

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms - East Pallant House on **Thursday 6 June 2019 at 9.30 am**

MEMBERS: Mrs C Purnell (Chairman), Rev J-H Bowden (Vice-Chairman), Mr G Barrett, Mr R Briscoe, Mrs J Fowler, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr C Page, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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 24 April 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 16b.

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 13 INCLUSIVE
Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

- 5 **WR/19/00124/FUL - Old Helyers Farm Kirdford Road Wisborough Green RH14 ODD** (Pages 3 - 22)
Replacement of existing permanent residential caravan with a new dwelling and relocation of the existing access
- 6 **WE/18/03013/FUL - Woodbury House Whitechimney Row Westbourne PO10 8RS** (Pages 23 - 32)
New boundary walls and gates; Reconfiguration of and additional hardstanding; Land level changes; Revised drainage scheme. (Amendments to approved landscape and drainage schemes)
- 7 **SI/18/02925/FUL - Land South Of Telephone Exchange Selsey Road Sidlesham West Sussex** (Pages 33 - 55)
Proposed private stable block and associated hard standing. New access to the highway
- 8 **FB/19/01017/DOM - Strathisla 10 Salthill Road Fishbourne Chichester West Sussex PO19 3QH** (Pages 57 - 63)
Partial conversion of detached double garage to home office and external alterations including installation of a pitched roof
- 9 **CH/19/00661/FUL - Flat Farm Broad Road Hambrook Chidham Chichester West Sussex PO18 8RF** (Pages 65 - 80)
Demolition of existing dwelling and associated outbuildings and construction of 11 no. dwellings (variation of condition 12 of permission CH/16/04148/FUL - amendments to street lighting).
- 10 **BI/19/00351/FUL - Birdham Fruit Farm Martins Lane Birdham Chichester West Sussex PO20 7AU** (Pages 81 - 91)
Replacement dwelling. Alterations to house design - window to utility and minor increase in projection of south balcony. Re-use of existing building to provide multipurpose store. Erection of 3 bay garage and construction of swimming pool and hot tub - Variation of Condition 2 of planning permission BI/08/04567/FUL (APP/L3185/A/09/2093508 - Multi purpose store to include residential annex ancillary to dwelling house
- 11 **VARIATIONS TO SECTION 106 AGREEMENT - 18/00448/OBG: Land west of Garsons Road, Southbourne** (Page 93)
The proposed amendments to the S106 agreement related to the detailed provisions of the mortgagee in possession obligations. The amendment was proposed to bring the wording in line with updated National Housing Federation recommended clauses, which CDC now use as standard. The updated wording would allow the Registered Provider to achieve the maximum possible value when securing affordable housing finance. The proposals do not change the approved proportion, mix and tenure of affordable dwellings secured under the S.106. The variation facilitates the ability/viability of registered providers to continue to deliver affordable housing in the District.
- 12 **VARIATIONS TO SECTION 106 AGREEMENT - 18/02913/OBG: Land west of Garsons Road, Southbourne** (Page 95)
The variation to the S106 agreement sought to add a separate definition and bespoke clauses for the management of the allotments, separating the allotment provision and management obligations from the rest of the Open Space. The amendments were proposed to allow the option for Southbourne Parish Council to be transferred the allotment provision, while the remainder of the Open Space would be the responsibility of a site management company. The deed allows for the management company to be responsible for the allotments in the event that

the Parish Council do not proceed with the transfer.

- 13 **SDNP/18/00474/FUL - Lower Diddlesfold Farm Diddlesfold Lane Northchapel West Sussex GU28 9EN** (Pages 97 - 117)
Proposed demolition of 2 no. agricultural cattle barns, the erection of a replacement U-shaped agricultural barn and stables (for private use only), outdoor sand school, muck ramp, refurbishment of an existing agricultural barn and associated landscaping. Change of use to a mixed agricultural use and private equestrian use.
- 14 **Chichester District Council - Schedule of Planning Appeals, Court and Policy Matters Between 4 April 2019 and 16 May 2019** (Pages 119 - 138)
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 4 April 2019 and 16 May 2019** (Pages 139 - 153)
The Planning Committee will consider the monthly schedule updating the position with regard to 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
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

**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
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

Thursday 6 June 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 H C Potter – Boxgrove Parish Council (BG)
- Mrs S M Sharp – Chichester City Council (CC)
- Mr P J H Wilding – Lurgashall Parish Council (LG)
- Mr G V McAra - Midhurst Town Council (MI)
- Mr S J Oakley – Tangmere Parish Council (TG)
- Mrs D F Johnson - Siddlesham with Selsey North (SSN)
- Mrs L C Purnell – Siddlesham with Selsey North (SSN)
- Mr R A Briscoe – Westbourne Parish Council (WB)

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:

- 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

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:

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: Wisborough Green	Ward: Wisborough Green
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WR/19/00124/FUL

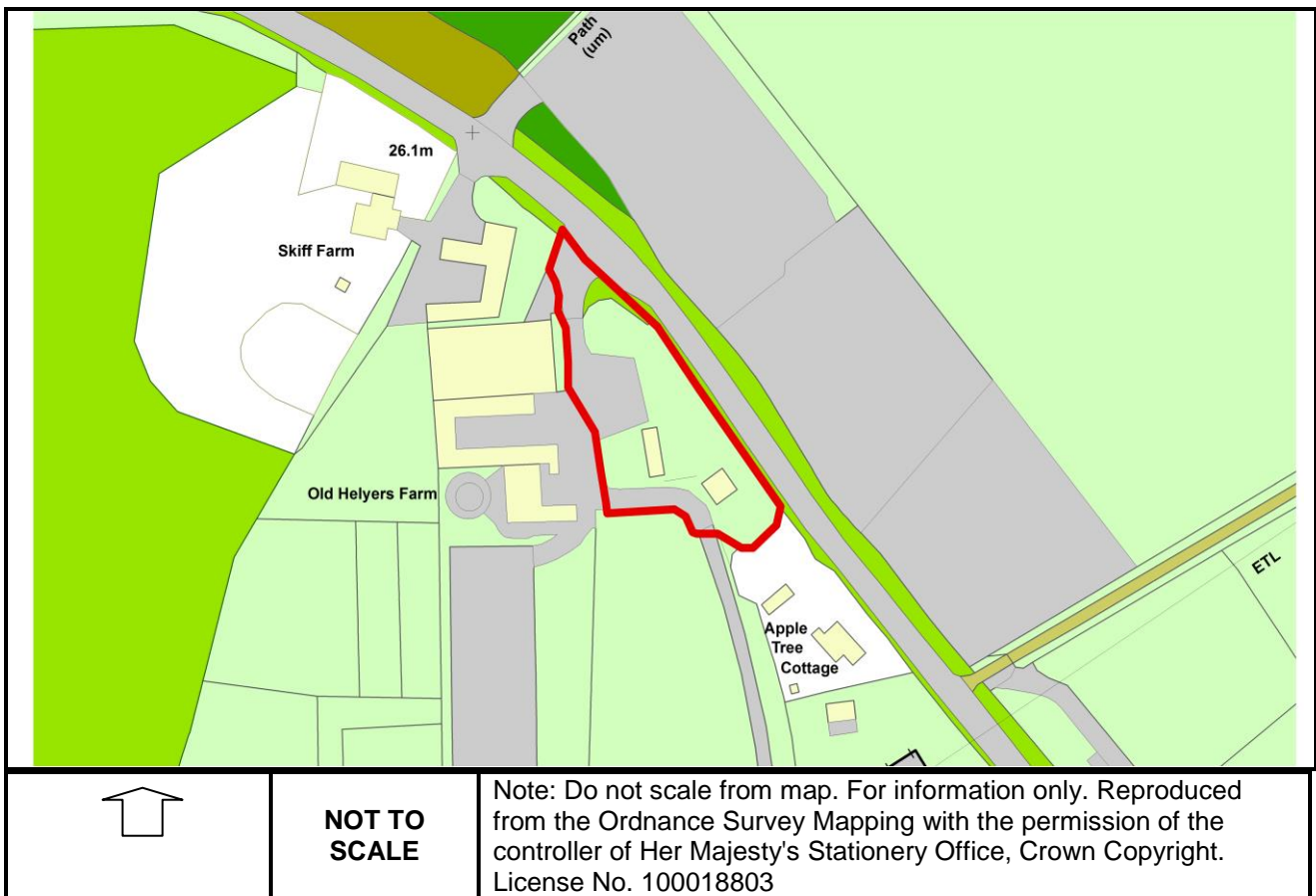
Proposal Replacement of existing permanent residential caravan with a new dwelling and relocation of the existing access.

Site Old Helyers Farm Kirdford Road Wisborough Green RH14 0DD

Map Ref (E) 504154 (N) 126857

Applicant Jane Butler

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 forms the north-eastern section of the wider equestrian site known as Old Helyers Farm, and is located within the countryside outside the settlement of Wisborough Green. The site lies to the west of Kirdford Road and takes its access from this road at the northern tip of the site. There is currently a caravan stationed within the application site, in addition to a small hay barn to the south. Immediately to the west of the caravan, within the wider site, are equestrian buildings including 20 stables, indoor school, manege and horse walker, in addition to paddocks and fields to the south-west. There is a reasonable level of natural screening along the boundary to the site with Kirdford Road, in the form of hedging and trees; although there are various glimpses of the site through this vegetation. The nearest dwelling is Apple Tree Cottage approximately 25m to the south-east. Skiff Farm is also situated a slightly greater distance to the north-west.
- 2.2 The permanent caravan which currently exists at the application site was approved under planning permission 11/05300/FUL; conditioned to be for the sole use of workers employed by the associated equestrian business forming part of the wider site.
- 2.3 There are no constraints with regards to heritage, flood risk or protected trees.

