information

During the course of the application the applicant/agent has submitted supporting information to demonstrate that the fence would be located in the same position as the previous fence along the frontage of the site, and that as amended it would be the same height as the former fence.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Fishbourne Neighbourhood Plan was made on the 31st March 2016 and forms part of the Development Plan against which applications must be considered

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 33: New Residential Development

Policy 47: Heritage

7.3 The Fishbourne Neighbourhood Plan:

Policy H1: Heritage Protection

National Policy and Guidance

7.4 Government planning policy comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.5 Consideration should also be given to sections 12 (Achieving well designed places) and 16 (Conserving and Enhancing the Historic Environment).

Other Local Policy and Guidance

7.6 The following documents are material to the determination of this planning application:

The Fishbourne Conservation Area Character Appraisal 2017

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. Impact upon heritage assets and the visual amenity of the surrounding area
- iii. Impact upon the amenity of neighbouring properties

i. Principle of development

8.2 The application site is located outside the Fishbourne Settlement Boundary and therefore the proposal is considered to be development in the countryside under policy 45 of the Chichester Local Plan (CLP). As the site has a lawful residential use, a residential outbuilding or other alteration to the property is acceptable in principle, subject to it being of an appropriate scale, siting and design, and complying with development plan policies. The principle of development is therefore considered to be both sustainable and acceptable in accordance with policy 2 and 45 of the CLP.

ii. Impact upon heritage assets and the visual amenity of the surrounding area

8.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority (LPA) to have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses. Section 72 of the same act requires that the Local Authority give special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

In addition, Section 16 of the National Planning Policy Framework (NPPF) stresses the importance of protecting heritage assets, stating that Local Planning Authorities' should take account; of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive contribution to local character and distinctiveness. Policy 47 of the Chichester Local Plan and Policy H1 of the Fishbourne Neighbourhood Plan assert that permission should only be granted where it can be demonstrated that the proposal conserves or enhances the special interest and settings of the designated heritage assets.

8.5 The proposed shed would be situated to the side of the property; this is the only amenity area associated with the dwelling and would be visible from the highway. However, as amended, the shed would be proportionate to the size of the plot in which it is set and of a size that would not result in harm to the setting of the Listed Building. The proposed reduction in width would ensure that the shed is in line with the building to the west and would also reduce its prominence when viewed from within the Fishbourne Conservation Area. The painting of the shed 'Old English Green' would further mitigate the appearance of the shed.

- 8.6 Prior to the renewal of the boundary fence, the previous fencing had a natural and soft appearance; a product of the vegetation that had grown both over the top and up the front of the fence. This gave it a more natural appearance that left the boundary fence almost unrecognisable through the vegetation. Although the remainder of the terrace features hedging along the front boundary it is notable that boundary treatments in the surrounding area display a high degree of variety; with examples of fencing, walls and hedging all fronting the public highway in the immediate locality.
- 8.7 The unauthorised fence measures 1.8 metres in height. The vegetation in front of and over the fence has been lost, providing a more stark and urbanised appearance that is harmful to both the Fishbourne Conservation Area and the setting of the listed building. The incongruity of the new fencing is accentuated by the increase in the height. The proposed reduction in height to the fencing, which is the subject of this application, would however result in a fence of the same height, in the same location as the previous fencing.
- 8.8 The application also proposes to plant English Ivy over the fence. This would help soften the appearance of the fence over time and ensure the return of the southern boundary of the site to its former appearance. Over time, the fence will also weather down, providing a more silvered appearance. The return of the fence to its previous height with the addition of planting would ensure that, in due course, the character and visual amenity of the street scene and Fishbourne Conservation Area would not be compromised, whilst also preserving the setting of the Listed Building.
- 8.9 On balance, the proposed fence and shed would not result in visual harm to the locality, it would conserve the character and appearance of the Fishbourne Conservation Area and it would not detract from the setting of the Listed Building. The application is therefore considered to be acceptable in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, and Policy 47 of the Chichester Local Plan and Policy H1 of the Fishbourne Neighbourhood Plan.

iii. Impact upon the amenity of neighbouring properties

- 8.10 The proposed fence would be suitably located to ensure that it would not restrict those using the public footpath in front of the property. The shed would have a proposed height of 2.5 metres and would be set off both the northern and western boundaries of the site. This would be sufficient to ensure no harm to neighbouring amenity, with particular regard to massing and impacts on light.

Conclusion

- 8.11 Based on the above assessment it is considered the proposal is compliant with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, Policy 47 of the Chichester Local Plan and Policy H1 of the Fishbourne Neighbourhood Plan and therefore the application is recommended for approval.

Human Rights

8.12 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION PERMIT subject to the following conditions and informatives:-

- 1) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 661-PL-001A, 661-PL-004A, 661-PL-005A, 661-PL-006A.

Reason: To ensure the development complies with the planning permission.

- 2) Within 1 month of the date of this decision the fence along the southern boundary of the site shall be lowered or replaced with a fence to the height shown on approved plans. The fence permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the character and appearance of the heritage assets.

- 3) Within 2 months of the date of this decision the existing shed within the site shall be reduced in width and stained with Cuprinol Old English Green in accordance with the approved plans.

Reason: In the interests of protecting the character and appearance of the heritage assets.

- 4) All planting/landscaping, including the planting of English Ivy, shall be carried out in accordance with the approved details. These works shall be carried out within the first planting season after the erection/amendment of the fence hereby permitted unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

INFORMATIVE

- 1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favor of sustainable development, as set out within the National Planning Policy Framework.

For further information on this application please contact William Price on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PI8QQYER0WT00>

Report to **Planning Committee**
Date **24 April 2019**
By **Director of Planning and Environment**
Local Authority **Chichester District Council**
Application No. **SDNP/18/05093/LDE**
Applicant **Mr A Shaxson**
Application **Existing lawful development certificate for occupation of a dwellinghouse without complying with an agricultural occupancy condition.**

Address **Buryfield Cottage
Sheepwash
Elsted
Midhurst
West Sussex
GU29 0LA**

Recommendation: That the application be Refused for the reasons set out in paragraph 10 of this report.

Executive Summary

Reason for Committee Referral: Applicant is a Member of the Council.

Buryfield Cottage is a two storey detached property, sited in a rural location, to the west of Elsted. The occupation of the dwelling is currently tied by way of an agricultural occupancy condition which was placed on the property under the original planning permission for the dwelling (condition 3 of ES/12/84).

An application for a lawful development certificate has been submitted which has the intention of establishing that a breach of the restrictive condition has occurred in excess of 10 years. Should the applicant be able to demonstrate a 10 year breach of the condition it could no longer be enforced against.

The applicant has asserted that through his service as an elected member of Chichester District Council, Elsted and Treyford, and Harting Parish Council's, representing CDC on the Sussex Downs Conservation Board and South Downs Joint Committee and as a Member of the SDNPA he has been 'employed' in these

roles for a period of at least the last ten years. The view of officers is that this does not constitute employment as remuneration for being a councillor is considered reimbursement/compensation for time spent assisting the public and attending meetings etc.

The submitted evidence is considered insufficient to satisfy the Local Planning Authority that, on the balance of probability, that there has been a breach of condition 3 of planning application ES/12/84 for at least ten years. It is considered that the applicant is still complying with the condition as he was 'last employed' in agriculture and that the time spent being a Councillor is not considered to be employment for the purposes of the condition. As such, the breach of condition 3 of planning permission ES/12/84 has not occurred for the requisite 10 year period prior to the submission of the application.

For the reasons given above, the breach of condition has not been demonstrated to be lawful under Section 191 of the Town and Country Planning Act 1991, as amended. The application is therefore recommended for refusal.

1.0 Site Description

- 1.1 Buryfield Cottage is a detached two storey property sited within the open countryside. In close proximity to the dwelling, there are a number of agricultural outbuildings. The property is sited to the west of the village of Elsted, on the road that links South Harting and Elsted.

2.0 Proposal

- 2.1 The application seeks a lawful development certificate on the basis that a breach of condition 3 (agricultural use restriction) of planning permission ES/12/84 has occurred in excess of 10 years. The condition reads:

'The occupation of the dwelling shall be limited to a person solely or mainly employed or, having ceased employment, last employed in the locality in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry including any dependants of such a person residing with him or a widow or widower of such a person.'

3.0 Relevant Planning History

ES/12/84 - outline permission for an agricultural workers dwelling. Approved

4.0 Consultations

4.1 Parish Council Consultee

Elsted and Treyford Planning committee met on 30th October 2018 and raised no objections to this application

5.0 Representations

5.1 None received

6.0 Planning Policy Context

Legal Background and Government Guidance

- 6.1 Sections 191 and 192 of the Town and Country Planning Act 1990 provide for anyone to apply to the local planning authority for a Lawful Development Certificate (LDC). A Certificate is a statutory document certifying in the case of an application under s191, the lawfulness for planning purposes of existing operations on, or use of land, or some activity being carried out in breach of a planning condition.
- 6.2 By virtue of s191 (2), uses and operations are 'lawful' if no enforcement action may be taken against them and they are not in contravention of any Enforcement Notice, which is in force.
- 6.3 Section 171B of the Act sets out the relevant time periods in respect of when enforcement action may be taken. Where the development involving building operations or the change of use of any building to use a single dwelling is concerned, the relevant period is 4 years. In the case of all other unauthorised development, including change of use of the land and a breach of condition attached to a planning permission, the relevant period of time after which enforcement action may not be taken is 10 years.
- 6.4 In the case of this application, it is the applicant's alleged breach of planning condition 3 of planning permission ES/12/84 that is the matter for consideration.
- 6.5 The advice given in the National Planning Practice Guidance (NPPG) states that if the local planning authority is provided with information satisfying them of the lawfulness at the time of the application of the use, they shall issue a certificate to that effect and in any other case they shall refuse the application. The applicant's own evidence does not need to be corroborated by independent evidence to be accepted. The relevant test is the 'balance of probability'. In the case of applications for existing use or operations, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 6.6 The NPPG points out that the planning merits of the use, operation or activity do not have any relevance to the consideration of purely legal issues, which are involved in determining such applications. It goes on to stress that a certificate should indicate precisely the area of land to which it relates and precise details of what use or operations are found to be lawful, why and when. It is important to state the limits of the use at a particular date, as details will be a yardstick against which any subsequent change or intensification may be measured.

6.7 The determination of this application turns on matters of fact and in particular whether, on the balance of probability, the property has been occupied in breach of the occupancy condition for a period of ten years prior to the submission of this application. The application was registered and validated as an application for a Lawful Development Certificate on 02 October 2018 and therefore a continuous breach of the condition must have begun at least by 02 October 2008.

7.0 Planning Policy

7.1 The provisions of the Development Plan and the National Planning Policy Framework are not relevant to this type of application.

8.0 Planning Assessment

The application

8.1 In 1984 outline planning permission was granted (ES/12/84) for an agricultural workers dwelling. Condition 3 of the permission stated:

8.2 'The occupation of the dwelling shall be limited to a person solely or mainly employed or, having ceased employment, last employed in the locality in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry including any dependants of such a person residing with him or a widow or widower of such a person.'

Evidence submitted by the applicant

8.3 In support of the alleged breach of condition the applicant, has submitted a sworn Statutory Declaration stating that he has been in breach of the agricultural occupancy condition for more than 10 years through his numerous roles and positions held at various local authorities and representative bodies.

8.4 After the reserved matters were approved (ES/4/85) the applicant has stated that the dwelling (Buryfield Cottage) was subsequently occupied on the following basis:

- It was first occupied as part of an agricultural holding of 128ha in the ownership of Slate House Farms (Elsted) Ltd, the shareholders being Thomas Michael David Shaxson (55%) and Andrew Michael Shaxson (45%);
- 1985 - 1991: Buryfield Cottage was occupied by Mr Ronnie Parfoot (who worked as a Cowman) and family;
- 1991: Mr Andrew Shaxson moved into Buryfield Cottage as a tenant of Slate House Farms (Elsted) Ltd who owned the dwelling;

- 7th April 2004 - 20th September 2004: Mr Shaxson rented Buryfield Cottage for 6 months to a couple who were not employed in agriculture;
 - September 2004 to Present: Buryfield Cottage was occupied by Mr Andrew Shaxson.
- 8.5 Whilst the dwelling has also been occupied by the applicant's partner since 1988 she was never the sole resident and was not employed in agriculture.
- 8.6 The applicant therefore alleges that he has resided continuously at the property since September 2004, a period greater than ten years and during that time he was not "solely or mainly employed or, having ceased employment, last employed in the locality in agriculture".
- 8.7 In support of his application the applicant has set out what he considers to be his employment history. This is given for the period dating from 1987 to the present day and is set out below:
- 1987 - present: Parish councillor of Elsted and Treyford Parish Council;
 - 1995 - present: The applicant confirms that he 'effectively retired' from agriculture in 1995. Director of Raymed Ltd (The applicants submitted Statutory Declaration states the Company owned 77ha of land, a group of farm buildings at Buryfield Farm and two dwelling houses, Buryfield Cottage and Barncroft);
 - 6th May 1999 - present: District Councillor for the Harting ward of Chichester District Council;
 - 2002-2011: Sussex Downs Conservation Board and South Downs Joint Committee - 2002 -2011;
 - 2010-2015: Member of the South Downs National Park Authority (latterly as Chairman of the Planning Committee); and
 - 2015 - present: Member (currently Chairman) of Harting Parish Council.
- 8.8 Specific evidence has been provided during the course of the application detailing the dates and times of meetings that the applicant attended in 2018 as Councillor and Parish Councillor and details of the meetings that the applicant undertook when he was a Member of the South Downs National Park Authority between 2010 and 2015. There is no dispute in relation to the claims made by the applicant in relation to his service as a District Councillor, Parish Councillor and Member of the SDNPA.

Assessment

- 8.9 The key issue with this application is whether sufficient evidence has been submitted by the applicant which, on the balance of probabilities, proves that the dwelling has been occupied in breach of the restrictive condition.
- 8.10 The applicant asserts that during the relevant ten year period he has held various positions that mean that he would not have complied with condition 3 of planning permission ES/12/84 in that he has been employed in non-agricultural employment. The applicant claims that he was 'employed' in his various roles in public service as a District and Parish Councillor and as a Member of the SDNPA.
- 8.11 It is therefore appropriate to assess the applicant's evidence to determine whether compliance with the terms of the condition has occurred or whether the applicant has been living in the property in breach of the condition. This assessment is detailed below:

The applicant's role as a Director of Raymed Ltd.

- 8.12 With regard to being a Director of Raymed Ltd, the applicant is the sole director of the company. Companies House records show that the nature of the business is 'growing of cereals (except rice), leguminous crops and oil seeds' and 'supports services to forestry.' As a director of this company, Companies House states that the occupation of the applicant is as a 'Farmer.' The applicant states that he 'effectively retired' from farming in 1995 and argues that being a Director of Raymed Ltd does not count as being employed, whether in agriculture or any other form of business. The applicant does not claim that through being a Director of Raymed Ltd a breach of the restrictive condition has taken place.

The applicant's service as a District and Parish Councillor and as a Member of the SDNPA.

- 8.13 The applicant argues that subsequent to his retirement from farming in 1995 and following election as a member of CDC in 1999 he has devoted his time to being an elected representative of CDC and has subsequently been full time employed in the various roles and positions held with local authorities and representative bodies.
- 8.14 The wording of the restrictive condition explicitly refers to the term being 'employed.' With regard to the applicant's respective public service roles it is considered that the work of a Councillor (both District and Parish) does not meet the definition of being 'employed' as such positions are voluntary, with any remuneration being either reimbursement or compensation for time spent assisting the public, attending meetings as well as for expenses incurred. This remuneration is not considered to be a salary or wage. There is no employee/employer relationship with set contractual hours of work, sick or holiday leave entitlement or specific duties set out by an employer.

- 8.15 The applicant has submitted a case that accepted, under section 79 (c) of the Local Government Act 1972, that term 'work' could be used to describe the duties of an elected Local Authority Member. Officers do not however accept that the term 'employment' used in a planning condition has the same meaning as 'work' under section 79 (c) of the Local Government Act 1972. Whilst it is acknowledged that the duties of a councillor are a form of work they are not considered to be "employment".
- 8.16 The applicant is therefore not considered to be in breach of the condition in this regard.

The status of the applicant's partner.

- 8.17 With regard to the partner of the applicant being in breach of the condition for more than 10 years, it is noted that the condition only requires one of the occupants to be solely or last employed in agriculture. As set out above, it is concluded that the applicant has not been in breach of this condition and that he was last employed in agriculture. Therefore as one of the occupiers of Buryfield Cottage complies with the condition no breach has occurred.

9.0 Conclusion

- 9.1 It appears to Officers that, on the balance of probabilities, from the evidence that has been submitted with the application that one of the occupiers of the cottage was (and still is) last employed in agriculture and therefore complies with condition 3 of planning permission ES/12/84. Officers do not consider that service as a Parish and District Councillor and as a Member of the SDNPA represents 'employment' within the meaning of the term as used in the condition. Therefore, the submitted evidence is insufficient to satisfy the Local Planning Authority that, on the balance of probability, there has been a breach of condition 3 of planning application ES/12/84 for at least ten years prior to the submission of the application. Therefore, the development has not been demonstrated to be lawful under Section 191 of the Town and Country Planning Act 1991, as amended. The application is therefore recommended for refusal.