3.0 Proposal

- 3.1 The application seeks planning permission to replace an existing permanent rural worker's caravan with a rural worker's house. Additionally, the access to the site and wider area of ownership, is proposed to change from its current location along the northern boundary to the eastern part of the site. The existing access is to be closed off.
- 3.2 The proposed dwelling comprises a chalet style bungalow with accommodation at first floor in the half-hipped roof, front and rear dormers, and a front porch. A modest curtilage is proposed around the dwelling, providing a small garden area, two car parking spaces, bin storage and an existing small hay barn.
- 3.3 Dimensions of the proposed house measure approximately 12.9m (w) x 7.9m (d) x 6.9m(h) max/ridge and 2.5m eaves height. The floor area would be approximately 130 sq m.
- 3.4 The application has been amended since submission; to reduce the scale and bulk of the dwelling, and to include the existing access within the red line.

4.0 History

94/00955/FUL	REF	Stationing of staff mobile home (excluding touring caravan) dimensions 32ft x 12ft.
95/01546/FUL	REF	Stationing of staff/student mobile home 32ft.x12ft. on site adjacent to stables with tree screening for a period of three years (9.75 x 3.66 metres).
05/02555/FUL	PER	1 no. mobile home for a period of 3 years.
07/05734/FUL	PER	Equestrian manege to be used by clients of the existing livery yard only.
08/03080/FUL	PER	Retention of mobile home.
11/05300/FUL	PER	Permanent stationing of mobile home.
17/00934/FUL	REF	Conversion of commercial equestrian indoor riding school barn to 3 no. dwellings.
96/00044/REF	DISMIS	Stationing of staff/student mobile home 32ft.x12ft. on site adjacent to stables with tree screening for a period of three years (9.75 x 3.66 metres).
17/00056/REF	DISMIS	Conversion of commercial equestrian indoor riding school barn to 3 no. dwellings.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	FLOOD ZONE 1

6.0 Representations and Consultations

6.1 Parish Council

Comments received following amended plans (18/04/2019)

The Parish Council reviewed the substitute plans at its meeting on Tuesday 16th March. The Council agreed that the plans had not materially changed since the last application and consequently, the Parish Council's Objection, as stated previously, remains.

Original comments

The Parish Council OBJECTS to this application for the following reasons:

- There is a past history of applications for residential development on this site being refused, including a recent indoor riding school conversion which was dismissed on appeal. The Parish Council does not believe that the reasons for previous refusals have changed; it would be isolated development in the countryside, being contrary to Local and Neighbourhood Plan Policy.
- The Parish Council is concerned that permitting the application could allow the dwelling to be sold, thereby creating a dwelling unsuitably located in a rural setting and presenting economic harm with the possible closure of the equestrian business. With reference to planning application WR/11/05300/FUL for the permanent stationing of mobile home, it is noted that Condition 1 states 'The occupation of the mobile home shall be limited to a person or persons solely or mainly employed in the equestrian business occupying the plot known as Old Helyers Stud Farm, Kirdford Road, Wisborough Green, RH14 0DD and outlined on drawing no. 154/1A.'

If CDC is mindful to permit this current application, the Parish Council would request that this condition is included for the new dwelling to ensure that the equestrian business continues and justification for the dwelling is satisfied. This condition has also been suggested by the Environmental Health Officer due to the close proximity to the equestrian business.

6.2 WSCC Highways

The applicant is seeking to replace an existing permanent residential caravan with a single new dwelling on land at Old Helyers Farm. The access is proposed to be re-located to provide an improved access route from Kirdford Road. From observation of WSCC mapping data there have been no highways accidents or personal injury claims at the point of access to Chestnut Cottage. WSCC have also been consulted on WR/17/00934/FUL at this address which sought permission for conversion of commercial equestrian indoor riding school barn to dwellings.

Access and Visibility

The proposal seeks to close the existing access to the north of the site and relocate to the eastern side of the boundary site, this will improve the visibility for vehicles entering and egressing the site and aid in the manoeuvre required to do so.

The existing access to Old Helyers Farm provides a very limited visibility splay, with the current available visibility at 2.4m x 20m to the north west and 2.4m x 28m to the south east. This would be considered severely sub-standard when compared to the Design Manual for Roads and Bridges (DMRB) visibility splays standards (2.4 x 215m) for a 60 mph speed limit road such as Kirdford Road in this location, the speed limit does change approx. 190m south of the site to a 40mph limit.

The applicant has provided plans demonstrating how the proposal seeks to improve the visibility at the new access point to 2.4 x 52m to the north west and 2.4 x 41m to the south east. It is appreciated that these splays do still fall below the DMRB Standards, as stipulated above. However the Local Highway Authority (LHA) has taken into consideration the current sub-standard access which is proposed to be closed as a result of this proposal, and is an improvement both in terms of visibility and alignment.

Despite the slight intensification of use of an additional residential dwelling, the proposal will result in a significant improvement in terms alignment and visibility at the existing point of access onto Kirdford Road. While the resultant visibility would not be to DMRB standards there is a significant highways benefit in securing the improved visibility and alignment in perpetuity for the both the existing uses and proposed dwelling. On balance the LHA would conclude that this benefit outweighs the slight intensification of use proposed by this application.

The applicant will require a Minor Works License to be issued in order to carry out the site access works. An informative has been included below.

There are no initial concerns with the indicative layout. The access road should take the form of a 4.5 metre wide shared surface arrangement for the first 10m into the site. This is considered suitable as this will be a low speed, low traffic environment.

Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only via Kirdford Road. A comprehensive construction management plan should be submitted. This should set out the controls to be implemented throughout the construction project to ensure that safety of users of the public highway, as well as its operation, is not detrimentally affected. The construction management plan should amongst other things set out how deliveries are to be managed along Kirdford Road in light of the carriageway width and layout.

Parking

The parking allocation is in accordance with the demand from the WSCC PDC (Parking Demand Calculator). From checking this and based on the proposed mix and tenure of the dwelling, the car parking provision is anticipated to satisfy the likely demands. Overspill parking would not be anticipated to occur within the publicly maintained highway at this location due to the nature of the road and the layout at this point.

Sustainability

Within the immediate vicinity of the site, there are no linked pedestrian footways or street lit surfaces, making the journey on foot not only undesirable but unsafe. The location may also be undesirable for commuters who would cycle and may appeal only to more experienced cyclists. Bus stops are located either side of the site, 0.3m to the north at Skiff Common which is a 6minute walk and 0.2m to the south at Montague Farm, as previously mentioned this route is both un lit and unpaved. Wisborough Green Stores and Post office is situated 0.8m south along the A272, however it is anticipated that for shopping and commuting, residents will be travelling via car to locations such as Billingshurst to the East, where rail connections are located and further amenities are located.

Refuse collection

It is anticipated that the existing refuse and recycling arrangements will continue and bins will be collected roadside near the entrance of the site. The applicant should approach the Waste and Recycling disposal authorities to organise these arrangements

Conclusion

Based on the information provided, the LHA does not consider that the 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 transport grounds to resist the proposal. Should planning consent be obtained, the following conditions are advised to be sealed alongside it.

Conditions

Access (details approved, access provided prior to first occupation)

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 approved drawing.

Reason: In the interests of road safety.

Visibility (details approved)

No part of the development shall be first occupied until visibility splays of 2.4 metres by 52 metres have been provided to the North and 2.4 metres by 41m to the South at the proposed site vehicular access onto Kirdford Road in accordance with the approved planning drawings. 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.

Car parking space (details approved)

No part of the development shall be first occupied until the associated car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Construction plant and materials

No development (including demolition) shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, the method of access to the site, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

Access closure (Access Closure)

No part of the development shall be first occupied until such time as the existing vehicular access onto Kirdford Road has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

Informative

Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

6.3 CDC Environmental Health

Our department has no objection, in principle, to the proposed development.

A visit was made to site, Friday 8th February 2019, to help inform this response. Whilst at site the existing caravan was in close proximity to neighbouring stables and a large skip which looked to contain stable waste or straw. There is the potential for the neighbouring equestrian activities to give rise to odour nuisance or nuisance from flies in the warmer months.

For this reason, it is considered necessary to maintain a condition which stipulates that 'the occupation of any approved dwelling shall be limited to a person or persons solely or mainly employed in the equestrian business occupying the plot known as Old Helyers'.

Informative: Given the former agricultural use of the site, should any land contaminants or unexpected ground conditions be identified during the course of development then groundworks shall cease, and the Environmental Health Department shall be notified so that any required remediation can be approved in writing before implementation.

6.4 Drainage

Thank you for consulting us. We have the following comments regarding flood risk and surface water drainage.

Flood risk- the proposed development is within flood zone 1 and we have no historic flooding records. Therefore, we have no objection to the proposed scale or location of development.

Surface water drainage- the application form states that surface water is to be disposed of via sustainable drainage system. Due to the scale and location of the proposed development we have no conditions to request. Surface water drainage should be designed and constructed to meet building regulations.

6.5 Third Party Representations

Three letters of objection have been received concerning;

- a) considers the scale of replacement dwelling to be excessive and larger than required
- b) states there has been seemingly no expansion of the business to support a larger home
- c) suggests there is a lesser need due to change in commercial nature from livery to dealer
- d) states that a suitable home already exists in the form of the caravan
- e) suggests proposal is more prominent than the caravan, to the detriment of the countryside

- f) suggests there has been a loss of trees and vegetation prior to submission
- g) suggests reducing speed limit would be a better solution to improve highway safety
- h) considers there would be an adverse impact on neighbouring amenity (Apple Tree Cottage)
- i) questions land ownership
- j) Suggests potential impacts on ecology/bats from equestrian use/existing development
- k) suggests detrimental impact to 'Green Belt'
- l) questions extent of equestrian/commercial activities on the site
- m) raises concerns over proposal becoming a market dwelling
- n) believes a larger mobile home to be preferable to the proposal
- o) raises environmental health concerns related to the existing business use

One letter of support has been received concerning;

- a) supports the proposal providing no addition dwellings are provided
- b) supports the change of access; suggesting it would improve highway safety

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. The Wisborough Green Neighbourhood Plan was made in July 2016.

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 6: Neighbourhood Development Plans
- Policy 25: Development in the North of the Plan Area
- Policy 37: Accommodation for Agricultural and Other Rural Workers
- 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
- Policy 55: Equestrian Development

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF) 2019, with the sections relevant to this application being: 2, 4, 6, 12 & 15.

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-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."

7.5 Sections 6 (Building a strong, competitive economy), 12 (Achieving well-designed places), and 15 (Conserving and enhancing the natural environment) of the NPPF are also relevant considerations.

7.6 Neighbourhood Plan

The following policies are relevant from the Wisborough Green Neighbourhood Plan:

- OA3: Settlement Boundary
- EN2: Landscape Character & Open Views
- DS2: Vernacular

7.7 Other Local Policy and Guidance

- CDC Waste Storage and Collection Guidance
- Surface Water and Foul Drainage SPD 2016

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:

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities
- 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) Amenity of neighbouring properties and future occupiers
- iv) Highways and parking
- v) Other matters and material considerations

i) Principle of development

8.2 The principle of a permanent worker's dwelling on the site has already been established through planning consent granted under application 11/05300/FUL. Nevertheless, the applicant has provided a statement justifying the continued business need for a rural worker's dwelling in association with the equine business. Additionally, the applicant provided financial details and business plans (which have been kept non-public due to containing sensitive personal and financial information) to demonstrate the on-going need for a rural works dwelling on the site. The key points from these statements/justifications are as follows:

- the proposed dwelling would be used in association with the lawful equine use/business which consists of 20 stables, indoor school, manege and horse walker
- the site was purchased by the applicant in 2015
- the applicant plans to live and work on-site and would prefer a more suitable dwelling
- the site has not been operating to its potential as the applicant has been living elsewhere and housing horses in separate livery - due to inadequate accommodation in the form of the caravan
- the applicant/owner holds a BSII qualification
- commercial intentions are to continue to run the site as a business and make improvements
- permission already exists for a permanent worker's dwelling
- the existing caravan could be replaced with a larger twin unit mobile home without consent
- there has been no material change to the circumstances of the site, business or existing rural worker's dwelling
- the proposed dwelling is not overly large - no larger than is required to meet the operational needs of the business
- the siting, appearance and landscaping have been sensitively considered and are considered an improvement in relation to the existing mobile home
- the proposal therefore continues to meet the criteria of Local Plan Policy 37
- the applicant is happy with the retention of a condition limiting the occupancy to workers

- 8.3 The Parish Council objection appears to relate solely to the principle of the development; stating that there is a past history of residential applications at the site, and outlining concerns that the proposed worker's dwelling could become a market dwelling with the possible closure of the equestrian business. This application should be considered on its own merits, and any previous residential applications on the site are deemed to have limited relevance to an application for the replacement of an existing lawful worker's dwelling. The equestrian business has been established for a significant period of time, continues to be operated as a commercial enterprise, and the applicant has submitted additional statements and justification. Furthermore, the imposition of a condition limiting the occupancy of the proposed dwelling to that of a rural worker is considered to address the Parish Council's primary concern.
- 8.4 Given the information provided, and the extant consent for a permanent workers dwelling, the proposal can be considered acceptable in principle, subject to compliance with development plan policies and assessment of material considerations; in particular, scale, countryside impact, amenity and highway safety.
- ii) Design, Scale, Character and Countryside Impact
- 8.5 Local Plan Policies 25 and 48 relate to development within the north area of the development plan and within the countryside. Policies 33 and 37 of the Local Plan outline the criteria of acceptable residential development and rural workers' dwellings, and Neighbourhood Plan Policies EN2 and DS2 relate to landscape character and design and vernacular for new developments. These policies require development of this type within the countryside to respect the rural character, tranquil nature and landscape views of the rural area, and be of an appropriate design, scale, materials etc in relation to their rural context and the character of the surrounding area.
- 8.6 Since its submission, the scheme has been revised in order to reduce the scale and bulk of the building. The main changes involve the removal of a protruding gable feature, slight lowering of the ridge height, and reduction in width by just over 2 metres; reducing the overall footprint, and reducing the internal area by 31 sq m. Given these revisions, and taking into account the design which would limit the scale and bulk such by utilising half-hipped roofs, dormers, and orienting the building's side on to the road, the proposal is considered to be of an appropriate scale and massing for its rural context. Some weight should also be given to the fall-back position of what could be placed on site under the definition and maximum dimensions of a caravan (136 sq m footprint). The proposal is of similar internal floor area and lesser footprint in comparison to the largest dimensions of a caravan, albeit is higher. Most notably, the length of the proposed building is over 7 metres shorter than what could be permitted as a caravan. An appropriately designed dwelling is also considered visually to be more preferable than a permanent mobile home; whether the existing caravan or a larger mobile home.
- 8.7 There is reasonable screening to the site in the form of hedging and trees, and an existing building between the proposed entrance and dwelling. Additional landscaping can also be provided and secured via condition; in order to appropriately assimilate the dwelling and its curtilage into the rural landscape.

8.8 Materials proposed for the rural worker's dwelling comprise red/brown multi brick, plain hanging tiles, plain roof tiles white timber or uPVC windows. Given the variety of materials utilised in buildings on the site; including the adjacent corrugated metal hay barn, existing uPVC caravan, varied equestrian buildings, and nearby brick, timber and tiled dwellings, the proposed materials are deemed to be appropriate.

8.9 The proposal is considered to be of an acceptable scale, form and design and would not be to the detriment of the surrounding rural area, and preserves the landscape and tranquil character of the countryside. The proposal therefore complies with Local Plan Policies 25, 33, 37, 47 and 48, in addition to Neighbourhood Plan Policies EN2 and DS2.

iii) Amenity

8.10 The proposed dwelling would be in broadly the same position as the existing caravan, within the wider equestrian site, and is a significant distance from any nearby neighbouring dwelling. Given this, the proposal is not considered to impact on the amenity of neighbouring properties and accords with Local Plan Policy 33.

8.11 In terms of the proposed new access, although situated closer to the nearby dwelling known as Apple Tree Cottage, the entrance would still be some 30m from the neighbouring house and given the level of activity and size of the site, is not expected to cause significant noise or nuisance to this neighbour.

8.12 With regards to the amenity of future occupiers of the proposed workers dwelling, Local Plan Policies 1 and 33, and the principles of the NPPF also require developments to be sustainable and provide a high quality living environment. The proposed worker's house, whilst being no larger than required for the operational needs of the rural business, provides an adequate amount of internal space and modest residential curtilage/external amenity space, in addition to a satisfactory level of amenity in other regards such as privacy and light. Due to being situated within the boundaries of the commercial equestrian site, the Council's Environmental Health Officer was consulted. They raised no objections to the application, subject to the retention of a condition limiting the occupancy to rural workers, and a separate condition relating to unexpected contamination during construction. The proposal can therefore be considered to provide a suitable level of residential amenity for workers living in the dwelling, subject to conditions, in accordance with Local Plan Policy 33.

iv) Highways and Parking

8.13 The application proposes to alter the access to the site; closing the existing access to the north, from Kirdford Road, and creating a new access to the east, also from Kirdford Road. The rationale behind this is to provide a safer access on a straighter part of the road, with better sightlines. The County Highways Authority was consulted and supports the proposal in this regard; stating the new access would be an improvement in terms of both visibility and alignment. Parking provision for the two-bedroom worker's dwelling was also deemed to be appropriate. A 'no objection' comment was therefore made, subject to inclusion of appropriate conditions. It can therefore be considered that the proposal is acceptable in terms of highway safety and parking provision, represents an improvement in highway safety terms, and would not have a material or 'severe' impact on the transport network; thus complying with Local Plan Policy 39.

v) Other Matters and Material Considerations

8.14 There are not considered to be any implications for flood risk, drainage or ecology given the nature and scale of development, siting within Flood Zone 1, and no specific ecological designations at the site. The area where the new access is proposed has been predominantly cleared of vegetation, and conditions are recommended requiring new planting, landscaping and soft boundary treatments within the site and at the existing access which is to be closed; in order to enhance the biodiversity of the site. In addition, a condition is recommended to prevent external lighting within the site, other than in accordance with a scheme that has first been agreed to ensure any external lighting would be designed to minimise light spillage and protect habitats from light intrusion.

8.15 The comments made within the third party representation and Parish Council Consultation response have been taken into account and predominantly addressed within the above assessment sections. The remaining comments are addressed/clarified below as follows:

- the site is not within or close to designated 'Green Belt' land
- removal of trees/vegetation historically is not a relevant consideration and could nevertheless have been removed without the requirement for planning consent
- site ownership is not a material planning consideration
- it is not within the applicant or LPA's remit to reduce the speed limit along the road
- any existing impacts on ecology or environmental health as a result of the lawful equestrian use are not relevant to this application

8.16 The agent has agreed to the inclusion of pre-commencement conditions in relation to sustainable design and construction for all new buildings and a construction method statement.

Conclusion

8.17 The proposal is considered to be in accordance with local and national development plans, guidance and principles, including design and rural policies 1, 25, 33, 37, 47 and 48 of the Chichester Local Plan, would preserve the character and amenity of the surrounding area and countryside, would be acceptable in terms of highway safety, and is therefore acceptable. There are no other material considerations which outweigh this conclusion.

Human Rights

8.18 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 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: 2.01 Rev C & 2.02 Rev C.

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

3) The occupation of the mobile home shall be limited to a person or persons solely or mainly employed in the equestrian business occupying the plot known as Old Helyers Stud Farm, Kirdford Road, Wisborough Green, RH14 0DD and outlined within the blue line on drawing 2.02 Rev C.

Reason: To ensure the development complies with the planning permission and accord with Policy 37 of the Chichester Local Plan: Key Policies 2014-2029.

4) No development (including demolition) shall commence until plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set-up during construction. This shall include details for all temporary contractors buildings, the method of access to the site, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: In the interests of highway safety; to avoid undue congestion of the site and consequent obstruction to access.