10.0 Reason for Recommendation and Conditions

10.1 It is recommended that the application be REFUSED for the reasons set out below.

1. It appears to the SDNPA, on the balance of probabilities, from the evidence that has been submitted with the application that one of the occupiers of the cottage, was last 'employed' in agriculture and is not currently employed in non-agricultural employment and is therefore continuing to comply with condition 3 of planning permission ES/12/84. The SDNPA does not consider that one of the occupiers has been 'employed' as a Parish and District councillor for at least the last ten years because the role of a Councillor does not meet the characteristics of being 'employed' within the meaning of the term used in condition 3 of ES/12/84. Therefore, the submitted evidence is insufficient to satisfy the SDNPA that, on the balance of probability, that there has been a breach of condition 3 of planning application ES/12/84 for at least ten years. As such, the breach of condition 3 of planning permission ES/12/84 has not occurred.
2. The application has been assessed and determined on the basis of the plans noted below.

Reason: For the avoidance of doubt and in the interests of proper planning.

11.0 Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12.0 Human Rights Implications

12.1 This application has been considered in light of the evidence submitted and the recommendation is based on factual evidence and law and not on a the basis of a subjective assessment of planning merits. Therefore it is not considered that the Human Rights of the applicant have been engaged.

13.0 Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14.0 Proactive Working

14.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal.

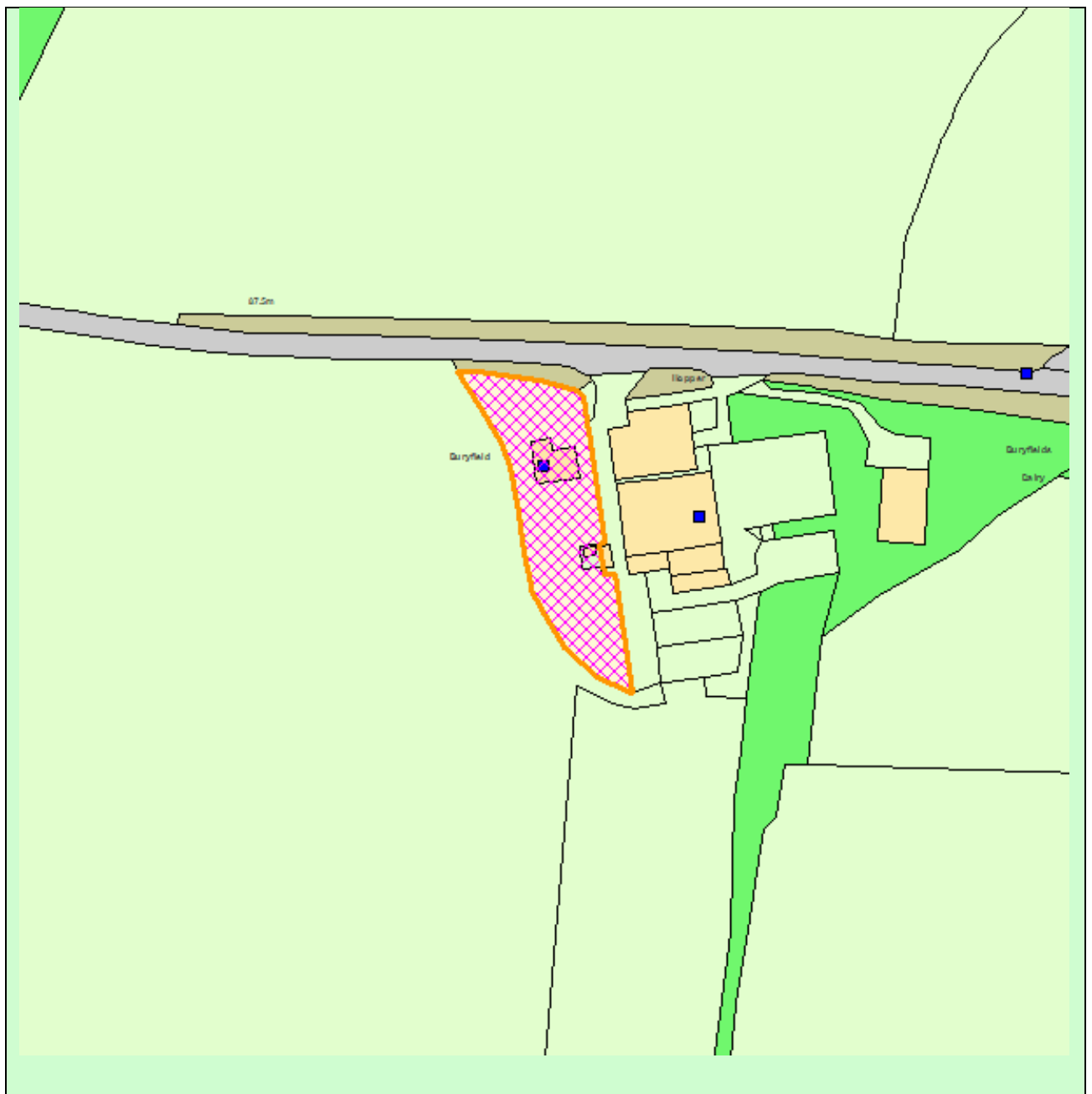
Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Charlotte Cranmer
Tel: 01243 534734
email: ccranmer@chichester.gov.uk

Appendices
Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this
Application

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Site Location Plan (A4)	SD/CHI/259/I E/001		09.10.2018	Not Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.

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Report to **Planning Committee**
Date **24 April 2019**
By **Director of Planning and Environment**
Local Authority **Chichester District Council**
Application No. **SDNP/18/05965/FUL**
Applicant **Mrs D Sullivan**
Application **Change use of land from agricultural to equestrian use. Erection of private stable building, associated hard standing, new 5 bar gate and access to the highway including culvert to ditch.**

Address **Land East Of Flint Acre Farm
Bignor Park Road
Bignor
RH20 1EZ**

Recommendation: That the application be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

Executive Summary

Reason for Committee Referral: Parish Council Objection Officer recommends permit

It is considered that given the history of the site as grazing land the use of the site for the grazing and stabling of horses is an appropriate form of use. The erection of a stable building and the provision of a new access would have limited impact on the landscape and character of the area and the wider South Downs National Park given the existing linear pattern of development.

The proposed works to the culvert would provide benefits by improving the efficiency of the existing culvert and improve surface water drainage.

On balance it is considered that this proposal is acceptable and the application is recommended for approval.

1.0 Site Description

- 1.1 The site is situated to the north of Bignor Park Road and is 1km north-east of the village of Bignor.
- 1.2 The site measures approximately 1.6 hectares in size and comprises of 3 fields separated by hedgerows and mesh fencing. The southernmost field closest to the road is currently grazed by horses and has previously been used for seasonal grazing. Much of the site includes semi-improved grassland, which is long and tussocky and there is a significant presence of hard rush across the site. The site is low lying and wet
- 1.3 To the east is a dwelling (Four Acres). To the west there is an open boundary with Flint Acres Farm. Further fields of pasture are located to the south and north of the site. The highway is lined with a hedgerow set back behind a grass verge. Within 2km of the site boundaries, is Coates Castle and Waltham Brooks which are Sites of Special Scientific Interest, as well as large parcels of ancient woodland.
- 1.4 A five bar gated access provides access to the site from Bignor Park Road. A substandard culvert has been constructed by the applicant and this together with the access are both considered to be unlawful.
- 1.5 The character of the area is of low lying parcels of land, many subdivided for use as either equestrian or small-scale agricultural use. Fields are divided by sparse hedgerows and trees typically running along ditches that divide the fields. Individual parcels of land are in some cases divided by post and wire fencing to make smaller paddocks.

2.0 Proposal

- 2.1 This application seeks planning permission for a private stable building with associated hardstanding. In addition the applicant is seeking to regularise the entrance to the site to include the addition of a five bar gate and the remodelling of the existing sub-standard culvert and ditch to allow the free flow of water.
- 2.2 The proposed stable building is a low-level L-shape building with an eaves height of 2.5 metres and a ridge height of 3.7 metres containing three stables, a small tack room and hay/feed store. The building is to be clad in horizontal timber cladding with a black onduline roof. Hardstanding is proposed to facilitate vehicular access from the highway to the stable and allow a horsebox to safely exit the site in a forward gear.

3.0 Relevant Planning History

SDNP/17/06428/APNB. agricultural storage building and associated works. OBJECTION

SDNP/18/00465/APNB. Proposed agricultural storage building and associated works. OBJECTION

4.0 Consultations

4.1 Parish Council

Bury Parish Council wishes to express its objection to this application.

This is another piece of land in Bury Parish that has been the subject of multiple planning applications in the recent past.

This part of the Parish is, and should remain, a tranquil agricultural environment. The agricultural land along and to the North of Bignor Park Road has been divided into several small parcels and needs protecting from inappropriate development. The rural undeveloped character of this part of the Parish is being threatened by the intensification of the number and size of outbuildings since the area was subdivided and sold off into separate plots. The Parish Council wants to prevent development that leads to an urban fringe character to the landscape in this area. Any increase in the number of barns and outbuildings will seriously affect the landscape character.

To grant change of use to equestrian and permit the erection of stabling and hard standing will undermine the agricultural nature and increase the urbanisation of the area through the increase of buildings within these agricultural fields. The Parish Council disagrees with the applicant that a field of circa 5 acres is insufficient size for agricultural purposes. We also do not accept that every field requires stables and hardstanding. Use of the land for the seasonal grazing of livestock, or for hay, silage etc. which would be more appropriate for this site and there is a known demand for grazing and forage in this area, does not require this level of infrastructure. It is accepted that suitable access into the field is required, for the grazing animals or collection of hay for example.

We largely support the comments of the environment officer in the need for appropriate ecological mitigation. However, we feel that there are clear omissions in the ecological report that need to be addressed. It is noted in the ecological report that it is 'very unlikely' that amphibians are present in the area, however there is a registered and actively monitored toad crossing 600m to the south of the proposal <http://www.froglife.org/what-we-do/toads-on-roads/tormap/> .

Where 100s of toads cross per hour at the height of the breeding season, toads migrate up to 5km and there is suitable habitat within and adjacent to the site. Common Toad is a s41 species of principle concern, but no impact assessment and mitigation proposals are presented. Another omission is ground nesting birds, the ecological report does not provide the bird list provided by SxBRC, but rough grassland such as this is suitable for nesting Skylark (BoCC4 red listed) and Meadow Pipit (s41,BoCC4 Amber listed) but again no impact assessment or mitigation proposals are presented.

4.2 WSCC - Highways

Comments received 20.12.2018

We have received the above application that I note is a new submission of a withdrawn application (SDNP/18/2191). Having looked over the plans I note the access is now proposed in a new location and the ditch is to be culverted. The planning statement provides very little detail as to the new access position and more importantly the application doesn't include a clear plan showing access dimensions and measured visibility splays from the access. A clear correctly drawn plan is required to assess the location of the new access position and the achievable visibility splays. It would also be reiterated that no works should take place in the highway without a minor works license or a s278 agreement being in place.

Please re-consult once the above information is available.

Further comments received 08.01.2019

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Planning Services should be considered to be advice only, with respect to this planning application.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

West Sussex County Council was consulted previously on Highway Matters for a similar application at this site under application references SDNP/18/01736/FUL & SDNP/18/02191/FUL. In conclusion no highways concerns were raised subject to conditions. Both applications were subsequently withdrawn prior to determination.

Local Highway Authority comments were provided in relation to this application on 20/12/2018. More information was requested pertaining to access location and visibility splays.

The comments below have been provided on the basis of all plans and details available on the SDNP planning website.

Context

The application is similar to that previously sought, change of use of land from agricultural to equestrian use. Erection of private stable building associated hard standing, new 5 bar gate and access to the highway including culvert to ditch at Land East Of, Flint Acre Farm, Bignor Park Road, Bignor, Pulborough.

I note the footprint of the stables is smaller, the area of hard standing is smaller and the access will now be a new access replacing an existing unauthorised access in a slightly different location.

The access serving the stables will adjoin Bignor Park Road which is an unclassified rural road subject to the national speed limit. It is appreciated that given the nature and context of Bignor Park Road vehicles approaching the site will be doing so significantly below the national speed limit, 60 mph. The road also appears to be lightly trafficked.

The application documents state that the land was previously used for grazing of sheep and cattle. Presumably access at this time was achieved from one of the neighbouring points of access.

Access & Visibility

The access will now be a new access replacing an existing unauthorised access in a slightly different location.

The Block Plans provided do not demonstrate the full length of any proposed visibility splays. The splays should be drawn to their full extents to a point at the nearside carriageway edge in each direction, or 1.0m into the carriageway to represent the edge of a vehicle's track.

Nevertheless as previously advised using WSCC mapping I would anticipate that a splay of 2.4 x 200+ metres is achievable north east of the access point. Such a splay would be considered adequate and is contained wholly within land considered public highway.

Using WSCC mapping I would anticipate that a splay of 2.4 X circa 130 metres is available south west of the access point. This would equate to the stopping sight distance for a vehicle approach speeds of up to 40 mph. No actual road speed data has been provided to demonstrate vehicle approach speeds at the extents of visibility.

As previously observed on site, Bignor Park Road is lightly trafficked and approaching vehicle speeds were circa 35 mph. On balance the levels of maximum achievable visibility splays would be considered adequate.

It should be noted that there was significant vegetation overgrowing into the highway boundary which restricted visibility below those levels quoted above. If the Local Planning Authority is minded to grant planning consent I would be minded to advise a visibility splay condition is included to ensure maximum achievable visibility is provided at the site access point.

Tracking

The latest proposed block plan includes tracking to demonstrate how the access arrangements will work for a 3.5 tonne horsebox.

However the tracking does not demonstrate how a horse box can sufficiently turn on site. I would be minded to accept a suitable provision can be accommodated and secured by planning condition. The Local Planning Authority would be advised that additional hardstanding would be required.

Culvert

With regard to the retrospective culverting, I note the CDC Drainage Engineer has provided advice and recommendations on this matter.

After inspection of our highway boundary records for this location I can confirm that the extent highway boundary in this location extends to the 'leading edge of the ditch on both sides of the road'. As per the CDC Drainage Officers comments the culvert will still require formal Ordinary Watercourse/Land Drainage Consent.

WSCC are the Lead Local Flood Authority, as part of previous consultations at the site WSCC drainage specialist were contacted for further comments. Given the scale of the development WSCC would not have any additional comments with regards to the development.

Gate

The proposed block plans shows an access gate set back circa 7 metres from the edge of Bignor Park Road carriageway. This would be considered an appropriate setback distance for the proposed use and associated vehicles.

Conclusion

The Local Highways Authority does not consider that the proposal would have an unacceptable impact upon highway safety or a 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the Local Planning Authority is minded to grant planning consent the following conditions and informative notes would be advised.

Conditions

Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Site Proposed Block Plans and numbered 001 Rev 11.

Reason: In the interests of road safety.

Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with plans and details to be submitted to and approved by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

Visibility

No part of the development shall be first occupied until maximum achievable visibility splays have been provided at the site vehicular access onto Bignor Park Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Informative Notes

Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain retrospective formal approval from the highway authority for the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted.

4.3 CDC Drainage Engineer

Surface Water Drainage

The application form suggests that the proposed means of surface water drainage is via a discharge to an existing watercourse. However, the potential for on-site infiltration should first be investigated through winter groundwater monitoring and percolation testing. The results of such investigations will be needed to inform the design of any infiltration structures, or alternatively be presented as evidence as to why on-site infiltration has not been deemed viable for this development.

If infiltration is found to be viable any soakage structures should not be constructed lower than the peak groundwater level. Only if infiltration is shown to be unviable should surface water be, first attenuated on site, and then discharged to the existing water course at a suitably restricted rate.

The application also suggests that the area of hard standing and associated driveway will be constructed of a permeable surface. We support such an approach.

This application also contains proposals for the removal of the existing sub-standard culvert and the creation of a new ditch crossing and associated culvert, to provide access, to the site, from the road. Ordinary Watercourse/Land Drainage Consent will need to be granted in writing from the Lead Local Flood Authority (WSCC) or its agent (CDC), a process that I understand the applicant has started.

Should the application be approved we recommend the following conditions to ensure the site is adequately drained:

'Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA.

'Winter groundwater monitoring, to establish the highest annual ground water levels, and Percolation testing to BRE 365, or a similar approved method, will be required to support the design of any infiltration drainage.'

'No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.'

'The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (CDC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.'

'Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.'

Flood Risk

The site falls within flood zone 1 (low risk).