5) No development shall commence until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon climate change. These details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

6) No part of the development hereby approved shall be first occupied until visibility splays of 2.4 metres by 52 metres have been provided to the North and 2.4 metres by 41m to the South at the site's new vehicular access onto Kirdford Road hereby approved; in accordance with the approved planning drawings. Once provided, the splays shall thereafter be maintained in perpetuity 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 highway safety; to ensure vehicles can safely enter and leave the site on to Kirdford Road.

7) Within 1 month of the completion of works relating to the creation of the new eastern access hereby approved, the existing northern access shall be wholly and physically closed off in accordance with the approved plans and details, and shall at no point thereafter be used for vehicular access or exit for the site. No part of the dwelling hereby approved shall be first occupied until the new vehicular access serving the development has been constructed in accordance with the approved drawing 2.02 Rev C.

Reason: In the interests of highway safety, to remove a sub-standard access/egress in terms of visibility splays, and to ensure there are not multiple access points from the site on to Kirdford Road.

8) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. The development shall not be first occupied until:

- i) an investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and
- ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and
- iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with local and national planning policy

9) No part of the development hereby permitted shall be occupied until the car parking for the dwelling has been constructed and laid out in accordance with the approved site plan (2.02 Rev C). These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of highway safety and ensuring sufficient car parking on-site.

10) The development hereby approved shall not be first occupied until details of hard and soft boundary treatments have been submitted to and approved in writing by the Local Planning Authority. This should provide for an adequate boundary/screening between the approved worker's dwelling and the equestrian buildings and road. Details should include scaled plans showing the location of the boundary treatments and elevations, and details of the materials and finishes. The boundary treatments, once approved, shall be retained thereafter in perpetuity.

Reason: In order to provide an adequate level of amenity to the future occupiers of the site, and preserve the character and appearance of the rural area.

11) The development hereby permitted shall not be first brought into use 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 and schedule of plants noting species, plant sizes and proposed numbers/densities. In addition, all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. 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 surrounding countryside, and to enable proper consideration to be given to the impact of the proposed development on existing trees and vegetation.

12) No part of the development shall be occupied until the bin storage has been provided for and laid out in accordance with the approved site plan (2.02 Rev C). This refuse storage area shall thereafter be retained at all times for its designated purpose.

Reason: To provide adequate refuse storage for the development, in the interests of amenity, and to accord with the Council's Waste Storage and Collection Guidance.

13) 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.

14) 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.

15) 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.

16) 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.

17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended there shall be no external illumination on the buildings hereby permitted or the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. 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. The scheme shall include the detailed design of any lights proposed including the measures proposed to prevent light spillage.

Reason: In the interests of protecting the rural character of the surrounding area and the habitat of wildlife within the site and its surroundings.

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 applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not

guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

3) Surface water drainage should be designed and constructed to meet building regulations.

4) 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 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=PLD4XBERGHS00>

Parish: Westbourne	Ward: Westbourne
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WE/18/03013/FUL

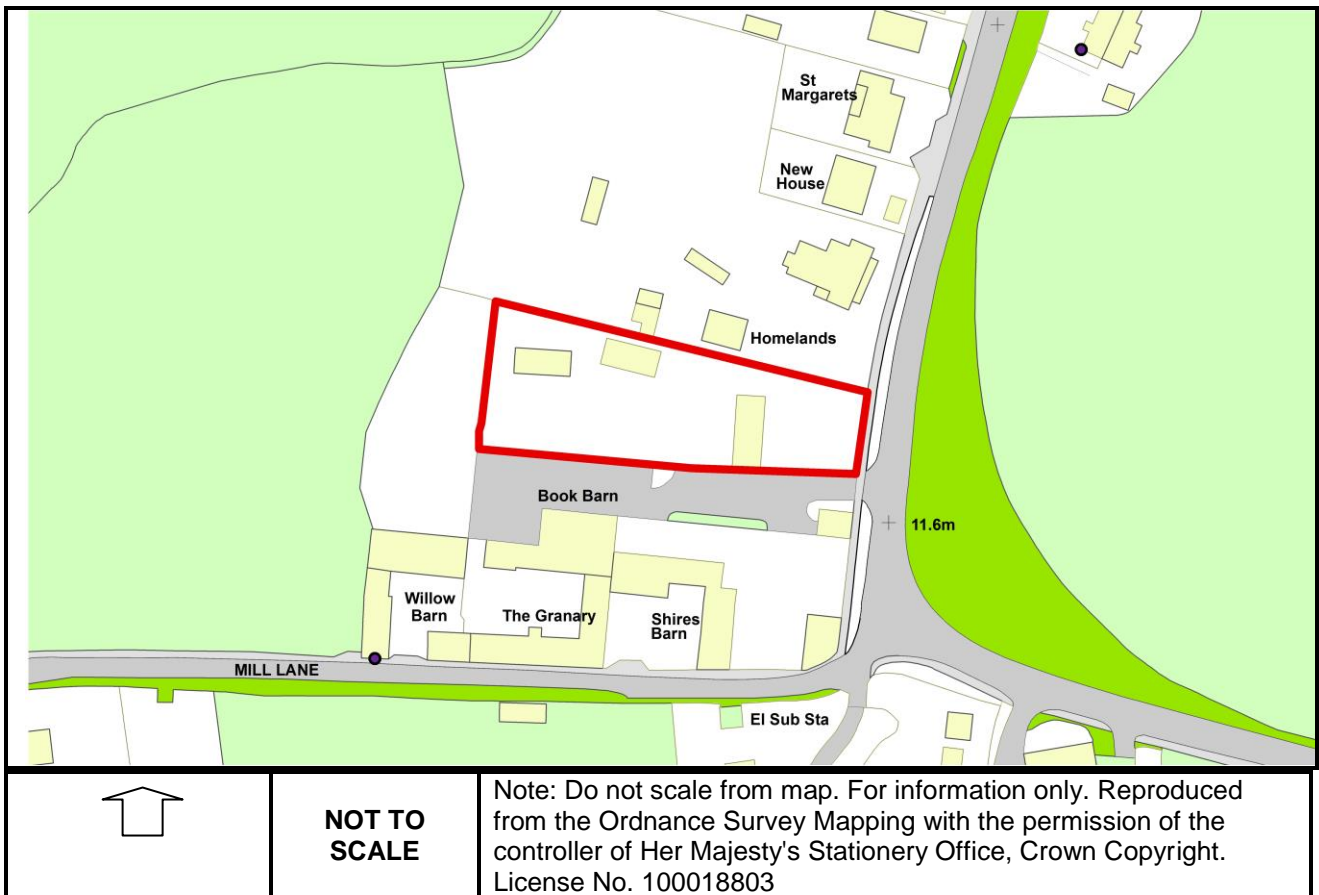
Proposal New boundary walls and gates; Reconfiguration of and additional hardstanding; Land level changes; Revised drainage scheme.
(Amendments to approved landscape and drainage schemes)

Site Woodbury House Whitechimney Row Westbourne PO10 8RS

Map Ref (E) 475769 (N) 107149

Applicant Mr And Mrs Sperring

RECOMMENDATION TO PERMIT



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 on the west side of Whitechimney Row, approximately 300m south of the centre of Westbourne within the rural area. The northern boundary of the site adjoins the southern edge of both the Settlement Boundary for Westbourne and also the Westbourne Conservation Area. The site lies in flood zone 1, although flood zone 2 is directly to the east of the site.
- 2.2 The site itself is irregular in shape with a frontage along Whitechimney Row measuring approximately 22m and a depth of approximately 75m. The site widens at its western (rear) boundary to 35m. A detached 2 storey residential dwelling (with basement) has been constructed within the site. The property has a vehicular access onto Whitechimney Row and to the rear there is an outbuilding and a second vehicular access.
- 2.3 Directly north of the application site is a driveway and an outbuilding serving Homelands, a Grade II listed building, which is the last in a row of detached dwellings on the western side of Whitechimney Row. To the south, across a gravelled driveway and parking area, are a range of former agricultural buildings which have been converted to residential and office use. Directly adjacent the site, on the opposite side of Whitechimney Row, is open countryside and to the west there are open fields.
- 2.4 The dwelling was permitted under application 16/00721/FUL, it has been constructed within reasonable tolerances of the approved plans. However, as a result of changes to the ground levels, landscaping and hardstanding within the garden area these elements do not comply with the approved plans. In addition boundary walls have been constructed contrary to the requirements of conditions in relation to permission 16/00721/FUL.

3.0 The Proposal

- 3.1 The application seeks planning permission for a 1.1m high brick and flint wall with timber electronic entrance gates, providing the boundary treatment/access onto Whitechimney Row, and amendments to the approved landscape and drainage schemes; including the provision of a larger paved area within the site.

4.0 History

12/03211/OUT	WDN	Outline planning application with all matters reserved (except access) for demolition of wood framed barn and Nissen huts and erection of up to 2 dwellings and parking at land at Book Barn, Whitechimney Row, Westbourne.
13/02254/OUT	PER	Demolition of wood framed barn and nissen huts and erection of up to 2 no. dwellings with access and parking.

15/00234/FUL	PER	Adapt the existing eastern boundary wall to provide a private vehicular access to the site from White Chimney Row.
16/00721/FUL	PER106	Creation of a part two storey house with basement and separate carport/garden store.
17/01928/DOC	DOCDEC	Discharge of Conditions 4, 5, and 10 from Planning Permission WE/16/00721/FUL.
17/02061/NMA	PER	Non-material Amendment to 16/00721/FUL - add 1 no. obscure glazed window to garage rear elevation and omission of rear window to kitchen and replace with an extension of the rear glazed doors.
17/02115/DOC	DOCDEC	Discharge of Condition 11 from Planning Permission WE/16/00721/FUL.
18/00226/DOC	DOCDEC	Discharge of condition 3 from planning permission WE/16/002721/FUL.
18/00328/NMA	REF	Non-material amendments to planning permission WE/16/00721/FUL- Change of materials used, brick plinth to front elevation to be extended to side elevations, extend rear balcony to 2.5m deep, southern lightwell updated to accommodate brick staircase to ground level with southern window widen and car barn to rear updated with new configuration.
18/00607/FUL	PER106	Creation of a part two storey house with basement and separate carport/garden store. Variation of conditions 2 and 3 from permission WE/16/00721/FUL, to incorporate amendments to various plans and external materials.
18/02390/NMA	REF	Non-material amendments to planning permission WE/16/00721/FUL. Revised boundary treatments and level changes.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Westbourne Parish Council objects to the planning application for the following reasons:

The originally approved drainage proposals have not been implemented and the deposit of surplus concrete or similar hard materials on land at the rear would prevent excavation and preparation of effective internal drainage pits. These deviations from the originally approved drainage proposals would lead to surface water run-off affecting adjoining properties.

The raised levels of the ground adjacent to the boundaries is also at variance with the originally approved proposals and would add to the problems of surface water drainage referred to above.

As a result of the increase in garden levels, the house has been built higher than those in the approved plans. A drainage ditch along the boundaries and running into a new soak-away, or the one supposed to be at the rear, may help with the surface water draining issues and prevent flooding to adjoining properties.

A new wall has been constructed on the frontage to replace a heritage wall that was closely linked to the adjoining listed building and was probably part of the original curtilage of that property. Again this is at variance with the original approval which showed retention of this wall with some repairs and minor additions to form the vehicular entrance point. The new wall, although constructed in flint, is radically different in style to the original and not consistent with the vernacular style of the original. The house is in a conservation area so the wall is an important feature.

There are other unauthorised elements of the revised application, including the location of the bin store which the Parish Council considers should be located as originally outlined in the garage and not near the driveway of the neighbouring property.

The Parish Council urges the District Council to take the appropriate enforcement action to deal with the above issues given the overall lack of compliance with the original consent given.

6.2 CDC Drainage Officer

7.05.2019

I am satisfied that the site should drain based on the calculations and details provided.

6.3 1 third party letter of Objection has been received concerning the following:

- a) Inaccuracies relating to site levels
- b) Loss of historic wall
- c) Unacceptable location of bin store
- d) Unacceptable drainage proposals

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 (CLP) and all made neighbourhood plans. There is no made neighbourhood plan for Westbourne Parish at this time. The plan has been through examination, however due to the result in changes in laws following European Court decisions there was a requirement to undertake a Habitats Regulation Assessment (HRA) and an Appropriate Assessment Statement. This has been subject to a public consultation. As a consequence of the HRA process a Strategic Environmental Assessment of the Neighbourhood Plan has been undertaken and the consultation period ended on 22 May 2019. The plan at this stage therefore carries some weight.

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

Chichester Local Plan

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 47: Heritage

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area
Policy 52: Green Infrastructure
Policy 53: District Canals
Policy 54: Open Space, Sport and Recreation
Policy 55: Equestrian Development

Westbourne Neighbourhood Plan

LD3 Heritage Policy

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), and 16 (Conserving and Enhancing the Historic Environment).

Other Local Policy and Guidance

- 7.7 The following Supplementary Planning Documents are material to the determination of this planning application:
- Planning Obligations and Affordable Housing SPD
 - Westbourne Conservation Area Appraisal and Management Proposal
- 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:
- 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 issues arising from this proposal are:

- i) Principle of development
- ii) Impact on visual amenities and character of the area
- iii) Drainage

Assessment

- i) Principle of development

8.2 The works which are the subject of this application are located within the curtilage of a dwelling, and although the site lies outside of the settlement boundary the development would not extend beyond the boundaries of the site or result in encroachment into the open countryside. Therefore the principle of the development is acceptable, subject to the material considerations set out below.

- ii) Impact on Visual Amenities and Character of the Area

8.3 Policy 33 of the CLP requires that development proposals respect or enhance the character of the site and surrounding area with regards to proportion, form, massing, siting, layout, density, height, size, scale and detailed design. Policy 47 of the CLP refers to the historic environment and design, and seeks to ensure that new developments conserve and enhance designated and non-designated heritage assets and that developments respect the distinctive local character.

8.4 Whitechimney Row comprises a mix of properties of varying architectural styles and forms. Boundary treatments fronting the road are generally comprised of low level brick and flint boundary walls and some properties with hedges providing natural boundary treatments. The application seeks permission for a replacement boundary wall to the front of the site, the former boundary wall was partly removed during the construction phase and the replacement wall is brick and flint in a similar style to the existing. The entrance drive would remain in the approved location, but with brick piers and a timber entrance gate set back within the site.

8.5 Previous assessments by planning officers and Historic Buildings Advisors have acknowledged the attractiveness of the original boundary wall, noting that it assisted in reinforcing the understanding of the historic relationship to the agricultural grouping of surrounding buildings. Notwithstanding these assessments it does not mean the replacement of the wall would be unacceptable in principle, subject to the design and form of any replacement wall being reflective of the existing. The replacement wall at 1.1m high and constructed of brick and flint is reflective of both the original wall and the other boundary treatments which can be found on Whitechimney Row and the adjacent Conservation Area. It is considered that due to the scale, materials and design the new wall and gates would not detract from the visual amenity and character of the area, and it would conserve the Conservation Area.

- 8.6 In order to provide adequate drainage of the site and landscaping to reflect the land level changes which slope down towards the west of the site, small amounts of land raising directly around the dwelling took place during the construction phase. The main levelling has focused around the rear patio area, which has been stepped up from 11.14AOD to 11.68AOD, rather than a gradual gradient. This has required the insertion of steps and the applicants propose a retaining wall/planter. The landscaping had not been completed when the application was submitted. In addition to the above it is proposed to construct sleeper steps to the north-west corner of the site, with only small amounts of levelling (10.38AOD to 10.92AOD) within the site from the parking area leading up to the steps. Additional landscaping changes are proposed through the formation of a low planted, with native species, earth bund and supporting wall to the southern boundary, of approximately 0.5- 0.6m. This would be contained wholly within the application site.
- 8.7 There have also been land level changes following the construction of the necessary drainage system. As a result the proposed dwelling is located 17cm higher than previously approved. This has been considered by the Planning Enforcement team and no further action has been taken because it is considered that this is within reasonable build tolerances when taking into account the scale of the dwelling and that no changes have taken place to the approved elevations of the dwelling and therefore the appearance of the building itself has not been amended. The changes to the land levels and the amendments to the landscaping are not considered to result in unacceptable visual impacts within the street scene or on the character of the surrounding area and the adjacent Conservation Area. In addition it has not resulted in an unacceptable relationship to neighbouring properties.
- 8.8 Overall it is considered that the works to the boundary treatments, land levels and landscaping, would not undermine the quality of the development previously approved and would not result in adverse impacts on the visual amenity and character of the area. On this basis the proposals would accord with Policy 33 of the Chichester Local Plan and are therefore considered to be acceptable.
- iii) Drainage
- 8.9 During the construction of the permitted dwelling a revised drainage scheme was installed from that approved as part of application 17/01928/DOC. This constructed scheme was based on the amendments which had taken place as part of the build, including changes to the hardstanding and small increases in land levels. Parish Council and third party objections have been received regarding the increase in hard surfacing within the site, and the potential for an increase in surface water drainage offsite.
- 8.10 The drainage scheme installed comprises of cellular units, with additional shingle to provide further storage for water. Three soakaways have been installed within the site, one to the front of the property and two to the rear. Soakaway SA1 has a storage capacity of approximately 7.6m³, where calculations provided indicate that only 6.1m³ is required. Soakaway SA2 has a storage capacity of approximately 11.4m³ and the calculations show that only 7.9m³ is required.

- 8.11 The third soakaway (SA3) has been installed to independently drain the additional non-permeable patio area to the rear of the site. This has a capacity of approximately 4.75m³ and the calculations show that only 3.6m³ is required.
- 8.12 The calculations demonstrate that the surface water storage exceeds what is required by at least 20%. The Council's Drainage Engineer has analysed the infiltration rates, geotechnical assessment and scaled drawings and confirmed that the site should drain based on the calculations and details provided without excess surface water flowing elsewhere. The proposal would therefore comply with local and national development plan policies which seek to ensure adequate and appropriate drainage for new development and would be acceptable.

Conclusion

- 8.13 Based on the above assessment it is considered the proposal would not result in harm to the visual amenities and character of the surrounding area and conservation area, nor would it result in adverse impacts on drainage. The proposal therefore complies with development plan policies 1, 33, 42 and 47 and the application is recommended for approval.

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: NB01468-011G, NB01468-031B, NB01468-081
Reason: To ensure the development complies with the planning permission.

2) All hard and soft landscape 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. These works shall be carried out in the first planting season following the date of this permission, 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.

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 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=PI6PK2ERLW400>

Parish: Sidlesham	Ward: Sidlesham
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SI/18/02925/FUL

Proposal Proposed private stable block and associated hard standing. New access to the highway.

Site Land South Of Telephone Exchange Selsey Road Sidlesham West Sussex

Map Ref (E) 485659 (N) 97768

Applicant Mr W Hughes

RECOMMENDATION TO PERMIT



	NOT TO SCALE	<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

- 1.1 Red Card: Cllr Tricia Tull - Exceptional level of public interest
Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The site forms a parcel of land measuring approximately 3.75 acres in size located on a corner site to the west of Selsey Road and to the north of Keynor Lane, in the rural area and within the parish of Sidlesham.
- 2.2 The site is bordered by Muttons Farmhouse and a nursery to the west and a telephone exchange building to the north. The site is generally flat and open, covered in rough short grass.
- 2.3 There is an existing vehicular access to the south of the site from Keynor Lane. The boundary treatments of the site are mainly formed by natural hedging.