4.4 CDC - Environmental Strategy

Bats

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed as detailed within the survey, new hedgerow should be planted. Conditions should be used to ensure this.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Reptiles

A precautionary approach should be undertaken on the site due to reptiles. This includes any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March ' 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

Further comments received 08.04.2019

For this site there isn't any record of Great Crested Newts (GCN) within 1km, and as detailed within the survey work (paragraph 4.7) the footprint of the development will result in the loss of tightly-grazed semi improved grassland, which is not suitable habitat for GCNs. The proposed development will not create a barrier to the dispersal of this species between ponds and suitable habitat. Therefore no further surveys are recommended with respect of this species. They recommend reasonable avoidance measures which are identical to the requirement I have made for reptiles (with maintaining the grassland to a height below 5cm to prevent habitat forming that is suitable for GCN prior to construction), I have also added that any cutting should be two phased as an added precaution.

Due to the above I am satisfied that no further survey work for GCN is required and it would be an unreasonable requirement on the applicant to undertake GCN surveys because the qualifying criteria for surveys has not been met.

5.0 **Representations**

5.1 Three third Party Objections:

- Silting of neighbouring ditch resulting from the addition of the substandard culvert.
- Damage to culvert resulting in flooding having a negative impact to neighbouring land. .
- Possibility of permanent residential use.
- Damage to hedgerow due to roots being water logged.
- Grazing would be seasonal therefore mobile shelters would be appropriate.
- Insufficient grazing for 3 horses.
- Potential of increasing urbanisation
- Detrimental to the agricultural character of the immediate area.
- Unsustainable location as the applicant lives in Chichester.
- Considered to be a speculative investment.
- Doubts that the ditch will be de-silted as stated by the applicant.
- Loss of reptile habitat
- Land unsuitable for wet weather grazing potential for
- Subdivision of field contrary to policy SD24.1 of The South Downs National Park Local Plan submitted 2018.
- Exterior lighting would affect the Dark Night Skies

6.0 **Planning Policy Context**

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Chichester District Local Plan First Review (1999)** and the following additional plan(s):

- South Downs National Park Local Plan - Submission 2018
- SDNPA Partnership Management Plan 2014

6.2 Other plans considered:

- Bury Neighbourhood Plan

6.3 The relevant policies to this application are set out in section 7, below.

National Park Purposes

6.4 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

6.5 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

7.0 Planning Policy

Relevant Government Planning Policy and Guidance

- 7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued in February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 196 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

National Planning Policy Framework (NPPF)

- 7.2 The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF02 - Achieving sustainable development
- NPPF15 - Conserving and enhancing the natural environment

The development plan policies listed below have been assessed for their compliance with the NPPF.

Chichester District Local Plan

- 7.3 The following policies of the **Chichester Local Plan First Review (1999)** are relevant to this application:

- BE11 - New Development
- BE14 - Wildlife Habitat, Trees, Hedges and Other Landscape Features
- R6 - Equestrian Facilities
- RE1 - Development in the Rural Area Generally

Partnership Management Plan

- 7.4 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1

The South Downs National Park Local Plan – Submission

7.5 The Pre-Submission version of the **South Downs Local Plan (SDLP)** was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. The Local Plan process is in its final stage before adoption with consultation on relatively minor Main Modifications from 1st February 2019 to 28th March 2019. Based on the very advanced stage of the examination the draft policies of the South Downs Local Plan can be afforded significant weight.

The following policies are of particular relevance to this case:

- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD6 - Safeguarding Views
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Development Management Policy SD24 - Equestrian Uses

8.0 Planning Assessment

8.1 The main issues with this proposal are considered to be:

- i) The principle of development
- ii) The impact of the stable building and new access on the character and appearance of the South Downs National Park
- iii) The need to regularise works to the culvert and land drainage issues

i) The principle of development

8.2 The site previously formed part of a larger parcel of agricultural land sited between Fittleworth Road and Bignor Park Road which has been subdivided into several smallholdings. The land is undeveloped and of poor quality. It is wet through the winter months although grazing is provided through the drier months.

8.3 The site has been the subject of a number of prior approval applications for an agricultural building in connection with the land but these applications have been refused as the proposed buildings were not considered to be reasonably necessary for the purposes of agriculture. In addition, the agricultural unit which is less than 5 hectares in size is not large enough to meet the terms of the General Permitted Development Order.

- 8.4 The land has previously been used for the seasonal grazing of sheep and cattle. The proposal for the grazing and stabling of 3 horses represents a low key use of the site which is considered to be appropriate in this rural location.
- 8.5 The stable building and hardstanding are small in scale and are considered appropriate to what would be a low key personal equestrian use. The building and hardstanding is proposed to be located close to existing agricultural buildings which is considered to be good practice when looking to site new buildings in rural locations and being sited behind an existing hedgerow it will not represent a feature that is prominent within the wider landscape.
- 8.6 Taking the above into account the low density grazing and stabling of 3 horses is considered to be an appropriate use of the site. The use of the building as a stable would be restricted by condition to prevent its use for a purpose other than the stabling of horses.
- 8.7 An entrance from the adjacent public highway is necessary to facilitate access to the site. WSCC Highways has not objected to the new access on highways safety grounds and its appearance reflects other accesses sited along this part of Bignor Park Road. The proposed access is not considered to harm the established rural character and appearance of this part of Bignor Park Road.
- ii) Impact on the character and appearance of the South Downs National Park
- 8.8 The site lies in within the designated rural area where the principle of equestrian development within the countryside is supported by policy R6 providing that proposals do not adversely affect the character of the landscape or the surrounding area and would not result in the loss of the best and most versatile agricultural land.
- 8.9 As previously stated the land is undeveloped and of poor quality and is not considered to be versatile agricultural land. The land has in the past been used mainly for the grazing of animals and this proposal will maintain that use albeit the animals will be horses. There should be very little change in the established character of the land through its change of use to allow for equestrian use. A condition can be applied to any planning consent to control the introduction of paraphernalia associated with equestrian uses.
- 8.10 During the planning process the development was re-sited closer to Flint Acres Farm behind an established hedgerow. It is considered to be good practice to site buildings together in rural locations. Siting the buildings together towards the south west corner of the site helps reduce the prominence and the impact on the character of the wider National Park landscape.
- 8.11 Planning policy (BE11 of the CDLP) requires that development must not detract from its surroundings, and a proposals effect on the local environment must be taken into account. The building is of modest proportions and traditional in design. It is proposed to be constructed of traditional materials which are considered to be appropriate for this rural location. Examples of similar stable buildings can be found throughout the South Downs National Park. The small scale of the development is considered to be appropriate in terms of its size for the stabling of 3 horses.
- 8.12 Consequently, the development is not considered to result in harm to the character of the area or conflict with the purposes designation of the South Downs National Park.

- 8.13 In terms of the access as stated above its appearance reflects other accesses sited along this part Bignor Park Road and is not consider to result in harm the established rural character and appearance of this part of Bignor Park Road. Importantly in this respect the well-established hedgerow fronting the highway will remain with only a short break to facilitate access to the site.
- 8.14 Taking the above into consideration the development is not considered to result in a form of development that has detrimental impact on the character of the area or conflict with the purposes of designation of the South Downs National Park.
- iii) The need to regularise works to the culvert and land drainage issues
- 8.15 The unauthorised works that have taken place to form the access to the site resulted in the ditch adjacent to the highway being culverted. The work undertaken was substandard and has resulted in the need for enforcement action to be considered. This proposal is intended to address the sub-standard work and ensure that the access and culvert are constructed to a suitable standard. This approach is supported by both WSCC highways and the Council's drainage engineer and once the work has been carried out flooding of the adjacent highway should be relieved. The works will be controlled by condition and are also subject to Ordinary Watercourse/Land Drainage Consent.
- 8.16 In addition to the issues of flooding resulting from the substandard culvert it is known that the land can also become waterlogged in winter months. The current proposal is that water from the buildings and hardstanding drain to an existing watercourse. However, prior to this being agreed further work is required by the Council's drainage engineer to show that surface water cannot drain to soakaways. The drainage engineer requires that 'Winter groundwater monitoring 'and Percolation testing takes place to determine the potential for on-site infiltration. The results of the investigations will inform the design of any infiltration structures that are required in association with the buildings. It is proposed to secure this through condition and the applicant is aware that this will need to take place prior to any development on the site.

9.0 Conclusion

- 9.1 The proposal to change the use of the land to facilitate the keeping of horses is considered to represent an acceptable use of the site and the proposed stable building would be well sited and not prominent within the wider landscape. Proposals to regularise the access and culvert will help with drainage within the vicinity of the site. As such the proposal is considered to comply with policies R6, RE1, and BE11 of The Chichester Local Plan First Review (1999) the aims and objectives of the National Planning Policy Framework or the statutory purposes of the South Downs National Park Designation. In view of the above considerations the application is recommended for approval subject to conditions.

10.0 Reason for Recommendation and Conditions

10.1 It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

3. Notwithstanding any details submitted no works to the stable building shall commence until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality.

4. Notwithstanding any details submitted no works to the area of permeable hard standing shall commence until a full schedule of all materials and finishes and a cross section drawn to a scale of no less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality.

5. No part of the development shall be first occupied until maximum achievable visibility splays have been provided at the site vehicular access onto Bignor Park Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

6. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Site Proposed Block Plans and numbered 001 Rev 11.

Reason: In the interests of road safety.

7. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with plans and details to be submitted to and approved by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

8. Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA.

Reason: To ensure the efficient maintenance and ongoing operation for the SUDS system and to ensure best practice in line with guidance set out in the SUDS Manual CIRIA publication ref: Document H. The details are required pre-commencement to ensure the SUDS are designed appropriately and properly maintained and managed as soon as they are installed.

9. Winter groundwater monitoring, to establish the highest annual ground water levels, and Percolation testing to BRE 365, or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Reason: To comply with the requirements of approved Document H of the Building Regulations and the SuDS Manual.

10. The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSC) or its agent (CDC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Reason: To ensure any discharge to a watercourse will not be at a rate greater than the pre-development run off values.

11. The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the section 7 of the submitted Preliminary Ecology Appraisal (June 2018) produced by The Ecology Co-op.

Reason: To ensure that the protection of ecology and/or biodiversity is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species.

12. No artificial lighting shall be installed either on or in the building or anywhere within the site.

Reason: To protect the landscape character of the South Downs National Park from light pollution.

13. No construction shall commence until details of a protective buffer strip (measuring 5 metres in width) has been submitted to and approved by the Local Planning Authority. Once approved, this fence shall be erected around the hedgerow. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that hedgerow and other natural features to be retained are adequately protected from damage to health and stability. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

14. There shall be no burning of stable waste (arising from the stables hereby permitted) on the application site at any time.

Reason: In the interests of amenity and of preventing pollution.

15. All horse jump equipment and equestrian paraphernalia shall be stored in the stable building when not in use.

Reason: To improve the appearance of the site in the interests of visual amenity and to comply with saved policy RE1 and RE6 of the Chichester District Local Plan 1999, the NPPF and the purposes of the National Park.

16. At no time shall any caravan, chattel or other structure or building be erected or placed on the application site unless specifically agreed by the SDNPA by way of a planning application.

Reason: To enable the SDNPA to control the development in the interests of the visual amenity of the South Downs National Park.

17. The building hereby permitted shall only be used as a stable by a single individual for their private enjoyment and shall not be used for any other use or commercial purposes or in connection with any form of riding school.

Reason: In the interests of amenity and to enable the Local Planning Authority to regulate and control the development.

11.0 Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12.0 Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13.0 Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

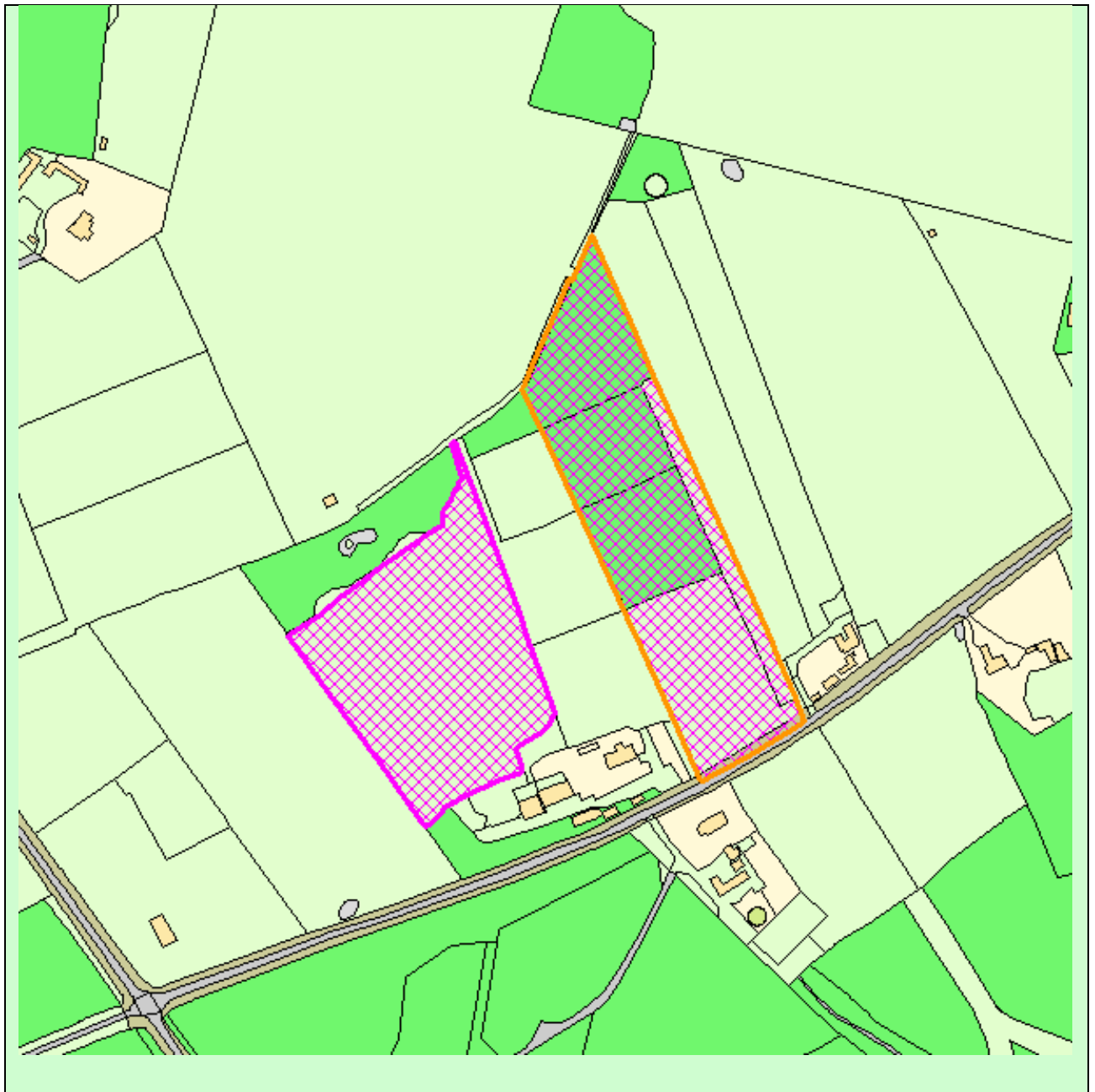
Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Beverley Stubbington
Tel: 01243 534734
email: dcplanning@chichester.gov.uk

Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Proposed Block Plan (A3)	001	10	26.11.2018	Superseded
Plans -	001	11	21.12.2018	Superseded
Plans - Block Plan (A3)	002	10	26.11.2018	Superseded
Plans - Vision Splay (A1)	003	10	26.11.2018	Superseded
Plans - Proposed Stables Floor Plan and Elevations (A3)	100	10	26.11.2018	Superseded
Plans - Vision Splay (A1)	003	11		Superseded
Plans - Proposed block plan	001	13	20.02.2019	Superseded
Plans - Site Location Plan (A3)	000	10	26.11.2018	Approved
Plans - Proposed Five Bar Gate (A3)	102	10	28.11.2018	Approved
Plans - Ditch Levels and Culvert Detail (A1)	102		26.11.2018	Approved
Plans - WSCC Headwall details for pipe sizes up to 600 diam concrete bagwork (A3)	S278/38/23	A	26.11.2018	Approved
Plans - Vehicle tracking on site	111	14	08.04.2019	Approved
Plans - Existing Block Plan	001	14	08.04.2019	Approved
Plans - Proposed Block Plan	002	14	08.04.2019	Approved
Plans - Vision Splay (A1)	003	14	08.04.2019	Approved
Plans - Site Location Plan (A3)	000	14	08.04.2019	Approved
Plans - Proposed floor plans and elevations - stable	100	13	20.02.2019	Approved
Plans - Existing Block Plan (A3)	101	10	26.11.2018	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.

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Report to **Planning Committee**
Date **24 April 2019**
By **Director of Planning and Environment**
Local Authority **Chichester District Council**
Application No. **SDNP/19/00253/FUL**
Applicant **Mr A Elms**
Application **Retrospective change of use of the land and building to builders yard and siting of a timber-clad portable building for ancillary office use.**
Address **Aldsworth Manor Farm Sheepwash Lane Aldsworth
Westbourne PO10 8QT**

Recommendation: That the application be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

Executive Summary

Reasons for Committee Referral: Red Card: Councillor Tassell – Important information to raise in debate. Parish Objection Officer recommends permit.