3.0 The Proposal

- 3.1 The application seeks planning permission for a single storey stable building with storage areas for hay, feed, cart and tack, and the change of use of the land for the keeping of horses.
- 3.2 The size and scale of the stable building has been reduced during the application process. The proposed building would measure approximately 17.8m (w) x 10.62m (d) x 3.68m (h), with eaves of 2.38m.
- 3.4 The stable block would be constructed with timber cladding to the walls and a corrugated sheet roof. A new access is also proposed from Selsey Road (B2145) at a point close to the stable building. Parking and on-site turning associated to the stables and access is also proposed.

4.0 History

17/02640/FUL	REF	Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 no. gypsy-traveler families, with associated utility building, hard standing, widened gateway, landscaping and access.
18/01173/FUL	REF	Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 gypsy-traveler families with facilitating development (utility buildings, hard standing, widened gateway, septic tank and landscaping).
18/02029/PASUR	ADVGIV	Private stable block.

18/00052/REF	INPROG	Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 gypsy-traveler families with facilitating development (utility buildings, hard standing, widened gateway, septic tank and landscaping).
18/00053/REF	INPROG	Change of use of land from agricultural land for stationing of caravans for residential purposed by 3 no. gypsy-traveller families, with associated utility building, hard standing, widened gateway, landscaping and access.

5.0 **Constraints**

Listed Building	No
Conservation Area	No
Countryside	Yes
AONB	No
Tree Preservation Order	No
EA Flood Zone	
- Flood Zone 2	Yes
- Flood Zone 3	Yes
Historic Parks and Gardens	No

6.0 **Representations and Consultations**

6.1 **Parish Council**

Further comments (18/04/2019)

Sidlesham Parish Council discussed the above Application at its Planning Committee Meeting on 17th April 2019. The PC objects to this Application. There should be no new access to the B2145: an embargo on new access onto the B2145 was imposed by the County Surveyor several years ago and remains the case. The access applied for is for residential access but the stables would require access for 3 ½ ton vehicles.

The PC requested that WSCC Highways reassess their report on access to the B2145. In addition, the applicant has 2 Appeals awaiting a hearing with the Planning Inspectorate, each for 3 mobile homes, with associated facilities on the land. Should those be granted, there could be insufficient land for 3 horses without bringing in fodder which would entail a change of use on the land. The PC would like the Appeals resolved before this Application can be considered.

Original comments (13/12/2018)

Sidlesham Parish Council discussed the above Application at its Planning Committee Meeting on 10th December 2018. The PC objects to this Planning Application on the following grounds:

- i. The Application refers to the existing field access. There is no access onto the field from the B2145. The plan, as shown, is not clear where the line of the B2145 is obscured by text placed over the plan. The road bulges out east immediately before the site and back in again along Shotford. This obscures traffic coming from the north. Reference is made to WSCC design standards for residential; this is not a residential development. No allowance has been made for footway pedestrian visibility splays. BT is placing a 6ft close boarded fence on its frontage and that would be in the pedestrian splay. CDC should request amended plans and WSCC Highways should conduct a site visit.
- ii. The PC questioned whether the land can support horses without feed having to be brought in. If feed is brought in, a change of use should be sought.
- iii. The PC would like confirmation from CDC that the applicants Appeals, lodged with the Planning Inspectorate, for 3 caravans on the site, have been formally withdrawn.
- iv. The plot of land is in Flood Zone 3 and the PC believes the Environment Agency would object to contamination of the water course from horses.
- v. The PC expressed concerns regarding the environmental impact on neighbouring properties of housing several horses.
- vi. The applicants agent had submitted a supporting statement which referred, in the summary (page 4), to statements by local residents. It is believed that those statements are not from Sidlesham residents.

6.2 WSCC Highways

Further comments (30/04/2019)

It is noted that on block plan 1802KE there is an access located circa 30 metres south of the proposed on Selsey Road annotated as 'existing'. This location is fronted by footway and verge. This footway has not been dropped and the verge is laid to grass. The Local Highways Authority would be minded to view that for this to be used as an access point it would need to be supported by a planning application and gain subsequent licence approval to implement the access. Without such use of this point as an access could potentially attract enforcement action from both the Local Highways Authority and the Local Planning Authority.

In addition it is observed that relocation of the site access point a short distance south of that proposed would result in improved visibility to the north. It is the Local Highways Authority view that this could be undertaken without prejudicing visibility to the south to an unacceptable degree. For the reasons stated in consultation response dated 12/12/2018 this is not a modification the Local Highways Authority would require take place to make the application acceptable, but would be a betterment over the application as proposed for the Local Planning Authority and Applicant to consider.

10/01/2019

Comments were previously provided in relation to this application in a response dated 12/12/2018. More information was requested pertaining to correct demonstration of maximum achievable visibility splays. Revised plans have now been submitted.

The latest block plan (revision 1) demonstrated visibility splays of 2.4 x 102 metres south and 60 metres north of the access point. These splays have been drawn in accordance with the principles within Manual for Streets.

Visibility - South

The use of Manual for Streets calculation coefficients for sight stopping distance is only suitable for approach speeds up to 40 mph. For 40 mph a splay of 65.5 metres would be required. Using calculation methods set out within the Design Manual for Roads and Bridges a 102 metre splay would equate to sight stopping distance approach speeds of 40 mph.

In conclusion given the posted speed limit of Selesy Road at this point (30 mph) it would be difficult to substantiate that a splay of 102 metres would not be adequate.

Visibility - North

A splay of 60 metres has been demonstrated. Using Manual for Streets calculation coefficient for sight stopping distance this would equate to approach speeds of 38 mph. I'm mindful that the speed limit in this location is posted at 30 mph, and while there may be instances of vehicles approaching in excess of the posted speed limit it would be difficult to substantiate that the demonstrated splays are not sufficient to provide sufficient vehicular visibility.

Both splays are contained wholly within land considered public highway. Any overhanging vegetation obstructing the demonstrated splays should be cleared prior to occupation.

Tracking - The plans demonstrate tracking of a 3.5 tonne horsebox accessing and turning within the sites confines. This tracking would be considered adequate. The access works must be implemented under licence to a specification obtained from the WSCC Area Engineer.

Conclusion

The Local Highways Authority does not consider that the proposal would have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts 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 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 Block Plan and numbered 1802KE - 001 Rev 1.

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 the approved plan. These spaces shall thereafter be retained for their designated use.

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

Informative:

Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

Original comments (12/12/2018)

The site has significant recent planning history. Most recently 17/02640/FUL & 18/01173/FUL both sought the stationing of 3 x caravans for gypsy-traveller families on the land, at different footprints. While no overriding highways concerns were raised to either application both were refused by the Local Planning Authority. Both are currently subject to active Appeals.

This latest application seeks a proposed private stable block and associated hardstanding at the north eastern corner of the plot with a new access to the highway onto Selsey Road. Selsey Road is 'B' classified and subject to a 30 mph speed limit at this point. The applicant should demonstrate that the access point will be provided with visibility splays that accord with current guidance and

standards, namely Manual for Streets or the Design Manual for Roads and Bridges.

The applicant has plotted visibility splays on the Block Plan, this plan indicates that splays of 2.4 x 106m are achievable to the south and 2.4 x 65 metres are achievable to the north. I note these splays have been drawn to the centre line of the carriageway in each direction. These splays should be drawn to the nearside carriageway edge in each direction. I would ask this is raised with the applicant and the splay re-calculate on this basis. The splays must be wholly contained within land under the control of the applicant or that considered public highway. The plan should show the entire extent of the splays.

Until such time as the splays have been correctly demonstrated the Local Highways Authority is not in a position to conclude that safe and suitable access to the site can be achieved at this point, and if so, recommend appropriate conditions or informative notes.

Please raise with the applicant and re-consult. The applicant should be aware that any splays that fall below the 85th percentile wet weather road speed must be supported by way of automated 7 day road speed survey. Please raise the above with the applicant and re-consult.

6.3 Environment Agency

We have no objection to the proposed development as submitted.

6.4 Natural England (summarised)

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes. Standing advice provided.

6.5 CDC Environmental Health

Land Contamination - The site appears to have been in agricultural use for many years and remains undeveloped. The risk from land contamination is considered low and in addition the proposed use is not a sensitive use with respect to harm to human health. In case there is undiscovered land contamination at the site it is suggested that condition DC13 is applied. It is noted that as well as stables it is proposed that there will be tool shed within the development.

Any storage of fuels/oil or chemicals within this area should be on impermeable surfaces in order that any leaks or spills do not cause pollution to land or groundwater.

Air quality - The type of development is not considered likely to generate significant emissions to air and therefore an air quality assessment is not required.

There should be no on-site burning of waste materials at the site (especially stable waste) in order to reduce the impact on neighbouring residential properties from smoke or other emissions.

Waste - The muck heap should be sited on an impermeable surface which drains to the neighbouring area to avoid the muck getting wet and odorous. This area should be well managed to avoid odours arising.

Noise - Given that only 4 private stables are proposed it is considered unlikely that significant noise impacts will arise from the development. It is suggested that a restriction is applied if planning permission is granted to prevent the stables becoming commercial which could lead to an intensity of use and resultant increase in noise levels condition AT31 could be applied.

It is noted that it is not intended to be external lighting at the site. This is welcomed to reduce potential for impact on nearby properties.

6.6 CDC Environment Officer

Further comments (20/03/2019)

Over Wintering Birds - Following submission of the Over winter bird survey report (March 2019) we are satisfied that over wintering birds would not be negatively impacted by the proposal. With the inclusion of the 5m buffer which was detailed within our previous comments (07.01.219) and the infilling of gaps within the hedgerows nesting birds will mostly likely be more attracted to the site. As detailed within the report we will require that the planting onsite is extended to the eastern boundary and a condition should be used to ensure this takes place.

07/01/2019

Since our previous comments have submitted in October 2018, a new survey for the site has been undertaken look solely at the area where development will occur rather the site as a whole. There are a number of recommendations we are happy to except which are detailed below, however we do still have a number of concerns relating to overwintering birds.

Over Wintering Birds - Due to the sites location adjacent to Pagham Harbour SPA and the current condition of the site there is a high likelihood that overwintering birds may be using this site. As previously recommended within the Preliminary Ecological Appraisal Survey Report (Nov 2017) we require that an overwintering bird survey is undertaken on the site to determine if there are significant number of birds using the site. If this is the case then appropriate avoidance and mitigation will be required to minimise the impact on birds. The survey and any mitigation will need to be submitted with the application prior to determination.

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 at 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 and GCN - Due to the small scale of the works and the buffer zone around the hedgerows as we have detailed above for bats, we are happy that a precautionary approach can be undertaken on the site for reptiles. This involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.

Badgers - Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.

Dormice - There is only limited suitable habitat onsite for dormice due to the vegetation being in broken and sparse in places. As a precaution any clearance to the hedges or trees should be undertaken with due care and works must cease should any evidence of dormice be discovered and NE consulted.

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).

10/12/2018

Overwintering birds - Require that an overwintering bird survey is undertaken on the site to determine if there are significant number of birds using the site. If this is the case then appropriate avoidance and mitigation will be required to minimise the impact on birds. The survey and any mitigation will need to be submitted with the application prior to determination.

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).

Reptiles - As detailed within the Preliminary Ecological Appraisal Survey Report (Nov 2017) there is potential for reptiles to be onsite. Due to this and as recommend within the survey a reptile activity survey needs to be undertaken by a suitably qualified ecologist to determine if reptile are onsite. If reptiles are found a mitigation strategy will also need to be produced. The mitigation strategy will need to include details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works. Both the reptile activity survey and the mitigation strategy (if required) will need to be submitted with this application prior to determination.

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 at 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.

Badgers -There is potential for badgers onsite, due to this and as recommended within the Preliminary Ecological Appraisal Survey Report (Nov 2017) we require that badger survey is undertaken and submitted prior to determination. If badgers are recorded onsite then a mitigation strategy will be required and also must be submitted with the application prior to determination.

Great Crested Newts - Due to the presence of Great Crested Newts (GCN) within the local area and several bodies of water within 500m of the site we would like an HSI assessment to be done on the site. Depending on the findings of this assessment further survey work for GCN may be required.

Dormice - There is only limited suitable habitat onsite for dormice due to the vegetation being in broken and sparse in places. As a precaution any clearance to the hedges or trees should be undertaken with due care and works must cease should any evidence of dormice be discovered and NE consulted.

6.6 Third party comments

8 third party letters of objections have been received concerning:

- a) The site already has gated access from Keynor Lane
- b) Impact on visibility from nearby access,
- c) Concern application will lead to residential proposals,
- b) Harm to wildlife,

- c) Development is in an area of the countryside where development should be refused,
- d) Harmful visual impact on rural landscape,
- e) Impact upon Special Protection Areas,
- f) Should either of the Appeals on the land be successful it would significantly reduce the grazing available to the horses, to virtually none. It would certainly not allow the recommended 1.5 acre per horse. The buildings, driveways and hardstanding in the Appeals would utilize most of the available grazing,
- g) The applicants are in the horse trade therefore this would indicate that the proposed stables and significant storage are intended for business use. There is already significant movement of horses on the land adding to vehicular movements and noise,
- h) The current entrance onto the Selsey road was created by the current applicants and is not historical. This is not a suitable area for significant vehicles, trailers and HGV's to be pulling onto the Selsey road
- j) Impact on highway safety.
- k) Harmful impact on tranquil character of the area.
- l) Harm to the setting of nearby grade II listed building.

6 Applicant/Agent's Supporting Information

- a) The site totals 3.75 acres, all of which is good quality grazing land.
- b) The two appeals you refer to propose different locations for the gypsy-traveller development.
- c) 18/01173/FUL allocates a site area of 0.95 acres, this would leave an area of 2.8 acres of grazing land. 17/02640/FUL allocates a site area of 0.45 acres, this would leave an area of 3.3 acres of grazing land. The intention would be for all of the remaining land to remain in use for grazing if either of the appeals were allowed. Therefore there would be between 2.8 and 3.3 acres of grazing land.
- d) British horse society recommends 1-1.5 acres per horse but notes that there are numerous variables which must be taken in to account including general management, quality of pasture etc, also noting that where horses are stabled part of the time, 1 acre per horse may be more than adequate.
- e) The very fact that stables are being sought is due to the fact the owner often stables horses and they are not permanently grazed. If they were to be grazed all the time then there would be no need for stables. It is intended that a total of 3 horses would be kept on site at one time but the additional box was proposed for foaling, breaking or where additional space is required, the land is more than capable of accommodating 4 horses should the need arise.
- f) However, despite this justification we have taken on board your comments and reduced the proposal to 3 stables plus the ancillary spaces.
- g) Finally I must address the issue relating to the red line. When the application was submitted it included the entire site within the red line, however the attached letter was received requesting that the red line was reduced only to around the proposed building and yard.

The reduced red line was requested by the council and so it is not reasonable to state this as a reason for refusal. I have now amended the red line boundary within the attached plan set to incorporate the whole site. We are happy for you to amend the application description to read Proposed private stable block and associated hardstanding. New access to the highway, change of use of land for the keeping of horses.

- h) I note the comments from the parish council (attached) and would like to make some comments on these, for clarity I have used the same numbering as the parish council response
- i. There is an historical access along the road, whilst it is overgrown there is a gate that has been used historically. This is not particularly relevant in any case to the application as the application seeks a new access. The plans are very clear where the B2145 is and there is no text obscuring the line of the road. These comments appear unfounded. The WSCC design standards for residential are based on the Design for roads and bridges which sets out visibility requirements for junctions and accesses. This is of course not residential but the same standards are applied to other accesses as there is no specific standard for non-residential. The visibility requirements are for highways and not footways.
 - ii. The land can clearly support horses (4 stables for 4 acres) with limited need for additional feed other than in the winter months. Needing to provide some supplementary food would not require a change of use The status of the current appeals for a different development further east on the site are not relevant to this proposal
 - iii. The status of the current appeals for a different development further east on the site are not relevant to this proposal.
 - iv. The EA has been consulted at pre app and details of this advice have been submitted with the application. We are well aware the site is in flood zone 3 hence the detailed FRA being submitted. We have also shown a bunded muck heap to avoid run off in to the watercourse
 - v. There is clear separation between the proposal and the nearest dwelling due to the telephone exchange. There will be no environmental impact on residential properties. This was not raised as a concern at all during the pre app.
 - vi. The supporting statement is only 3 pages long so not sure what page 4 in this comment refers to.

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 8: Transport and Accessibility

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

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

Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

Policy 55: Equestrian Development

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-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 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) generally.

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. Flood risk and water management
- iii. Impact on amenity of neighbouring properties
- iv. Highway safety
- v. Impact on Heritage Asset
- vi. Ecological considerations

Assessment

i. Principle of Development

8.2 Policies 1, 2 and 45 of the Chichester Local Plan (CLP) limit development in the countryside to that which is sustainable, essential for agriculture, requiring a countryside location and is required to meet a small scale local need. Equestrian development normally requires a countryside location, and due to the scale of the proposal it is considered that the proposal meets this requirement. In addition, Policy 55 of the CLP allows for horse related activities and development in the rural area where the detailed criteria can be met. These criteria are assessed in more detail below.

1. Adequate land for the number of horses kept;

- 8.3 The application site amounts to 3.75 acres. The proposal includes 3 stables, therefore it is expected a maximum of 3 horses could be kept on site. This is in accordance with the British Horse association guidelines which suggest 1 - 1.5 acres per horse. These standards can be further reduced where stables are proposed and supplementary feeding can be provided.
- 8.4 Concerns have been raised regarding the potential implementation of development currently subject of appeal (listed within the history section of this report), in terms of the amount of land being made available for the horses.

Considering the size of the land available, even if the appeals are allowed, the amount of land would be considered sufficient to support three horses. It is considered that even with a reduction in the amount of grazing land that the site could accommodate 3 horses because they would be kept in stables and would have supplementary feed thereby reducing the demand on the land.

2. *Existing buildings are reused where possible but where new buildings are necessary, these are well-related to existing buildings, appropriate to the number of horses to be kept and the amount of land available;*

8.5 The proposed stable block would be located close to the telephone exchange building and there are residential properties further north of the telephone exchange, with a dwelling separated by a distance of approximately 13.5m. Therefore it is considered that the proposed building would be well-related to existing buildings. Furthermore, the size of the building would be respectful in size to the building to the north and of a sympathetic design to the character of the rural area.

3. *There is minimal visual impact on the landscape caused by the proposed development either individually or cumulatively;*

8.6 The size and scale of the building would be subservient to the single storey buildings to the north. Furthermore, the form and proportions of the building and its fenestration would be of a design expected for stables and complementary to the style of building in the area. The external materials and finishes would comprise timber cladding to the walls and corrugated sheets to the roof, which would be acceptable in principle and a condition is recommended to ensure appropriate materials and finishes for the rural setting. Therefore, it is considered that the development would have a sympathetic impact on the landscape.

4. *It does not result in the irreversible loss of the best and most versatile agricultural land;*

8.7 The application site is a grass field which is short and appears to have been grazed and is said to be in an agricultural use. A proposal for the stable building and associated keeping of horses would not result in the irreversible loss of agricultural land. The stables and land could readily be converted back to agricultural land without significant intervention.

5. *There is an agreed comprehensive scheme of management for any ancillary development including lighting, storage, waste disposal, manèges and sub division of fields;*

8.8 The submitted Design and access statement states that;

'All ancillary provisions are contained within the building (hay, feed, tack etc) no external lighting is proposed on the building and an accessible bunded muck heap is proposed close to the building'.

8.9 Notwithstanding this detail conditions are proposed to ensure these aspects would be managed in the interests of protecting the amenity and rural character of the area.