This application seeks the retention of the use of part of Aldsworth Manor Farm (AMF) as a builders' yard comprising a fenced compound for the storage of building materials, plant and machinery, together with a portable building for ancillary office purposes. The issue as to whether such a use requires a countryside location is finely balanced but the business's income makes a modest but positive contribution to the overall farm income, thus helping to sustain the core farming business. In that context, the building activities may be regarded as a form of farm diversification, which is supported by both national planning policy and the emerging South Downs Local Plan policies, which have now reached an advanced stage toward adoption.

The site is visually well contained and in terms of additional commercial activity, this must be read in the context of the authorised equestrian business already occupying part of the site. The conclusion is that the use and associated operational development does not result in any adverse impact on the existing scenic qualities or character of the landscape or on the amenities of nearby residential properties and therefore this too counts in the proposal's favour.

The National Park has a duty to seek to foster the economic and social well-being of local communities within the national parks. It is considered that the proposal accords with that duty and in concluding that in doing so there would be no conflict with the first purpose of designation of the South Downs National Park (i.e. the conservation and enhancement of the natural beauty, wildlife and cultural heritage), on balance, the application is therefore recommended for approval.

1.0 Site Description

- 1.1 The application site is located south west of Common Road, Aldsworth near Westbourne and within the Rural Area and wider South Downs National Park. The site is accessed via means of a private access track/road (Sheepwash Lane) that also serves a group of former agricultural buildings now converted to residential dwellings on the eastern side of the track and a commercial livery business.
- 1.2 Further south of this is an existing car parking area surface dressed with type 1 scalping's, a block of stables, which serves a commercial livery, also within the yard area and the subject on the application is a timber clad portable building and builders yard in the form of an enclosed compound.
- 1.3 Public footpath no. 512 runs adjacent to the site from SW to NE. The site lies within the Rural Area as defined by the development plan and is within the South Downs National Park.

2.0 Proposal

- 2.1 This application seeks the retrospective change of use of the land and building to builders yard and the retention of a timber-clad portable building within the larger shared yard area for ancillary office use.
- 2.2 The south eastern corner of the yard area has been enclosed with close-boarded fencing and security fencing/gates, within which is a small pole barn. Storage of materials takes place inside the perimeter of the compound, allowing a central space for access and parking. The pole barn is modest in scale, constructed of a timber pole frame clad in dark green corrugated sheeting. Small open-sided leans-to extensions on the south and east elevations provide further covered storage.
- 2.3 The portable building is sited in the shared yard area, adjacent to the eastern boundary. This structure is used as office facilities supporting the building concern and has recently (in 2017) been timber clad in order to soften its appearance.

3.0 Relevant Planning History

SDNP/18/03230/FUL - Continuation of use of land and building for mixed use for agriculture and builders yard and retention of office portacabin.- Refused

SDNP/18/00710/FUL - Continuation of use of land and building for mixed use for agriculture and builders yard and retention of office portacabin. Refused

SDNP/15/04240/FUL - Provision of additional stabling for full livery and variation of condition 4 of SDNP/14/00175/CND to permit only full time livery, as opposed to DIY livery. Approved

SDNP/14/04020/FUL - Proposed new open air riding arena. Approved

SDNP/14/00175/CND - Variation of Condition 2 of planning permission

SDNP/12/03200/FUL. Change of Condition 2 from private stable to private and commercial. PERMIT 02.06.2014

SDNP/13/04994/FUL - Proposed building for pig rearing, silo and associated works.- Approved

SDNP/13/00671/LDE - Commencement of WE/03/03270/FUL. Operations in the course of laying out or constructing a road. – Approved

SDNP/12/03200/FUL - Retention of stable block and hardstanding together with change of use from agricultural land to equestrian use. PERMIT 10.07.2013

08/01037/FUL- Variation of condition no. 8 of planning approval WE/03/03270/FUL to reduce visibility splay. - Permit

03/03270/FUL - New Agricultural Buildings - Permit

98/02224/FUL -Proposed new agricultural buildings- Permit

4.0 Consultations

4.1 Parish Council

Westbourne Parish Council objects to the planning application. The following reasons were also provided for application SDNP/18/03230/FUL which was refused.

Westbourne Parish Council objects to the proposal on the grounds that the builders' yard element represents inappropriate use in an agricultural setting in the SDNP. Further, the portacabin represents inappropriate development and should not be allowed to become permanent; any permission for the portacabin should be temporary.

The proposals would have a negative impact for the amenity of residential developments next to it and also the public footpath leading to/from Westbourne and the SDNP. We want to encourage tourism not destroy it and this is not an industrial site, it is residential and agricultural. A reason given in the planning statement was that it had tidied up what was already there - there is nothing to stop the applicant from doing that after the residential development; in fact it should have been expected. The vehicle movement record submitted shows on that on the Monday and the Friday on the week in question, there was a significant increase in traffic (additional 50-75% over a normal day). This would affect the local properties, especially if any of the vehicles had reversing beepers.

4.2 WSSC - Highways

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSSC map information. A site visit can be arranged on request.

Summary

This proposal is for the retrospective change of use of land and building to builders' yard (B8 use) and siting of an office portacabin. The site is located on Sheepwash Lane, a private road, which meets the publically maintained highway at the junction with Common Road which is subject to a speed limit of 40mph.

The LHA was consulted on applications at this site for the continuation of use of the site to mixed use as agricultural and builders' yard and retention of office portacabin under refs: SDNP/18/00710/FUL and SDNP/18/03230/FUL. The LHA did not raise any highway safety concerns to either application, however the LPA refused each application.

Access and visibility

The site will utilise the existing access from Sheepwash Lane and vehicles will exit onto the publically maintained highway at the junction with Common Road. Visibility at this junction is restricted in both directions; however, an inspection of data supplied to WSSC by Sussex Police over a period of the last five years reveals that there have been no recorded injury accidents at this junction. Furthermore, as an existing junction which currently serves a number of dwellings and agricultural and equestrian uses there is no evidence to suggest that the junction is operating unsafely, or that the proposed use will cause a 'severe' intensification in vehicle movements or exacerbate an existing safety concern.

Parking and turning

The application form indicates that parking will be provided for 5 vehicles. Detailed plans demonstrating the size and location of parking bays have not been provided, however, the proposed site appears to provide sufficient space for the vehicles. Details of a turn on site have not been provided, however the Local Highway Authority (LHA) does not anticipate this to cause a highway safety concern as the site is located approximately 200m from Common Road and the LHA expects that vehicles will exit onto the publically maintained highway in a forward gear.

Conclusion

The LHA does not consider that this proposal would have a 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no highway capacity or safety concerns to resist the proposal.

As previously recommended, the LPA may wish to add in a condition to restrict use of materials storage on the site to ensure that over time this does not change from an office/machinery hub as additional deliveries and loads could intensify the use of the site to a point where improvements to the existing access would be required.

4.3 CCDC - Environmental Health Officer

The predicted hourly traffic (for this use) of 1.3 movements per hour is not considered significant in air quality or noise terms. It is suggested that the following conditions should be included: limit on the hours of use to 06:30 – 18:00 Monday to Friday and no weekend or bank/public holiday working; restriction on the types of activities undertaken (ie no manufacturing or repair works; no external lighting (except sensor-controlled security lighting)).

5.0 Representations

5.1 One third party objection:

- Located within SDNP - a protected landscape
- Access and egress is down a narrow track
- Fast moving commercial vehicle past residential dwellings
- Previously refused on two occasions

5.2 Seventeen third party letters of support:

- Developed the company on site - use has been carried on for some years
- Site no longer suitable for agriculture
- Use the flint from the fields of the site
- Creates local employment
- Rely on local labour and trades people.
- Supports apprenticeship
- Current locality is fundamental to carry out the traditional skills
- Relocation of the business will have a financial impact on the owner of the business
- Good employer
- Loss of jobs if relocated.
- Supports local business
- Loss of experience
- Approval ensures the site is able to continue an ongoing worthwhile enterprise
- Locationally attractive for employees' access to work

5.3 Summary of agent's supporting information:

- Use should be regarded as part of a wider farm diversification strategy for the farm enterprise comprising Aldsworth Manor Farm, The Piggery and Lordington Farm;
- Income stream generated by business important to overall farming enterprise;
- LPA has supported previous diversification/re-use proposals associated with Aldsworth Manor Farm - residentially and commercially;
- The business itself employs local people and serves the local community;
- This is a small scale business specialising in flint work and whose customer base is within the South Downs National Park;
- Little opportunity to expand given existing constraints;
- Site shared with a successful livery business;
- There is national and local policy support for the retention of the business in this location; and
- No adverse impact on landscape character, residential amenity or highway safety.

6.0 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Chichester District Local Plan First Review (1999)** and the following additional plan(s):

- South Downs National Park Local Plan - Submission 2018
- SDNPA Partnership Management Plan 2014

6.2 Other plans considered:

- Westbourne Neighbourhood Plan

6.3 The relevant policies to this application are set out in section 7, below.

National Park Purposes

6.4 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

6.5 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

7.0 Planning Policy

Relevant Government Planning Policy and Guidance

7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued in February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

National Planning Policy Framework (NPPF)

7.2 The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF01 - Introduction
- NPPF06 - Building a strong, competitive economy
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment

7.3 The following paragraphs of the NPPF (2018) are considered to be relevant to the determination of this application:

8, 11, 47, 48, 83, 84, 108, 110, 127, 130, 172.

The development plan policies listed below have been assessed for their compliance with the NPPF.

Chichester District Local Plan

7.4 The following policies of the **Chichester District Local Plan First Review (1999)** are relevant to this application:

- RE1 - Development in the Rural Area Generally
- RE12 - Rural Diversification
- RE14 - Conversions in the Rural Area
- B5 - Rural Area - New Build and Extension
- BE11 - New Development
- TR6 - Highway Safety

Partnership Management Plan

7.5 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1
- Farming Policy 13
- General Policy 52

Westbourne Neighbourhood Plan 2017-2029 (Submission Version)

7.6 The Westbourne Neighbourhood Development Plan (NDP) was published for Regulation 16 consultation from 12th June 2017 to 24th July 2017. The NDP has been the subject to Examination in October 2017. The Inspectors report has not yet been received.

The following policies are considered to be material to the consideration of this application:

- OA1 – Sustainable Development ;
- OA2 – Local Economy and Employment;
- LD1 – Local Distinctiveness

The Draft South Downs National Park Local Plan

- 7.7 The Pre-Submission version of the **South Downs Local Plan – Submission 2018** (SDLP) was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. The Local Plan process is in its final stage before adoption with consultation on relatively minor Main Modifications from 1st February 2019 to 28th March 2019. Based on the very advanced stage of the examination the draft policies of the South Downs Local Plan can be afforded significant weight.

The following policies are of particular relevance to this case:

- Core Policy SD1 - Sustainable Development
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 – Design
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD34 - Sustaining the Local Economy
- Development Management Policy SD40 - Farm and Forestry Diversification

8.0 Planning Assessment

- 8.1 The main issues arising from this proposal are:

- i) The principle of the use of the site as a builders' yard with ancillary office use;
- ii) The impact of the development on the character and appearance of the SDNP;
- iii) The impact of the development on neighbouring amenity;
- iv) The impact of the development on highway safety.

- i) The principle of the use of the land as a builders' yard with ancillary office use

- 8.2 This is a retrospective planning application for the change of use of the land to a builder's yard with ancillary office use. It should be noted that two previous applications (SDNP/18/00710/FUL and SDNP/18/03230/FUL) were both unsuccessful on the grounds that it was considered that the applicant had failed to demonstrate that the builders' storage yard use and associated B1 (office) use required a countryside location and therefore such activity was unsustainable.

- 8.3 In response, this application is accompanied by a detailed planning statement and farm diversification strategy for the applicant's farm holdings, including Aldsworth Manor Farm. The applicant has also highlighted the advanced stage toward adoption of the South Downs National Park Local Plan, which contains policies that acknowledge and support the contribution small business enterprises can make to the rural economy, these policies should now attract significant weight. The applicant has also pointed out that the site has been used as a base for the building business since 2010/2011 and has gradually undergone improvement since that time, with no apparent adverse comment from nearby residents.
- 8.4 The site is located outside the defined settlement policy area. Policy SD1 (Sustainable Development) of the emerging South Downs National Park Local Plan states that planning permission will be refused where development proposals fails to conserve the landscape, natural beauty, wildlife and cultural heritage of the National Park. It is acknowledged that much of the site known as Aldsworth Manor Farm was previously in agricultural use, although this has not been the case for several years. This part of the holding has diversified into equestrian uses (livery) and to the north, the former farm buildings have been converted to residential use.
- 8.5 Policy 13 of the Partnership Management Plan supports the financial viability of farm businesses through appropriate infrastructure and diversification developments, in particular those that will support sustainable farming.
- 8.6 Policy SD40 of the emerging SDNP Local Plan states that where a diversification plan is submitted, it demonstrates that the development would contribute to the first purpose of the National Park by providing long-term benefit to the farming business as an agricultural operation, and remains subsidiary to the agricultural operation in terms of physical scale and environmental impact.
- 8.7 Policy OA1 of the emerging Westbourne Neighbourhood Local Plan states that development outside the Settlement Boundary will not be considered unless it is sustainable development where the benefits demonstrably outweigh the harm, and is of a form or type that could not reasonably be located within the Settlement Boundary. Policy OA2 (3) states that, "...Redevelopment of small-scale sites for employment uses in the countryside will be supported where it can be shown to meet an essential need and encourage local employment..."
- 8.8 The applicant has set out that the use carried on at the site contributes to farm diversification, generating approximately 6% of the total income for the farming enterprise. Although important in supporting the farming dimension, this in itself suggests that the use is not of a size or scale that competes with the core farming activities undertaken by the applicant.

- 8.9 It is acknowledged that in locational terms, the site is not situated in the most sustainable of locations, although it is highlighted that much of the core business undertaken by the firm itself is concentrated within this part of the National Park, employing local, skilled people. The firm specialises in flintwork and the restoration and renovation of period properties. However balanced against this is the weight that may also be attributed to the proposal in its role as a contributor to the overall sustainability of the core farming enterprise. Policy SD34 of the South Downs Local Plan (sustaining the local economy) reflects the statutory duty of National Parks and provides further support. It states that, inter alia, *“Development proposals that foster the economic and social well-being of local communities within the National Park will be permitted provided that they....provide flexibility for established businesses to secure future resilience and protect local jobs;”* The present lack of a planning permission clearly puts the continuation of the business (and its contribution to the core farming business and local employment) at risk.
- 8.10 Additional support is given to the proposal by paragraph 83 of the NPPF, where the advice is not prescriptive as to what type of businesses could or should be located in the rural area. Paragraph 84 recognises that sites to meet local business and community needs in rural area may have to be found adjacent or beyond existing settlements and not well served by public transport. The advice goes on to state, inter alia, that in such circumstances, it will be important to ensure that development is sensitive to its surroundings and does not have an adverse impact on local roads.
- ii) The impact of the development on the character and appearance of the SDNP
- 8.11 The builders' compound is a relatively small part of a larger yard area, the bulk of which is shared with the authorised commercial livery adjacent for visitor parking, deliveries associated with the equestrian activities, etc. The compound is sited at the south east corner of the yard and defined by close-boarded fencing and steel palisade style security gates painted green. The pole barn within the compound is a modest, mono-pitched structure with a maximum height of 3.5 metres. The portable building in which the office function is located on the eastern side of the yard adjacent to some remaining former agricultural buildings. The structure is clad in untreated timber boarding that contributes to the low-key nature of its presence. The overall character of the yard area (both the equestrian use and the builders' yard) exhibits a functional, workmanlike appearance.
- 8.12 The compound and office accommodation is not seen in isolation; the equestrian enterprise is immediately adjacent to the west and comprises a range of permanent stables, various storage containers and riding arena, which add to the developed character of the site.

- 8.13 From the perspective of footpath users, views of the site are limited to brief glimpses of the portable office building, the pole barn and some of the fencing defining the compound itself obtained at the point at which the access enters the yard area. From there travelling southward the character of the immediate surroundings is dominated by fencing subdividing the field into grazing paddocks and, looking eastward, the equestrian buildings and storage containers. As a result, the modest, low-rise nature of the buildings and structures means the development associated with the builders' yard is largely hidden from wider views and not intrusive. The use is considered to be visually well contained and therefore does not have an adverse impact on the established landscape character of the area.
- 8.14 It is acknowledged that the experiential qualities of footpath users is not confined to what is perceived visually but is also from other sensory inputs such as sound, smell and taste. In terms of the broad concept of tranquillity, the business is small-scale and operates in a relatively low-key manner. The opportunity for expansion is limited by the shared nature of the use of the larger yard area with the established equestrian business. Activity generated by the builders' yard must also be considered in the context of the activity flowing from this authorised commercial equestrian uses, including the horse-related coming and going of visitor vehicles, tradespeople and professionals. In addition to that are traffic movements along at least part of the shared access associated with the residential use of the former agricultural barns. These activities have a material effect on the sense of tranquillity experienced in the immediate area and in this context, the applicant has provided details of a traffic survey carried out over a 6-day period that has demonstrated that the building business generates an average of 1.3 vehicle movements per hour (this compares with the 1.94 movements/hour for equestrian-related traffic). It is concluded that this level of use and activity represents a marginal increase over and above that already experienced and does not have a material impact on the existing levels of tranquillity experienced in the surrounding area.

iii) The impact of the development on neighbouring amenity

- 8.15 The discussion at paragraph 8.12 above is also applicable. The Council's environmental health officer (EHO) has added that the potential impact of additional traffic movements attributable to this business on nearby residents would be insignificant in noise and air quality terms. The EHO goes on to make recommendations to ensure that the activities associated with the use to ensure that there is no future issue in this regard, including conditions limiting the use of the premises, no manufacturing or repair works on site and control over external lighting.

iv) The impact of the development on highway safety

- 8.16 The Local Highway Authority (LHA) were consulted on the previous two refused applications and raised no concerns to either application. The LHA has commented on this application that there is no evidence to suggest that the existing access from Sheepwash Lane and junction with Common Road is operating unsafely or that the proposed use will cause a 'severe' intensification of vehicle movements or exacerbate in existing safety concern. Therefore the LHA has concluded that there are no highway capacity or safety concerns to resist the proposal.

9.0 Conclusion

- 9.1 The business is considered to be sited in an area that is poor in terms of accessibility and opportunities to use alternative forms of transport other than the private car, which counts against the proposal. However, it does make a modest but important contribution to the overall sustainability of the core farming activities of the landowner and in that context is promoted as a form of rural diversification that is supported by both national and emerging local planning policies. In addition, the business itself is a local employer. These factors should attract significant weight.
- 9.2 The site is visually well contained and in terms of additional commercial activity, this must be read in the context of the authorised equestrian business already occupying part of the site. The conclusion is that the use and associated operational development does not result in any adverse impact on the existing scenic qualities or character of the landscape or on the amenities of nearby residential properties and therefore this too counts in the proposal's favour.
- 9.3 The National Park has a duty to seek to foster the economic and social well-being of local communities within the national parks. It is considered that the proposal accords with that duty and it is concluded that in doing so there would be no conflict with the 1st purpose of designation of the South Downs National Park (i.e. the conservation and enhancement of the natural beauty, wildlife and cultural heritage). On balance, the application is therefore recommended for approval.

10.0 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Use limitation

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting the Order, the site and portable building hereby permitted shall be used for the storage of building materials, plant and machinery and for office purposes solely in connection with AIM Groundworks only and for no other purpose (including any other purpose in Classes B1, B2 or B8 only of the Schedule to 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 other statutory instrument revoking and re-enacting that Order).

Reason: To ensure the use of the site does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

3. No manufacture or repair works

No manufacture or repair works of any description shall take place within the site at any time.

Reason: To ensure the use of the site does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

4. Hours of use restriction - Mon-Fri

The premises shall not be used and deliveries shall not take place to the application site except between the hours of 06:30 and 18:00 Monday to Friday and at no time on Saturday, Sunday, bank and other public holidays.

Reason: To safeguard the amenities of neighbouring properties.

5. Storage in compound only

Storage of materials, plant and equipment shall take place within the fenced compound only and on no other part of the application site at any time.

Reason: To ensure that the use and associated activity does not have an adverse impact on the character or appearance of the area.

6. Storage of chemicals

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate the bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage. The approved scheme shall be provided prior to the first use of the land for the storage of oils, fuels or chemicals and shall be maintained as approved in perpetuity.

Reason: To enable the Local Planning Authority to retain control over the development which may be injurious to the amenities of the area and of neighbouring properties and to prevent pollution.

7. Lighting

No external lighting, with the exception of properly shielded and timed sensor controlled security lighting, shall be installed anywhere on the premises at any time unless agreed by way of an application on that behalf by the SDNPA.

Reason: To ensure that the International Dark Skies Reserve status of the South Downs National Park is not prejudiced and in order to safeguard the rural character and appearance of the area and amenities of nearby resident's from light pollution.

8. Additional hedgerow planting

Within one (1) month of the date of the planning permission hereby granted, details shall be submitted and approved by the SDNPA for additional hedgerow planting to undertaken at the entrance to the site and along the southern perimeter of the site, together with gap planting of the existing hedgerow on the western boundary of the equestrian section of the yard. Such details shall include species, sizes and numbers of plants and the precise location of the planting. The approved planting shall be undertaken in the first planting season following the approval of this application. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the SDNPA.

Reason: In the interests of amenity and of the environment of the development and to ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

11.0 Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12.0 Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13.0 Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14.0 Proactive Working

14.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Louise Kent
Tel: 01243 534734
email: lkent@chichester.gov.uk

Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this
Application

SDNPA Consultees CDC Environmental Health; WSCC Highways and
Transportation

Background Documents CDC Local Plan First Review 1999 (saved policies);
Westbourne Neighbourhood Plan; South Downs Management
Plan; South Downs Local Plan Submission Draft (2018);
Environment Act 1995

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Location Plan (A4)	2039/01		18.01.2019	Approved
Plans - Block Plan (A3)	2039/02		18.01.2019	Approved
Plans - Portacabin Existing and Proposed Plans and Elevations (A3)	2039/03		18.01.2019	Approved
Plans - Pole Barn Existing and Proposed Plans and Elevations (A3)	2039/04		18.01.2019	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.

**PLANNING COMMITTEE
(Wednesday 24th April 2019)
SCHEDULE OF OUTSTANDING CONTRAVENTIONS**

1. This report presents the Schedule of Outstanding Planning Enforcement Contraventions. The report provides an update on the position of contraventions included in the previous schedule and includes cases that have since been authorised.

2. Statistics as at 31st March 2019

Case Numbers:	CDC	SDNP cases remaining on CDC system until closed	SDNP cases	Total
On hand as at last report:	250	2	112	362
Cases received since last report:	99	0	32	131
Cases closed since last report:	91	1	35	126
Current number of cases on hand:	258	1	109	367
“On hand” includes cases awaiting compliance with an EN or the decision of an appeal/application	71		39	110

3. Performance Indicators are for CDC area only as this information is not available for cases within the South Downs National Park:

- a. Time taken to initial visit from date of complaint:
 - Low within 20 days (274 Cases) 96.76%
 - Medium within 10 days (88 Cases) 97.74%
 - High with 2 days (21 Cases) 100%

- b. Time taken to notify complainants of action decided from date of complaint:
 - Low within 35 days (272 Cases) 98.91%
 - Medium within 20 days (91 Cases) 94.44%
 - High within 9 days (17 Cases) 95.24%

NOTE: A system error resulted in incorrect target dates being issued to officers. This matter has now been corrected and this is reflected in the increased performance figures.

4. Notices Served.

Notices Served:	1 Jan – 31 Mar 19		Total in FY 2018/19	
	CDC	SDNP	CDC	SDNP
Enforcement Notices	4	4	36	14
Breach of Condition Notices	1		6	1
Stop Notices				
Temporary Stop Notices	1		2	
Section 215 Notices			2	
Section 225A Notices				
High Hedge Remedial Notices				
Tree Replacement Notice				
Total	6	4	46	15

If Members have any specific questions on individual cases, these should be directed to the contact officer:

Shona Archer, Enforcement Manager (01243 534547)

OUTSTANDING CONTRAVENTIONS – SOUTH DOWNS NATIONAL PARK

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BURY/SDNP/ 17/00096/ SEC215 (Sue Payne)	Sydenham Cottage West Burton Road West Burton Pulborough	Untidy land	19.03.18	S215 Notice S215/29/BY/24 issued Compliance date 30.07.18 04.10.18 – Notice not complied with 12.12.18 – letter before prosecution action sent 08.02.19 – following meeting – additional information for works and application to be received by 12.04.19
BURY/SDNP/ 17/00585/ GENER (Sue Payne)	Flint Acre Farm Bignor Park Road Bury RH20 1EZ	Without planning permission, change of use of the Building to use as a single dwelling	13.06.18	EN BY/25 issued Appeal lodged – written representation
BURY/SDNP/ 16/00691/COU (Shona Archer)	Foxbury Farm West Burton Lane West Burton	Without planning permission construction of a concrete hardstanding	02.07.18	EN BY/26 issued Compliance date 14.11.18 Appeal lodged – awaiting start letter
BURY/SDNP/ 17/00491/ BRECON (Sue Payne)	Land at Timberley Farm Bury Common Bury	Breach of condition – removal of hardstanding and reinstate hedging	13.08.18	BCN BY/27 issued Compliance date 15.02.19 Notice complied with. Remove from next list
BURY/SDNP/ 18/00293/COU (Sue Payne)	Flint Acre Farm Bignor Park Road Bury RH20 1EZ	Without planning permission the sue of an agricultural building for residential purposes	28.01.19	EN BY/29 issued Compliance date 11.09.19

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
COMP/SDNP/ 15/00210/COU (Shona Archer)	Cowdown Farm Cowdown Lane Compton	Without planning permission, change of use of the building for the stationing of a caravan for the purposes of human habitation	27.06.18	EN CP/7 issued Compliance date 08.02.19 Appeal lodged – awaiting start letter
COMP/SDNP/ 15/00209/COU (Shona Archer)	Cowdown Farm Cowdown Lane Compton	Without planning permission, the construction of a gable end wall in the west elevation of the building	04.07.18	EN CP/9 issued Compliance date 15.11.18 Appeal lodged – awaiting start letter
FERN/SDNP/ 18/00556/LB (Emma Kierans)	The White House The Green Fernhurst	Without listed building consent, the partial demolition of a boundary wall	23.01.19	Listed Building EN FH/24 issued Compliance date 06.09.19
FIT/SDNP/17/ 00147/COU (Sue Payne)	Land north west of Little Cottage 28 Coates Lane Fittleworth	Change of use of the land to garden land	18.07.18	EN FT/9 issued Compliance date 29.11.18 12.12.18 – notice not complied with and letter before action sent. Further site visit due 09.01.19 10.01.19 – site visit only step (v) to be complied with – further site visit to be conducted 15.02.19 Notice complied with. Remove from next list

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
FUNT/SDNP/ 16/00676/COU (Shona Archer)	New Barn Farm Common Road Funtington	Without Planning permission change of use of the land to B8 commercial storage	04.01.18	EN FU/66 issued 04.03.19 – appeal dismissed with variation. New compliance date 06.12.19
FIT/SDNP/17/ 00755/COU (Shona Archer)	Lithersgate Common Bedham Lane Fittleworth	Without planning permission change of use of the Lane to a BMX cycle track		EN FT/10 issued Compliance date 09.07.19 Appeal lodged – awaiting start letter
HEY/SDNP/18/ 00087/GENER (Emma Kierans)	Land at Northend House Polecats Heyshott Midhurst	Without planning permission the erection of iron gates, brick pillars, bollards and kerb lighting, hardstanding and retaining strip	31.01.19	EN HY/3 issued Compliance date 14.06.19 Appeal lodged – awaiting start letter
ROG/SDNP/15/ 00492/COU (Steven Pattie)	Land northwest of Laundry Cottage Dangstein Woods, Rogate	Without planning permission, change of use of the land to a mixed use for leisure, education and training purposes and for the production of timber products	26.02.18	EN RG/36 issued Appeal lodged – Public Inquiry 9/10.04.19 at SDNPA

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
ML/SDNP/ 16/00110/COU (Steven Pattie)	Land West of the Junction to Dangstein Road	Without planning permission change of use to mixed use of camping, education and training courses and manufacture of wood products	19.06.18	EN ML/25 issued Compliance date 31.10.18 Appeal lodged awaiting start letter
SN/SDNP/15/ 00301/ BRECON (Shona Archer)	1 Sutton Hollow The Street Sutton	Without planning permission the erection of a dwellinghouse	18.08.16	EN SN/3 issued Appeal ongoing – Written Representations Exchanged statements and awaiting date for PINS site visit SDNP/17/00294/FUL – refused and appeal lodged SDNP/17/00295/LB – refused and appeal lodged 20.09.17 – s174 appeal conjoined with s78 appeal 28.02.18 – Appeal dismissed, enforcement notice upheld. 11.09.18 – Meeting on site. Owners have until 28.10.18 to comply/confirm their intentions 21.12.18 – application SDNP/18/05458/HOUS pending consideration. 04.02.19 – application withdrawn. 11.04.19 – meeting with SDNPA on way forward
WD/SDNP/16/ 00747/OPDEV (Emma Kierans)	Brooms Farm High Street Chilgrove Chichester	Without planning permission, change of use of the land for the stationing of a mobile home for the purpose of human habitation	10.01.19	EN WD/17 issued Compliance date 21.08.19

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
WO/SDNP/16/ 00458/ BRECON (Emma Kierans)	3 Claypit Cottages Linch Road Redford Woolbeding	Breach of condition – windows	19.06.18	BCN WO/2 issued Compliance date 19.12.18 21.12.18 - Application SDNP/18/05520/HOUS submitted 31.03.19 – Application remains pending consideration

Chichester District Cases:

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BI/15/00194/ CONTRV (Shona Archer)	Land North West of Birdham Farm, Birdham Road, Chichester	Without planning permission the stationing of a mobile home for the purposes of human habitation	06.05.15	EN BI/23 and BI/24 issued The Appeal decision was published on 2 August 2017. The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations. Compliance date: 2 August 2018 04.10.18 – letter issued stating Councils intention to seek Mandatory Court Order. 12.4.19 – meeting with legal services to advance Injunction proceedings
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road Chichester	Without planning permission erection of a stable building	10.08.15	EN BI/29 issued with compliance date of 21.12.15 Following the outcome of the Inquiry, compliance to remove the stables is considered to be 2 August 2018. 04.10.18 – compliance to be sought as part of court proceedings 12.4.19 – meeting with legal services to advance Injunction proceedings
BI/15/00139/ CONSH (Shona Archer)	Access track and hardstanding -land North West of Premier Business Park, Birdham Rd	Without planning permission excavation, deposit of hardcore and erection of gates and fences	21.09.15	EN BI/30 issued The Appeal decision on the above matters was published on 2 August 2017. The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations. Compliance date: 2 November 2018 12.4.19 – meeting with legal services to advance Injunction proceedings

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road	Without planning permission, change of use of the land to a mixed use as a residential caravan site, for the storage of caravans and the keeping of horses	03.03.16	EN BI/31 issued The Appeal decision on the above matters was published on 2 August 2017. The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations. Compliance date: 2 August 2018 04.10.18 – letter issued stating Councils intention to seek Mandatory Court Order. 12.4.19 – meeting with legal services to advance Injunction proceedings
BI/17/00356/ CONMHC (Shona Archer)	Plot 12 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/44 issued Compliance date 03.07.19 Appeal lodged – awaiting start letter
BI/17/00361/ CONMHC (Shona Archer)	Plot 13 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/41 issued Compliance date 03.07.19 Appeal lodged – awaiting start letter
BI/17/00362/ CONMHC (Shona Archer)	Plot 14 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/42 issued Compliance date 03.07.19 Appeal lodged – awaiting start letter

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BI/17/00357/ CONMHC (Shona Archer)	Plot 15 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to a mixed use of agriculture, a residential caravan site and animal boarding and rescue centre	22.11.18	EN BI/43 issued Compliance date 03.07.19
BI/16/00229/ CONCOU (Steven Pattie)	Kellys Farm Bell Lane Birdham	Without planning permission, change of use of land to a mixed use as a horticultural nursery and operation of a car wash business	13.12.17	EN BI/34 issued Appeal lodged – Written Rep 08.01.19 – appeal dismissed. New compliance date of 08.02.19 Notice complied with. Remove from next list
BI/17/00061/ CONENG (Emma Kierans)	Little Oak Farm Land North of Cowdry Nursery Sidlesham Lane Birdham	Without planning permission the erection of a building	13.08.18	EN BI/40 issued Compliance date 24.12.18 Appeal lodged – awaiting start letter
BI/18/00240/ CONCOU (Shona Archer)	Land east of Birdham Farm Birdham Road Birdham	Without planning permission, change of use of the land to a general storage use including the storage of motor vehicles, parts, metal, wood, ladders, plastic, trailers and windows	23.01.19	EN BI/45 issued Compliance date 06.06.19

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
CC/115/00064/ CONLB (Sue Payne)	13 Parchment Street Chichester	Without Listed Building Consent the installation and fitting of 3 no. upvc double glazed windows	18.10.17	LBEN CC/138 issued Appeal lodged – Public Inquiry on 30.10.18 at City Council 26.02.19 – Appeal dismissed with variation Compliance date 26.02.2020
CC/17/00089/ CONWST (Sue Payne)	87 Bognor Road Chichester	Untidy Land	19.03.18	S215 Notice S215/30/CC/140 issued Compliance date 30.07.18 03.08.18 - compliance check. Land had been tidied but still evidence of rubble. Communication sent to owner extending compliance date to 31 st August 2018. 01.10.18 – Compliance check. No change in the condition of the land. Communication with owner to establish what remediation is planned and to request copies of any quotes from contractors in relation to this matter to show their desire to comply. 14.12.18 – letter before prosecution action sent. 15.01.19 – Prosecution papers forwarded to Legal Services
CC/15/00018/ CONBC (Shona Archer)	Wildwood 30 Southgate Chichester	Breach of condition – use of rear of premises	16.08.18	BCNEN CC/143 issued Compliance date 27.01.19 Appeal lodged – awaiting start letter

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
CH/14/00181/ CONMHC (Shona Archer)	Field West of Five Oaks Newells Lane Chichester West Sussex	Without planning permission the laying of hardcore and the stationing of a mobile home for the purpose of human habitation	09.12.14	EN CH/49 issued Appeal lodged – Hearing date 10.12.15. Appeal dismissed. New compliance date of 15.09.16 22.11.16 – authority given to proceed with prosecution 20.9.17 – Owners remain in occupation of the Site. 10.11.17 – prosecution advice requested 04.01.18 – following legal advice letter before prosecution action sent to owner. 19.1.2018 – phone conversation with occupier confirmed that occupation of the land continues. 01.03.18 – prosecution papers forwarded to Legal Services 25.05.18 – Adjournment requested by contravener. 10.05.18 – planning application 18/01191/FUL made for use of land as a gypsy site. 16.07.18 – application 18/01191/FUL refused. 03.08.18 – the court granted an adjournment until 18.01.19 01.10.18 – Appeal lodged - Awaiting start letter 18.01.19 – Worthing Magistrates Court – found guilty for non-compliance with the notice – fined £250, costs £120 and £30 victim surcharge. 31.03.19 – Appeal remains lodged – Awaiting start letter
CH/14/00181/ CONMHC (Shona Archer)	Field West of Five Oaks Newells Lane Chichester West Sussex	Use of the land for the stationing of a mobile home for human habitation	09.12.14	Stop Notice CH/50 issued with EN CH/49 See above

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
CH/14/00292/ CONBC (Shona Archer)	Paddock View Drift Lane Chidham	Without planning permission the construction of a concrete hard standing, a paved area, brick steps and a brick wall	28.02.18	EN CH/55 issued Appeal lodged – Hearing - date tbc
CH/14/00399/ CONMHC (Tara Lang)	Cockleberry Farm Main Road Bosham West Sussex PO18 8PN	Without planning permission, change of use to a mixed use comprising commercial uses, equine and the stationing of 4 no. mobile homes for the purposes of human habitation	04.08.16	EN CH/54 issued Appeal lodged –linked to s78 appeal of 16/01902/PA3P 06.06.17 – Hearing held 28.07.17 – Appeal dismissed; notice upheld with variations. New compliance date 28.01.18 03.04.18 – application to be made for self-builds. 29.06.18 – application 18/01449/FUL received for 2 self-build dwellings in place of the static caravans. 01.10.18 – the application remains pending consideration. 21.12.18 – application permitted. Letter to be sent to the owner regarding compliance with the notice. 10.4.19 – land is for sale. Mobile homes remain insitu unoccupied. To be monitored.

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
CH/18/00010/ CONMHC (Shona Archer)	Land East of Hambrook Meadows Broad Road Hambrook Chidham	Without planning permission, change of use of the land to a mixed use for equestrian purposes and for the storage of a caravan, shipping container, flat-bed pick-up truck, dumper truck, cement mixer, fence panels, ladder, vintage tractor, SUV vehicle, flat bed metal-sided trailer, fairground ride equipment and a box trailer.	13.08.18	EN CH/56 issued Compliance date 24.12.18 Appeal lodged – awaiting start letter
D/17/00374/ CONCOM (Shona Archer)	Southend Farm Selsey Road Donnington	Without planning permission, change of use of the land to a mixed use for agriculture and the storage of modular buildings, portable structures and metal storage containers	26.09.18	EN D/8 issued Compliance date 07.02.19 Appeal lodged – awaiting start letter

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
D/17/00371/ CONCOM (Tara Lang)	Donnington Manor Farm Selsey Road Donnington	Without planning permission the change of use of the agricultural land to B8 storage and the stationing of storage containers on the land	28.03.19	EN D/9 issued Compliance date 08.11.19
E/17/00391/ CONDWE (Emma Kierans)	Dragon Nursery Third Avenue Batchmere	Without planning permission, the construction of outer walls of a building	14.06.18	EN E/31 issued Compliance date 26.01.19 Appeal lodged – awaiting start letter
EWB/18/00020/ CONBC (Emma Kierans)	Land South of Clappers Lane Earnley	Breach of condition – hours of operation	11.05.18	BCN EW/43 issued Compliance date 08.06.18 21.12.18- monitoring shows that the development is complying with the notice/hours condition. Notice complied with. Remove from next list
EWB/16/00366/ CONWST (Emma Kierans)	12 Kestrel Close East Wittering	Untidy Land	19.06.18	S215 Notice EW/42 issued Compliance date 18.10.18 21.12.18 – notice remains not complied with and letter before prosecution action sent 31.03.19 - in the process of complying – works being undertaken. Compliance check May 2019.

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
EWB/18/00027/ CONBC (Emma Kierans)	42 Middleton Close Bracklesham Chichester	Without planning permission, the use as domestic garden land in connection with the dwelling	10.07.18	EN EW/44 issued Compliance date 21.11.18 17.12.18 held in abeyance pending decision on 39 Middleton Close. 31.03.19 – Divisional Manager to carry out a site visit to assess
EWB/18/00139/ CONBC (Emma Kierans)	Land north east of Beech Avenue Bracklesham Bay Chichester	Breach of condition – Landscaping	04.02.19	BCN EW/46 issued Compliance date 05.04.19
FB/17/00376/ CONWST (Steven Pattie)	The Old Thatched House Mill Lane Fishbourne	Untidy land and building	31.10.18	S215 Notice issued Compliance date 12.03.19 10.4.19 – officers monitoring site pending the sale of the property
FU/17/00310/ CONCOU (Shona Archer)	Cutmill Depot Newells Lane West Ashling	Without planning permission, change of use of the land to use as a residential caravan site	27.09.18	EN FU/67 issued Compliance date 08.05.19 Appeal lodged – awaiting start letter
HN/17/00121/ CONBC (Emma Kierans)	Brook Lea Selsey Road Hunston	Breach of condition – visibility splay	03.07.18	BCN HN/27 issued Compliance date 01.08.17 03.10.18 - WSCC Highways advised on visibility 21.12.18 – Expediency to be considered 31.03.19 – report to be raised of expediency to pursue

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
NM/16/00325/ CONCOM (Shona Archer)	Land at 6 Oakdene Gardens North Mudham Chichester	Without planning permission storage of metal containers and other items	10.01.19	EN NM/28 issued Compliance date 21.05.19 Appeal lodged – awaiting start letter
O/17/00074/ CONENF (Shona Archer)	Land North West of Decoy Farm House Decoy Lane Oving	Without planning permission the change of use of land to general storage use	14.06.17	EN O/27 issued Appeal dismissed New compliance date 01.10.18 02.10.18 – site visit showed site continues to be used for storage. Letter sent requiring full access to site Dec 18 - Case put on hold following a family bereavement 31.03.19 – site visit to be carried out on 12.04.19
O/17/00074/ CONENF (Shona Archer)	Land North West of Decoy Farm House Decoy Lane Oving	Without planning permission the erection of a wooden building on raised concrete blocks	14.06.17	EN O/28 issued Appeal dismissed New compliance date 01.10.18 02.10.18 – site visit showed building remains in situ. Letter sent requiring full access to site in order to assess Dec 18 - Case put on hold following a family bereavement 31.03.19 – site visit to be carried out on 12.04.19
O/15/00202/ CONAGR (Shona Archer)	Oakham Farm Church Lane Oving	Without planning permission the erection of a building, hardstanding and an earth bund	03.02.17	EN O/25 issued Appeal dismissed – new compliance date 05.04.18. 09.02.18 – application received for change of use of barn to storage and maintenance of agricultural machinery and vehicles under 18/00354/FUL. 01.10.18 – action held in abeyance until determination 21.12.18 – application remains pending consideration 08.02.19 – application permitted 10.4.19 – Notice complied with. Remove from next list

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
O/15/00202/ CONAGR (Shona Archer)	Oakham Farm Church Lane Oving	Without planning permission change of use to a mixed use for agriculture and the storage of caravans, motorhomes/ caravanettes, motor vehicles and shipping containers.	03.02.17	EN O/26 issued Appeal dismissed – new compliance date 05.04.18 06.04.18 – partial compliance achieved as storage use continues to be reduced. Further site visit to be carried out 16.07.18 – partial compliance – further site visit 01.10.18 02.10.18 – site remains non-compliant. Letter before action sent Nov 18 – site visit with owner, gradual site clearance taking place. Site to be monitored and further site visit in 01/19 10.04.19 – contact made with agent to confirm final compliance with the notice.
O/17/00274/ CONBC (Emma Kierans)	Land at Colworth Manor Farm Colworth Lane Colworth	Non-compliance with condition – details of passing places	19.02.18	BCN 0/29 issued Compliance date 19.03.18 03.04.18 – detail of passing places not received. Discussions ongoing with WSCC s.278 team on details 29.06.18 – notice not complied with. Letter before prosecution action sent 17.07.18 – details submitted of construction to WSCC. Details submitted to WSCC awaiting confirmation that S278 has been granted 21.12.18 – works to passing places being carried out and Discharge of Condition submitted in order to comply 15.02.19 – passing places have been provided in accordance with WSCC requirements. Remove from next list

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
PS/13/00015/ CONAGR (Shona Archer)	Crouchland Farm, Rickmans Lane, Plaistow	Without planning permission, change of use of the land from agriculture to a commercial biogas plant	15.07.15	EN PS/54 issued Appeal lodged – Public Inquiry originally scheduled for 24.09.16-04.10.16. The full extent of the planning issues to be considered at the Inquiry will depend on the outcome of current CLU appeal under ref: WSCC/036/15/PS 12.05.16 - HEARING in connection with unrestricted use of the biogas plant and equipment. 22.06.16 – appeal decision letter published re CLU appeal - APP/P3800/15/3137735. Appeal part allowed/part dismissed. s78 & s174 appeals held on 25-28.04.17 – 03-04.05.17 31.07.17 - the last scheduled day for the Inquiry 18.08.17 – Inquiry closed 21.11.17 – Appeal dismissed. Enforcement Notice upheld, subject to corrections and variations. New compliance date of 21.12.17 for Step (i) - “cease use including the cessation of importation and processing of feedstock”. Compliance date of 23.05.19 for all other steps; 04.12.17 – EA confirmed compliance with Step (i); 20.05.18 – Ongoing discussions with Administrators who are working towards compliance. 26.06.18 – as above 05.10.18 – site visit arranged. 17.10.18 – Planning Committee authorised extension to compliance until 21.05.21

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PS/13/00015/ CONAGR (Shona Archer)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the installation, construction, engineering operations and deposit of earth in connection with a commercial biogas plant	15.07.15	EN PS/55 issued As Above
PS/18/00088/ CONAGR (Shona Archer)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the erection of a steel framed lean-to building	01.11.18	EN PS/65 issued Compliance date 21.05.21
PS/18/00088/ CONAGR (Shona Archer)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the erection of a separator tower building	01.11.18	EN PS/66 issued Compliance date 21.05.21
PS/18/00088/ CONAGR (Shona Archer)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the construction of a slurry lagoon, earth bund and fencing	01.11.18	EN PS/67 issued Compliance date 21.05.21 Appeal lodged – awaiting start letter

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PS/17/00055/ CONCOU (Shona Archer)	Nell Ball Farm Dunsfold Road Plaistow	Without planning permission, the erection of a building	18.10.17	EN PS/58 issued Appeal lodged – Written Representation 25.09.18 – appeal dismissed. New compliance date of 25.03.19 31.03.19 – appeal in progress on application 17/03521/FUL and notice held in abeyance until determination of appeal
SB/16/00176/ CONCOU (Emma Kierans)	Land East of Inlands Road, Inlands Road, Nutbourne	Without planning permission, the use of three metal shipping container buildings	15.12.16	EN SB/114 issued Written Representation Appeal dismissed 05.05.18 - new compliance date Site visit reveal non-compliance with the notice. Next stage issue letter before action 29.06.18 - Application received, prosecution proceedings put on hold 12.10.18 – Application 18/01664/FUL submitted 31.03.19 – Application remains pending consideration
SB/17/00031/ CONMHC (Shona Archer)	Land to the north of Marina Farm Thorney Road Southbourne	Without planning permission the change of use of land to a mixed or dual use for the grazing of horses and the stationing of a mobile home	11.10.17	EN SB/116 issued Compliance date 22.05.18 Appeal Lodged 26.07.18 – Hearing – Assembly Rooms 21.08.18 – Appeal dismissed, enforcement notice upheld New compliance date 21.02.19 31.03.19 – a site visit identified non-compliance with the notice. Prosecution papers to be raised.
SB/18/00389/ CONCOU (Steven Pattie)	Land at Green Acre Inlands Road Southbourne	Access by vehicles, the parking of vehicles and the operation of a catering van	26.03.19	TSN 55 The notice ceases to have an effect on 23.04.19

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SI/16/00359/ CONTRV (Emma Kierans)	Land adj to Ham Road Sidlesham	Without planning permission the stationing of a mobile home for the purposes of human habitation	26.06.17	EN SI/69 issued Appeal lodged – Hearing 04.07.18 – awaiting decision 20.09.18 – appeal dismissed with a variation of compliance period to 12 months. New compliance date 20.09.19
SY/15/00177/ CONHH (Steven Pattie)	Portsoy 16 Bonnar Road Selsey Chichester PO20 9AT	Without planning permission the erection of an extension	14.12.15	EN SY/63 issued Compliance date 25.07.16 27.9.16 – Letter to owner to be sent advising that prosecution proceedings will now be instigated. Notice held in abeyance until determination of application 16/03696/DOM 30.03.17 – application remains pending consideration 16.08.17 – application refused and appeal lodged awaiting start letter. 10.11.17 – appeal against 16/03696/DOM dismissed New compliance date 30.04.18 29.06.18 – prosecution papers prepared. 11.07.18 – prosecution papers forwarded to Legal Services 01.10.18 – awaiting legal advice 12.11.18 – authority given to commence prosecution proceedings 12.12.18 – letter to owner from Legal Services stating commencement of prosecution proceedings 22.03.19 – court proceedings – the owner pleaded guilty, fined £721, £700 costs and 32 victim surcharge. 31.03.19 - Letter sent in regard to compliance with the notice.

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WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to use as a civil engineering contractor's yard	10.04.18	EN WE/40 issued Compliance date 22.09.18 Appeal lodged – awaiting start letter
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to use for the storage of portable site office cabins, container cabins, portable toilet blocks and commercial vehicles	10.04.18	EN WE/41 issued Compliance date 22.09.18 Appeal lodged – awaiting start letter
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use for the storage of metal skips, building materials, scaffolding equipment, lifting platforms, storage racks, engine parts, commercial vehicles, HGV's, redundant vehicles and truck bodies	10.04.18	EN WE/42 issued Compliance date 22.09.18 Appeal lodged – awaiting start letter

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WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to a mix use of a civil engineering contractor's yard, for the storage and use of the building for vehicle repair and servicing	10.04.18	EN WE/43 issued Compliance date 22.09.18 Appeal lodged – awaiting start letter
WE/16/00191/ CONCOU (Shona Archer)	Unit 2 Land north of Cemetery Lane Woodmancote	Without planning permission material change of use of the land to a mixed for open storage of vehicles and use as a HGV Operating Centre	24.07.17	EN WE/39 issued Appeal ongoing – Written Representation 19.06.18 – PINs sit visit 02.07.18 - Appeal dismissed with variation in the date for compliance to 18 months New compliance date 02.01.2020
WE/17/00333/ CONMHC (Shona Archer)	Land at Home Paddock Stables Hambrook Hill North Hambrook	Without planning permission, change of use of the land to a mixed us comprising equine and the stationing of a shepherd's hut	27.06.18	WE/44 issued Compliance date 08.02.19 Appeal lodged – awaiting start letter

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WE/17/00403/ CONENG (Shona Archer)	Land South West of Racton View Marlpit Lane Hambrook	Without planning permission, the erection of fencing and entrance gates, wing walls and piers and raised gravel banks containing wooden sleepers	06.08.18	EN WE/46 issued Compliance date 17.12.18 Appeal lodged – awaiting start letter
WW/16/00257 CONACC (Emma Kierans)	Land north of Elms Lane West Wittering	Without planning permission formation of an access onto a highway	16.08.17	EN WW/44 issued Compliance date 27.12.17 04.01.18 - Notice not complied with. Discussions with Highways WSCC on joint action to prosecute. 02.04.18 – discussions with WSCC in progress 10.05.18 – prosecution paperwork sent to Legal Services 26.06.18 – authorisation given to commence prosecution proceedings. Court date of 03.08.18 03.08.18 – Court hearing outcome - Sentence: Band C Fine of £505 and victim surcharge of £50 – CDC awarded costs of £751.85. 21.12.18 - case is being monitored regarding compliance with notice 31.03.19 – application recived 19/00718/FUL to regularise the unauthorised access

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Chichester District Council

Planning Committee

Wednesday 24 April 2019

Report of the Director Of Planning and Environment Services Schedule of Planning Appeals, Court and Policy Matters Between 22-Feb-2019 and 04-Apr-2019

This report updates Planning Committee members on current appeals and other matters. It would be of assistance if specific questions on individual cases could be directed to officers in advance of the meeting.

Note for public viewing via Chichester District Council web site To read each file in detail, including the full appeal decision when it is issued, click on the reference number (NB certain enforcement cases are not open for public inspection, but you will be able to see the key papers via the automatic link to the Planning Inspectorate).

* - Committee level decision.

1. NEW APPEALS (Lodged)

Reference/Procedure	Proposal
18/03046/DOM Chichester Parish Case Officer: William Price Householder Appeal	57 Westgate Chichester West Sussex PO19 3EZ - 3 no. replacement windows.
18/02620/FUL Chidham & Hambrook Parish Case Officer: Maria Tomlinson Written Representation	Building North Of 1, Chidham Lane, Chidham, PO18 8TL Change of use from telephone exchange to holiday let, single storey front and rear extensions, 2 no. dormers with internal and external alterations.
18/01578/FUL Loxwood Parish Case Officer: Daniel Power Written Representation	Land East Of Lady Lea House Brewhurst Lane Loxwood RH14 0RJ - Demolition of storage outbuilding and erection of detached three bedroom dwelling.

<p>18/02301/DOM Selsey Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Householder Appeal</p>	<p>18 Dennys Close Selsey PO20 0RA - Dormer and drop kerb.</p>
<p>18/03326/FUL Selsey Parish</p> <p>Case Officer: Robert Sims</p> <p>Written Representation</p>	<p>17-19 Seal Road Selsey PO20 0HW - Alterations and conversion of main property into 7 no. flats and alterations and conversion of the former owners accommodation into a self contained bungalow with associated access, parking, bin and cycle storage.</p>
<p>18/02692/PLD Sidlesham Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>62 Street End Lane Sidlesham PO20 7RG - All or any development as permitted by Schedule 2 Part 1 Development within the curtilage of a dwelling house of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended now or in the future).</p>
<p>18/02630/DOC Westbourne Parish</p> <p>Case Officer: Calum Thomas</p> <p>Written Representation</p>	<p>Westbourne House North Street Westbourne Emsworth West Sussex PO10 8SN - Discharge of condition 3 and 4 from planning permission WE/17/02789/LBC.</p>
<p>18/02631/DOC Westbourne Parish</p> <p>Case Officer: Calum Thomas</p> <p>Written Representation</p>	<p>Westbourne House North Street Westbourne Emsworth West Sussex PO10 8SN - Discharge of condition 3 and 4 from planning permission WE/17/02788/DOM.</p>

18/03234/FUL West Wittering Parish Case Officer: Caitlin Boddy Written Representation	Edelsten Cottage, 2 Marine Drive, West Wittering, PO20 8HE - Demolition of single dwelling house and construction of development comprising 4 no. 2-bed flats, new access and associated works.

2. DECISIONS MADE

Reference/Procedure	Proposal
<p><u>15/00064/CONLB</u> Chichester Parish</p> <p>Case Officer: Sue Payne</p> <p>Public Inquiry 30/10/2018 Chichester City Council North Street Chichester PO19 1LQ</p>	<p>13 Parchment Street Chichester West Sussex PO19 3DA - Appeal against removal of x 3 wooden casements and fitting of x 3 UPVC casements in Grade II listed building in Conservation Area.</p>
<p>Appeal Decision: APP PT ALLOWED/DISMISSED - NOTICE UPHELD</p>	
<p>... The contravention of listed building control alleged in the notice is the installation of double glazed windows in the ground and first floors of the south and west elevations of the building without listed building consent. ... Subject to these corrections and this variation, the appeal is allowed to a limited extent on ground (h), but otherwise dismissed, and the listed building enforcement notice upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. ... This protection is to safeguard the intrinsic interest of the building. This interest is independent of whether or not features of the building are publicly visible, or have elicited public or other comment. The front of the building does not have greater importance, in terms of the listing, than the back or side of the building, nor are features screened by boundary walls any less important. ... Of their nature, windows are a prominent element in the architectural make-up of a building. The considerable differences between the single glazed timber windows that previously existed, and the double glazed uPVC and timber windows that now exist, are such that they have a significant effect on the character of the building as one of special architectural and historic interest. ... new uPVC windows to be of outstanding design, and superior in terms of maintenance, thermal performance and security, and ease of cleaning. However, none of those qualities changes my view that the replacement windows affect the special interest of the listed building. ... For the reasons given above, apart from the limited success on ground (h), I conclude that the appeal should fail. ...</p>	

<p>18/01887/DOM Chichester Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Householder Appeal</p>	<p>17 Oak Close Chichester West Sussex PO19 3AJ - Proposed two storey side and rear extensions and single storey rear extension with various alterations and additions.</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>... In the case of the appeal scheme, it is argued for the appellant that there are several factors that combine to support the inclusion of the two storey flat roofed addition. Amongst the matters raised are that flat roofs are a common feature on rear extensions (and I have noted the examples included in the grounds of appeal, including permissions granted by the Council); they can have both functional and visual advantages; both the adjacent neighbours support the flat roof design, and the extension would not be prominent either from neighbouring properties or public vantage points. ... I acknowledge these are material considerations and therefore carry some weight but nonetheless consider that the flat roofed design would be ill suited to the character and appearance of the property. The Council has accepted that although the proposed flat roof single storey extension would be large it could be accommodated on the site and being mainly visually contained by the boundary fences it would be read as being sympathetic to the host dwelling. ... However, in my view the flat roof at a two storey height would in itself, but particularly in combination with the ground floor addition, be neither sympathetic nor visually contained. The size of the structure would be such as to represent an incongruous addition, especially with the eaves at a slightly higher level than those of the existing roof. It would draw the eye as being of poor design and combined with the single storey extension the additions to the house would have an uncharacteristically rectilinear form that would neither complement the character and appearance of the host dwelling nor its surroundings. ...</p>	

<p>18/01889/FUL Chichester Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>Whyke Grange 146 Whyke Road Chichester West Sussex PO19 8HT - Change of use of existing double garage to 1 no. dwelling and associated works.</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>... The appeal is dismissed. ... The main issues are the effect of the proposal on the setting of the heritage asset and the character and appearance of the area. ... The setting of the listed building would be significantly eroded and damaged by the subdivision of the plot and the erosion of the surrounding amenity space. ... The proposal would be an urbanisation of the site that would be entirely at odds with the wider character of the area, and the historical open setting of the listed building which has already been eroded through recent development. ... The fact that development within the historical grounds of the listed building has previously been permitted does not justify further harm. ... The domestication of the garage, along with the erection of additional walls, would intensify the urban fabric of the site. Whilst this may have been considered acceptable with regards to the four mews houses, these were some distance from the listed building, and there remains a complimentary level of open space between the built forms. ... I consider that the level of harm would be less than substantial. ... The public benefits would not outweigh the harm to the setting of the listed building. ... I find that the proposal would result in a cramped, contrived development that would cause significant harm to the character of the area. The necessary subdivision and increased enclosure of the listed building would result in harm to the setting of the listed building, which would not be outweighed by public benefits. ...</p>	

<p>17/03626/OUT Chidham & Hambrook Parish</p> <p>Case Officer: Mark Bridge</p> <p>Written Representation</p>	<p>Chas Wood Nurseries Main Road Bosham Chichester West Sussex PO18 8PN - Construction of 10 no. dwellings.</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>... A ... legal opinion advising the appellants ... opines on the interpretation of Policy LP1 in the CHNP... it argues that any site can be a windfall site even if not PDL and states that if the development complies with relevant policies then in principle should be acceptable. ... In my view the impact of that approach could lead to a level of housing far in excess of that required by the Development Plan which would fundamentally undermine the strategic approach to the siting of housing in sustainable locations as envisaged by the Framework. ... it is very clear that agricultural land and buildings are excluded from PDL and agriculture ... includes horticulture. The Framework reference to windfall sites refers to great weight being given to sites within identified settlements and there is nothing in the Framework which requires that considerations relating to PDL should outweigh development plan policies. ... The proposed housing would therefore conflict with the strategic approach set out in the Local Plan under Policies 2 and 45. ... Taking all these factors together the development of this site lying outside of the settlement boundary, would represent development within the countryside which would conflict with the Development Plan as a whole. It would not meet the necessary essential, small-scale, local need sought by Policies 2 and 45 of the Local Plan and would conflict with the development plan in that regard. The additional 10 houses which it would deliver are not critical to meeting the objectives of delivering housing particularly in the Neighbourhood Plan area where permissions for development far exceed the required number of dwellings. In this regard there is no demonstrable basis for a decision other than in accordance with the development plan and the proposal should fail. ...</p>	

<p>18/02411/DOM Donnington Parish</p> <p>Case Officer: Calum Thomas</p> <p>Householder Appeal</p>	<p>42 Stockbridge Gardens Donnington PO19 8QT - Erection of two storey front extension including alterations to cat slide roof to provide part first floor side extension, with conversion of garage space to habitable accommodation and fenestration alterations. Single storey side extension to create new garage space. Proposed drop kerb with new hard standing and access drive.</p>
<p>Appeal Decision: APPEAL ALLOWED</p>	
<p>... The appeal is allowed and planning permission is granted for the erection of a two storey front extension including alterations to the cat slide roof to provide part first floor side extension, with the conversion of garage space to habitable accommodation and fenestration alterations. Single storey side extension to create new garage space. Proposed drop kerb with new hard standing and access drive at 42 Stockbridge Gardens ... The main issue is the effect of the proposed development on the character and appearance of the host dwelling and its surroundings. ... The Council is correct to state that the extensions would not be subservient, but this is because they are of a scale that precludes that option and is based on the concept of a more comprehensive re-design of the existing dwelling to form a new architectural composition. ... ensuring extensions and alterations are sympathetic to the existing dwelling. However, provided the existing building is not distinctive or of particular merit and that its context is not one that requires the essentials of its character and appearance to be retained, I consider that an extension's subservience to the existing dwelling may not be necessary provided that overall its new appearance has merit. ... I consider that the proposal should be assessed on the second but related matter, namely whether the appeal scheme would be acceptable in the street scene of Stockbridge Gardens. From my visit to the area I am satisfied firstly that the road has a variety of design, scale and sitings and secondly that in the vicinity of the appeal dwelling there is no particular rhythm or other constraint that necessitates the Council's somewhat over-cautious approach. ... The salient point is therefore whether the altered and extended dwelling would draw the eye of a passer-by as being in any way harmfully different or otherwise out of keeping. I take the view that it would not. Although the appearance of the house would be substantially changed, the design is superior to a number of other houses in the road, including some that have been unsympathetically extended. ... I conclude that the appeal scheme would not have an adverse effect on the character and appearance of the host dwelling and its surroundings. ... I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of proper planning. A condition requiring the brickwork and roof tiles to match the existing is needed to secure a harmonious form of development to safeguard visual amenity. For the same reason and to prevent excessive surface water run-off, a condition is required for the Council's approval of the materials for the hard surfacing of the front curtilage.</p>	

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p>17/00061/CONENG Birdham Parish</p> <p>Case Officer: Emma Kierans</p> <p>Written Representation</p>	<p>Land North Of Cowdry Nursery Sidlesham Lane Birdham West Sussex - Appeal against BI/40</p>
<p>18/01983/FUL Birdham Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>Yendor Farm Hundredsteddle Lane Birdham PO20 7BL - Demolition of buildings and replacement with 4no. mobile holiday homes.</p>
<p>17/01073/FUL Chichester Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>22A Lavant Road Chichester West Sussex PO19 5RG - Demolition of existing dwelling and erection of 2 no. 4 bed detached properties with shared garage, 3 no. 3 bed link detached properties with integral garages, parking and new access drive.</p>
<p>* 18/00798/FUL Chichester Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>28 Melbourne Road Chichester PO19 7ND - Demolition of existing dwelling and erection of 2 no. dwellings.</p>
<p>18/02423/DOM Chichester Parish</p> <p>Case Officer: William Price</p> <p>Householder Appeal</p>	<p>19 Cleveland Road Chichester PO19 7AF - Proposed alterations to the size and materials of existing rear dormer.</p>

<p>* 18/02818/FUL Chichester Parish</p> <p>Case Officer: James Gellini</p> <p>Written Representation</p>	<p>22 Peacock Close Chichester PO19 6YD - Change of use of a 6-bedroom house (Class C4) to a 7-bedroom House of Multiple Occupancy (Sui Generis) for a maximum of 7 professionals.</p>
<p>14/00292/CONBC Chidham & Hambrook Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing</p>	<p>Paddock View Drift Lane Bosham Chichester West Sussex PO18 8PR - Appeal against CH/55</p>
<p>17/00852/FUL Chidham & Hambrook Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Informal Hearing</p>	<p>Paddock View Drift Lane Bosham Chichester PO18 8PR - Variation of condition 2 from planning permission CH/12/01036/FUL, appeal ref APP/L3815/A/12/2179869. To make the permission permanent.</p>
<p>18/01191/FUL Chidham & Hambrook Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>Little Oaks The Bridleway Newells Lane West Ashling Chichester West Sussex PO18 8DF - Continued stationing of a Gypsy/Traveller's mobile home.</p>
<p>18/01661/FUL Earnley Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Land South Of 129A Third Avenue Batchmere Chichester West Sussex PO20 7LB - Retrospective change of use of menage to storage of caravans, motor homes and boat trailers.</p>

<p>17/03152/FUL East Wittering And Bracklesham Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Informal Hearing</p>	<p>Land North Of Hawthorns And The Willows Bracklesham Lane Bracklesham Bay West Sussex - Use of land for the stationing of caravans for the residential purposes for 1 no. gypsy pitches together with the formation of additional hard standing and utility/ dayroom ancillary to that use as well as the retention of an existing stable block (variation of condition 1 of EWB/09/07501/FUL, APP/L3815/A/10/2127404 - amendments to plans, larger</p>
<p>18/01618/FUL East Wittering And Bracklesham Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Neska Longlands Road East Wittering PO20 8DD - Proposed dwelling.</p>
<p>17/02563/DOM Fernhurst Parish</p> <p>Case Officer: James Gellini</p> <p>Written Representation</p>	<p>Stedlands Farm Bell Vale Lane Fernhurst GU27 3DJ - Proposed two storey rear extension.</p>
<p>18/02184/DOM Fishbourne Parish</p> <p>Case Officer: Vicki Baker</p> <p>Householder Appeal</p>	<p>Tambelup 127 Salthill Road Fishbourne PO19 3PZ - Extension to existing property to create attached double garage</p>
<p>18/00402/FUL Funtington Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Public Inquiry</p>	<p>Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex - The use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and utility/dayrooms ancillary to that use.</p>

<p>18/00706/FUL Loxwood Parish</p> <p>Case Officer: Daniel Power</p> <p>Written Representation</p>	<p>Loxwood Meadow Roundstreet Common Loxwood RH14 0AL - Extension to an existing barn of a toilet, shower and rest area for agricultural workers.</p>
<p>17/02572/FUL Plaistow And Ifold Parish</p> <p>Case Officer: Claire Coles</p> <p>Written Representation</p>	<p>Land On The East Side Of The Lane Ifold West Sussex - Erection of 1 no. detached 4 bedroom dwelling.</p>
<p>17/02726/OUT Plaistow And Ifold Parish</p> <p>Case Officer: Claire Coles</p> <p>Written Representation</p>	<p>Foxbridge Golf Club Foxbridge Lane Plaistow RH14 0LB - Outline application for the demolition of the existing golf club house and commercial premises of KM Elite Products Ltd, and construction of 10 no. dwellings, together with vehicular access, replacement clubhouse, access and car park.</p>
<p>17/03521/FUL Plaistow And Ifold Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>Nell Ball Farm Dunsfold Road Plaistow RH14 0BF - Egg packing building, machinery store, sheep lairage, pig building, manure structure, farm shop/office/storage and processing buildings and associated parking and hard-standing.</p>
<p>18/00346/LBC Selsey Parish</p> <p>Case Officer: Claire Coles</p> <p>Written Representation</p>	<p>Fern Cottage 4 Albion Road Selsey Chichester West Sussex PO20 0DH - Replacement rear first floor window and side door and french doors.</p>

<p>18/02821/DOM Selsey Parish</p> <p>Case Officer: Summer Sharpe</p> <p>Householder Appeal</p>	<p>78 Kingsway Selsey Chichester West Sussex PO20 0SY - Replace existing front bedroom window with new french doors and side windows forming external balcony.</p>
<p>17/02640/FUL Sidlesham Parish</p> <p>Case Officer: Claire Coles</p> <p>Informal Hearing</p>	<p>Land At Junction Of Keynor Lane And Selsey Road Sidlesham West Sussex - Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 no. gypsy-traveller families, with associated utility building, hard standing, widened gateway, landscaping and access.</p>
<p>18/01173/FUL Sidlesham Parish</p> <p>Case Officer: Claire Coles</p> <p>Informal Hearing</p>	<p>Land South Of Recreation Grounds At Junction Of Keynor Lane Sidlesham West Sussex - Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 gypsy-traveller families with facilitating development (utility buildings, hard standing, widened gateway, septic tank and landscaping).</p>
<p>18/01353/PA3Q Sidlesham Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Butskiln Street End Road Sidlesham Chichester West Sussex PO20 7QD - Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to 2 no. dwellinghouses (Class C3) and for associated development.</p>
<p>18/01581/FUL Sidlesham Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Householder Appeal</p>	<p>Land North Of Swan Cottage Selsey Road Sidlesham West Sussex - Provision of new access and vehicle gates.</p>

<p>17/02735/FUL Southbourne Parish</p> <p>Case Officer: James Gellini</p> <p>Written Representation</p>	<p>Timber Cottage Lumley Road Southbourne PO10 8AF - Demolition of existing bungalow and double garage and erection of 2 no. 3 bed chalet bungalows.</p>
<p>18/00201/FUL Southbourne Parish</p> <p>Case Officer: Claire Coles</p> <p>Written Representation</p>	<p>306 Main Road Southbourne PO10 8JN - Demolition of the existing building and construction of five homes with associated parking, access and landscaping.</p>
<p>18/01580/FUL Southbourne Parish</p> <p>Case Officer: Claire Coles</p> <p>Written Representation</p>	<p>11-15 Stein Road Southbourne PO10 8LB - Demolition of existing detached office building and proposed construction of detached building providing 2 no. care units.</p>
<p>18/00808/FUL Tangmere Parish</p> <p>Case Officer: Steve Harris</p> <p>Written Representation</p>	<p>Land West Of Little Paddocks City Fields Way Tangmere West Sussex - Erection of 39 dwellings, open space, landscaping and access road.</p>
<p>18/00945/DOM West Wittering Parish</p> <p>Case Officer: James Gellini</p> <p>Written Representation</p>	<p>Merston Cottage Chichester Road West Wittering PO20 8QF - Change of use of the garage and workshop into a 2 bedroom an nexa.</p>

<p>18/02256/DOM West Wittering Parish</p> <p>Case Officer: James Gellini</p> <p>Written Representation</p>	<p>Elis Lodge Cakeham Road West Wittering Chichester West Sussex PO20 8EB - Proposed alterations and extensions to include rear extension, new indoor swimming pool and lounge, and change of use of roofspace to habitable accommodation.</p>
<p>17/00403/CONENG Westbourne Parish</p> <p>Case Officer: Shona Archer</p> <p>Written Representation</p>	<p>Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex - Appeal against erection of walls and gates over 1m in height adjacent to the highway. WE/46</p>
<p>17/03428/FUL Westbourne Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>Land North Of The Grange Woodmancote Lane Woodmancote Emsworth West Sussex - 11122018 Construction of 1 no. agricultural barn, 1 no. poly tunnel and 2 no. fish tanks.</p>
<p>17/02260/FUL Westhampnett Parish</p> <p>Case Officer: James Gellini</p> <p>Written Representation</p>	<p>Land South Of Madgwick Lane Westhampnett Chichester West Sussex - Temporary residency for 5 yrs provision of mobile home.</p>
<p>18/00539/LBC Westhampnett Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>33 The Sadlers Westhampnett Chichester West Sussex PO18 0PR - Replacement front entrance door including 2 no. french windows and 2 no. lounge bay windows.</p>

<p>17/03457/DOM Wisborough Green Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Albion House Petworth Road Wisborough Green RH14 0BH - Construction of single storey side and rear extension.</p>
<p>17/03458/LBC Wisborough Green Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Albion House Petworth Road Wisborough Green RH14 0BH - Construction of single storey side and rear extension.</p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

None.

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS

None.

South Downs National Park

Planning Committee

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Date between 21-02-2019 and 04-04-2019

This report updates Planning Committee members on current appeals and other matters. It would be of assistance if specific questions on individual cases could be directed to officers in advance of the meeting.

Note for public viewing via Chichester District Council web site To read each file in detail, including the full appeal decision when it is issued, click on the reference number (NB certain enforcement cases are not open for public inspection, but you will be able to see the key papers via the automatic link to the Planning Inspectorate).

* - Committee level decision.

1. NEW APPEALS

Reference/Procedure	Proposal
SDNP/18/04813/FUL Lynchmere Parish Council Case Officer: John Saunders Written Representation	Land Between The Vicarage and Forest Mead, Lynchmere Common Road, West Sussex - Conversion of barn and stables to a single residential dwelling, with stable extension and single storey glazed link extension following removal of 2 storage containers.
SDNP/18/00087/GENER Heyshott Parish Council Case Officer: Emma Kierans Written Representation	Northend House, Polecats, Heyshott, Midhurst, West Sussex, GU29 0DD - Appeal against Enforcement Notice HY/3
SDNP/18/06373/FUL Stedham with Iping Parish Council Case Officer: Charlotte Cranmer Written Representation	Land North of The Sorrells, School Lane, Stedham, West Sussex - Erection of a single detached dwelling together with associated works.

2. DECISIONS MADE

<p>SDNP/17/03475/HOUS Bury Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>The Farmhouse The Street Bury RH20 1PA - Proposed part demolition and refurbishment of dwelling, to include extensions and alterations.</p>
<p>Appeal Decision: APPEAL ALLOWED</p>	
<p>... Since the appeal was submitted planning permission has been granted for extensions and alterations to this property as part of a wider scheme (reference SDNP/18/01217/FUL). I have had regard to the details of that scheme in relation to it providing a 'fall-back' position. ... The property is considered by the SDNPA to make a positive contribution to the Conservation Area through its vernacular, materials and external appearance. Views of the property are limited but I agree the building ... does positively contribute to the character of the Conservation Area. ... In addition ... the historic core remains and is considered by the SDNPA to be a non-designated heritage asset. From what I have seen and read I would concur with this view. ... The proposal would involve extensive extensions and alterations to the property following the removal of existing additions. ... The design of the proposed extension ensures that the original element of the farmhouse would be retained and views of its frontage, the main historical part, would not be obstructed. ... In my opinion the design concept has been carefully considered and is informed by the original farmhouse. While collectively the extensions would represent significant additions, they would have a level of subservience to the original building through their siting, form and height. ... The contemporary design would alter the overall character of the property but, in my view, would provide a distinction between the old and new. ... BNP policy BNDP2 advocates the use of architectural features and materials reflective of the traditional buildings in the village. However, the overall purpose of the policy is for all development to actively respond to the rich built heritage and character of the area. In that regard I see no reason why a contemporary approach could not achieve this ... As such, I find the scale and form of the proposal would be acceptable and that the design would complement the vernacular form of the host building and not be detrimental to the character of the conservation area. ... I am aware that emerging Development Management Policy SD31 of the draft South Downs Local Plan (draft SDLP) indicates a limit of no more than a 30% increase in floorspace, which this scheme would clearly be in excess of. However, this policy ... is not adopted and in accordance with paragraph 48 of the Framework cannot be afforded full weight at this stage. ... The nearby Coffin Trail Public Right of Way is defined as a heritage asset in the BNP. ... the existing building ... is not significantly prominent albeit that the double bay windows on the flank elevation are a conspicuous element. ... in my view, the proposed projection would have less imposing fenestration than the existing house and the extensions to the north would be set further back. ... site levels and proposed landscaping would help to integrate the property within its setting. As a result, overall the proposal would not have a greater impact on users of the footpath and views of it from the wider countryside within the national park. ... In conclusion, I consider the proposal would preserve the character and appearance of Bury Conservation Area, the host property and the wider landscape of the South Downs National Park. ... <i>Other Matters</i> ... The site is on the edge of the settlement and concern has been raised regarding dark night skies ... the amount of fenestration on the east facade is only marginally more than the scheme already permitted (32% compared to 27%) ... Therefore, I am satisfied that the appeal scheme would not have an unduly detrimental impact in this regard.</p>	

<p>SDNP/16/00676/COU Funtington Parish Council</p> <p>Case Officer: Shona Archer</p> <p>Written Representation</p>	<p>New Barn Farm Common Road Funtington West Sussex PO18 9DA - Appeal against storage unit FU/66</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>... Appeal A ... Ground (d) ... The argument is that these are operational development that were substantially completed more than 4 years before the date the notice was issued, and there is sufficient evidence, in my view, to demonstrate on the balance of probability that the basic arrangement of the westernmost compound and the concrete road were substantially completed ... more than 4 years before the date of issue. ... I consider, as a matter of fact and degree, that the storage facilities made up of shipping containers should properly be regarded as buildings for the purposes of the Act, and of course the road is operational development in any case. ... However, in many cases where operational development is carried out, there is also a material change of use of the land on which the operations take place, and it is well established that operational development that is integral to, and part and parcel of, a material change of use can be required to be removed within the 10 year period even if it would, viewed on its own, have gained lawfulness by virtue of section 171B(1). ... In this case I consider as a matter of fact and degree that the primary development carried out on the land has been the material change of use. While I have found that the container compounds are buildings for the purposes of the Act, their placement on the land has not entailed significant physical changes and dismantling and moving them would be relatively straightforward. ... The location and timing of the construction of the concrete road gives it a degree of association with the use enforced against ... On the balance of probability I consider that it is not so integral to the unauthorised use that its removal is necessary to remedy the breach, and I am satisfied, as a matter of fact and degree, that it can properly be considered as a separate act of operational development that has achieved immunity from enforcement under section 171B(1) of the Act. ... The appeal on this ground succeeds to this extent and I shall vary the notice by deleting the relevant requirement. ... the breach alleged here is a material change of use of land, for which a 10 year period of continuous use is required to achieve immunity from enforcement. Since the use had not commenced 10 years before the notice was issued the appeal on this ground cannot succeed. ...</p> <p>Ground (a) ... while the traffic generation may be low relative to the overall traffic passing the site, and that visiting the business units and farm at the wider site, it is still a substantial number of journeys, many of which are likely to be by private vehicle. These will be trips into the rural area generated by a use that does not actually require a countryside location. It may well be that current users may need to travel further to alternative facilities, but it could equally be argued that the provision of such facilities in unsustainable locations depresses the incentive to locate them in locations which minimise the need to travel. There is no evidence that there is no satisfactory alternative location available within a nearby settlement or business allocation.... The presence within the National Park of a substantial facility made up of arrays of shipping containers would generally be perceived as an alien and discordant feature. ... the presence of a bund which limits the visual impact ... does not entirely mitigate the harm to the character of the area caused by the presence of discordant and incongruous structures</p>	

within the pastoral landscape. ... The additional activity associated with the facility ... are also likely to harm the relative tranquility of the National Park and its character generally. ... I consider that this development fails to conserve or enhance the natural beauty of the area, and it is also contrary to development plan and emerging policies seeking to restrict inappropriate development in the rural area and direct new development to areas that minimise the need to travel or promote the use of sustainable modes of transport. ... The benefits in terms of rural diversification and meeting the social and economic needs of local people are very limited in this case, and do not outweigh the harm. ... The appeal on this ground fails accordingly. ... Ground (f) ... The position regarding the palisade fencing enclosed vehicle compound is far less clear. ... The area is shown ... as being allocated for "Farm Machinery i.e. tractors, trailers and farm equipment parked and stored here", and the condition specifies that it can be used for "the storage, assembly and repair of agricultural machinery only." ... it is clear that when the notice was issued it was not being used for that purpose, but for storing cars, which is not a lawful storage use. ... I conclude on the balance of probabilities that it was erected as an integral part of the unauthorised use and the removal of the fencing and cars is necessary to remedy the breach. ... The appeal on this ground fails accordingly. ... Ground (g) ... I consider that 18 months for removal of contents and a further 6 months to remove the containers is not justified. I consider that a period of 9 months is reasonable in the circumstances. The appeal on this ground succeeds to that extent. ...

[SDNP/17/00363/FUL](#)
 Funtington Parish Council
 Case Officer: Derek Price

Moors Barns, Watery Lane, Funtington, PO18 9DA -
 Retrospective application to use existing hard standing
 for the siting of metal containers in connection with a B8
 commercial use.

Written Representation

Appeal Decision: APPEAL DISMISSED

... Appeal B ... This appeal is against the refusal of planning permission for the siting of the metal containers in connection with the storage use enforced against in Appeal A above. I have already considered the planning merits of the development and found that planning permission should not be granted. This appeal cannot therefore succeed. ...

3. CURRENT APPEALS

<p>SDNP/17/01762/FUL Tillington Parish Council Parish</p> <p>Case Officer: John Saunders</p> <p>Written Representation</p>	<p>Manor Of Dean Dean Lane Tillington GU28 9AP - Change of land use and creation of a tennis court with surround fencing.</p>
<p>SDNP/18/04296/FUL Funtington Parish Council Parish</p> <p>Case Officer: Claire Coles</p> <p>Written Representation</p>	<p>Annexe Cedar Field Five Acres Close Funtington West Sussex - Change of use of existing building to 1 no. residential dwelling together with a linked extension.</p>
<p>SDNP/17/06399/FUL Petworth Town Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>The Old Tanneries Byworth Road Byworth Petworth GU28 0HL - Stopping up of existing domestic access and use of existing agricultural holding access to serve the dwelling (The Old Tanneries) and the existing holiday let dwelling. Upgrading of existing agricultural holding access, resiting of agricultural holding gate and boundary fence fronting onto Byworth Lane.</p>
<p>SDNP/18/00149/FUL Fittleworth Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Fitzleroi Farm Fitzleroi Lane Fittleworth Pulborough West Sussex RH20 1JN - Proposed new grain and secure fertilizer storage building.</p>
<p>SDNP/18/01138/FUL Milland Parish Council Parish</p> <p>Case Officer: Charlotte Cranmer</p> <p>Written Representation</p>	<p>The Black Fox Inn Portsmouth Road Milland GU30 7JJ - Change of use from Class A4 public house to Class D1 children's nursery and pre-school with associated works.</p>

<p>SDNP/18/02917/FUL Petworth Town Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>The Old Tanneries Byworth Road Byworth Petworth West Sussex GU28 0HL - Closing up of existing domestic access and field access. Formation of a new access to serve dwellinghouse, holiday let and agricultural land.</p>
<p>SDNP/18/04138/FUL Heyshott Parish Council Parish</p> <p>Case Officer: John Saunders</p> <p>Written Representation</p>	<p>Heyshott Meadows Polecats Heyshott West Sussex GU29 0DA - Replace horse menage with tennis court.</p>
<p>SDNP/18/01956/APNB Fittleworth Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Fitzleroi Farm Fitzleroi Lane Fittleworth Pulborough West Sussex RH20 1JN - Proposed grain and straw storage building</p>
<p>SDNP/18/03092/HOUS Bury Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>Corner House The Street Bury RH20 1PF - Replacement of 2 storey extension.</p>
<p>SDNP/18/03543/HOUS Milland Parish Council Parish</p> <p>Case Officer: John Saunders</p> <p>Householder Appeal</p>	<p>Crofters Titty Hill Milland GU29 0PL - Proposed extensions to East and west of existing cottage, with new dormer to north side of existing cottage and new dormer to existing first floor of garage block.</p>

<p>SDNP/18/01575/FUL Sutton & Barlavington Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>The Croft Bignor Road Sutton RH20 1PL - Change of use from ancillary residential accommodation, domestic storage and stabling to ancillary residential accommodation, guest accommodation, staff accommodation, holiday let, domestic garaging, hobby room.</p>
<p>SDNP/18/05645/HOUS Harting Parish Council Parish</p> <p>Case Officer: Louise Kent</p> <p>Householder Appeal</p>	<p>3 Loppers Ash Elsted Road South Harting Petersfield West Sussex GU31 5LR - Construction of off-street parking bay and pedestrian disabled access ramp.</p>
<p>SDNP/18/03618/HOUS Petworth Town Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>Heath End Lodge Station Road Petworth GU28 0JG - Two storey rear extension and replacement garage</p>
<p>SDNP/18/02658/LIS Petworth Town Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>East House East Street Petworth GU28 0AB - Proposed internal alterations to the existing building to provide guest rooms at first and second floor levels. Proposed external remedial works to existing building fabric.</p>
<p>SDNP/18/04753/HOUS Lurgashall Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>Dial Green House Dial Green Lane Lurgashall GU28 9HA - Demolition of existing outbuildings and construction of two storey extension with associated roof works and various alterations.</p>

<p><u>SDNP/16/00496/OPDEV</u> Funtington Parish Council Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing</p>	<p>Land South of Braefoot Southbrook Road West Ashling West Sussex - Appeal against insertion of a cesspit and engineering works.</p>
<p><u>SDNP/15/00492/COU</u> Rogate Parish Council Parish</p> <p>Case Officer: Steven Pattie</p> <p>Public Inquiry</p>	<p>Laundry Cottage Dangstein Dangstein Road Rogate Petersfield West Sussex GU31 5BZ - Appeal against RG/36</p>
<p><u>SDNP/17/00585/GENER</u> Bury Parish Council Parish</p> <p>Case Officer: Sue Payne (CHICH)</p> <p>Written Representation</p>	<p>Flint Acres Farm Bignor Park Road Bignor Pulborough West Sussex RH20 1EZ - Appeal against BY/25</p>
<p><u>SDNP/16/00691/COU</u> Bury Parish Council Parish</p> <p>Case Officer: Tara Lang</p> <p>Written Representation</p>	<p>Foxbury Farm West Burton Road West Burton Pulborough West Sussex RH20 1HD - Appeal against Caravan and hardstanding.</p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

None.

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS

None.

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