6. The proposal, either on its own or cumulatively, with other horse related uses in the area, is compatible with its surroundings, and adequately protects water courses, groundwater and the safety of all road users;

8.10 The proposal is for a private equestrian use in the countryside and no commercial equestrian activities are proposed by this application. A condition is recommended to ensure this is the case. The proposal would be compatible with the character of the surrounding area.

8.11 The watercourse and ground water are unlikely to be harmed by the proposal, subject to conditions ensuring suitable surface water management. Run off from the washing of the stables would also be managed via the recommended conditions. Highway safety is discussed in section 8.23 of this report.

7. The proposal does not lead to the need for additional housing on site; and

8.12 No housing is proposed and the application details state that housing is not required for these stables.

8. The proposal is well related to or has improved links to the existing bridleway network, with no impact on the bridleway capacity to accommodate the growth.

8.13 Chalk Lane and Cow Lane provide access to public bridleways which lie off Keynor Lane, and there are country roads in the area that would allow for the exercising of horses.

ii. Flood Risk and Water Management

8.14 The development site is located within flood zone 2, and partially in flood zone 3. The site is currently used for grazing which can be categorised by using the EA's vulnerability classification as a "Less Vulnerable" use. The proposed use would continue to be less vulnerable including the keeping element of the proposed use. Table 3 of the NPPF Technical Guidance confirms that a Less Vulnerable development classification is compatible with areas designated as Flood Zone 3.

8.15 The application details inform that 'the stable block will be designed to be water resilient and recoverable in the event of an extreme event occurring. Access to the site would be impeded by tidal flood water during a 1 in 200 year (plus climate change) event, however alternative access may be gained from a field access from Keynor Lane for evacuation'.

8.16 Surface water runoff from the building is proposed to be infiltrated to ground through a permeable surface during all storm events up to the 1 in 100 year return period event (including an allowance of 40% for climate change).

However, a ground investigation will be necessary to determine the winter groundwater level and the soil permeability measured using the BRE365 test process. A condition is suggested to ensure additional surface water run-off is managed in an appropriate manner for the ground condition here.

8.17 The management plan necessary in accordance with criteria 5 will also ensure ground water and the watercourse are not contaminated by waste arising from the equestrian use of the site.

iii. Impact on amenity of neighbouring properties

8.18 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for existing and future users (of places).

8.19 There are neighbouring properties to the north of the proposed stable building beyond the telephone exchange. There is no recent planning history for the telephone exchange itself. The closest neighbour would be located a distance of 13.7m from the north elevation of the proposed stable building, with other residential uses being located further away to the west. The activity from the keeping of three horses would be low key and contained mostly to the Northeast corner of the wider application site, and it is considered that the amenities of the nearby residential properties would be safeguarded.

8.20 Officers consider that due to the low key use and modest activity related to the proposal it would not be detrimental to the tranquillity of the site and surrounding, and would also be respectful to the amenities of the neighbouring properties and gardens in terms of the amount of activity and noise generated from these private stables.

8.21 Given the forgoing the proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook, privacy and in terms of noise disturbance.

iv. Highway Safety

8.22 The Highways Authority at WSCC has been consulted and no objection has been raised. In their latest comments of the 30/04/2019 the highways authority suggested betterment to the proposed access by locating it 30m south of the proposed access. However, the Highways Authority confirms that there is no objection to the access as currently proposed. In its current location the access would have a visual connection with the stables and would not impact so greatly upon the rural character of the locality as a result. On balance, the position of the access currently proposed would be suitable both in terms of highways safety and visual amenities and therefore it is acceptable in principle.

8.23 The amended site plan demonstrates suitable visibility splays for pedestrians and vehicles and sufficient space for on-site parking and turning is proposed. Conditions are recommended to ensure the visibility splays and the turning areas are maintained in perpetuity for highway safety purposes.

8.24 The Parish Council has highlighted that there is a ban on new vehicular access to the B2145. There is no submitted documentation to clarify the circumstances of the said ban, and this is not consistent with the advice from WSCC highways authority. Therefore this would be a private legal matter between the relevant parties, and is as such not a material consideration.

v. Impact on Heritage Asset

8.25 Muttons Farm is a grade II listed building located to the southwest of the application site. This residential property lies a distance of approximately 130m (as the crow flies) from the proposed stable building. The building and use would be of a size and appearance that would be respectful to its countryside location and intended use. Given the foregoing it is considered that the development would not harm the setting of the grade II listed building.

vi. Ecological considerations

8.26 CDC Environment Officer has been engaged throughout the consideration of this application. Further Ecology reports were necessary and have been submitted. Subject to mitigation measures the impacts of the development on wildlife and protected species and their habitats would not be harmful. A condition is proposed to ensure the necessary mitigation would be provided.

Conclusion

8.27 The assessment of this case has concluded that equestrian development in the countryside is appropriate; the development would be for a private use and small scale and physically located so to relate to existing buildings, and subject to conditions there would be no significant adverse impacts upon visual and neighbouring amenity, highway safety, ecology and flood risk.

8.28 Overall, it is considered the proposal complies with the Development Plan and there are no material considerations that indicate otherwise, therefore and subject to conditions permission should be granted.

Human Rights

8.29 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 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: 000 REV 2, 001 REV 2 and 100 rev 2.

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

3) The development hereby permitted must be carried out in full accordance with the submitted documents; The Ecology Co-op Environmental Consultants, 14th March 2019 and Preliminary Ecology Appraisal 2nd June 2019 ref; P3026.

Unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of conservation and enhancement of wildlife and protected species and their habitats.

4) No development shall commence until details of the proposed overall site wide surface water drainage scheme has 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 as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority.

No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

The drainage scheme shall be implemented and maintained as agreed in perpetuity.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

5) Notwithstanding any details submitted no construction of the walls and roofs to the building hereby permitted shall be undertaken 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(s) 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.

6) 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.

7) The land use and stable building hereby permitted shall not be brought into use until the method of disposal of waste arising from the keeping of horses and the stables has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the land and stables are brought into use and shall thereafter be maintained and operated in the approved manner in perpetuity.

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

8) Prior to first occupation of the stables and use of the land hereby permitted details of the existing (those to be retained) and proposed boundary treatments shall be provided in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include;

- (a) a scaled site plan showing the location and lengths of the boundary treatments and scaled elevations, and
- (b) details of the materials and finishes.

Thereafter the boundary treatments shall be maintained as approved in perpetuity.

Reason: In the interests of protecting visual amenities.

9) 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 Block Plan and numbered 1802KE - 001 Rev 1.

The access and visibility splays shall be retained free of obstruction for their intended purpose.

Reason: In the interests of road safety.

10) No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

11) No external lighting shall be installed either on the building or anywhere within the site. This exclusion shall not prohibit the installation of sensor controlled security lighting which shall be designed and shielded to minimise light spillage beyond the site boundary.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity.

Note: Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution.

12) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. The development shall not be first occupied until;

i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and

ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and

iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with local and national planning policy.

13) There shall be no burning of waste on the application site and within the land under the applicant's ownership at any time.

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

14)) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the building hereby permitted and associated land subject to this application shall only be used for the private keeping of horses and as a private stables and shall not be used for any other purpose whatsoever, including the staging of public events, gymkhanas, livery purposes or for use as a riding school.

Reason: To enable the District Planning Authority to control the development in detail in the interests of amenity and road safety and to accord with the terms of the application.

15) Any discharge of washings from the stables and/or yard area must first drain into a soakaway or treatment system so that any discharge to ground is at least 10 metres from any watercourse.

Reason: To control pollution of water.

INFORMATIVES

1) Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

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=PHRZOPERLKS00>

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

To view the application use the following link -

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Parish: Fishbourne	Ward: Fishbourne
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FB/19/01017/DOM

Proposal Partial conversion of detached double garage to home office and external alterations including installation of a pitched roof

Site Strathisla 10 Salthill Road Fishbourne Chichester West Sussex PO19 3QH

Map Ref (E) 483594 (N) 104994

Applicant Mr S Murphy

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

1.1 Applicant is an Officer of the Council, or spouse/partner.

2.0 The Site and Surroundings

2.1 The site is located on the eastern side of Salthill Road in the settlement boundary area of Fishbourne. The application site is occupied by a detached two-storey dwelling house which shares a driveway with the neighbouring property to the south. The dwelling is set-back from the highway and contained a detached flat-roofed garage until recently, in addition to hardstanding to the front. The front boundary treatment consists of a dwarf wall.

2.2 The neighbouring dwelling to the north (12 Salthill Road) also has a detached garage to the front of the property, which is adjacent to the boundary with the application site. There is a footpath between this neighbouring dwelling and the shared boundary. The boundary treatment between this neighbour and the application site consists of an approximately 2.5 meter high hedgerow at the front, and timber close-board fence along the boundary adjacent to the two buildings and the rear gardens.

3.0 Proposal

3.1 The application seeks part retrospective consent for alterations to an existing front detached garage; including installing a pitched roof, changes to elevations and use of half of the garage as a home office.

3.2 The proposal is essentially a scaled-back resubmission of the previously approved application, 17/03697/DOM, for "Proposed pitched hipped roof over existing flat roofed garage and link extension, alterations and rear extension." The rear and link extension elements have been omitted from this application.

4.0 History

17/03697/DOM	PER	Proposed pitched hipped roof over existing flat roofed garage and link extension, alterations and rear extension.
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5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	Flood Zone 1

6.0 Representations and Consultations

6.1 Parish Council

No comments received.

6.2 Third Party Representations

No third party comments have been received.

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 33: New Residential Development
- Policy 39: Transport, Accessibility & Parking
- Policy 40: Sustainable Design & Construction
- Policy 47: Heritage and Design

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF) 2019, with the sections relevant to this application being 2, 4 & 12, including:

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-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."

7.5 Section 12 (Achieving well-designed places), paragraph 127 states:

"Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

7.6 Fishbourne Neighbourhood Plan

The following policies are relevant from the Fishbourne Neighbourhood Plan:

- Policy SD 3: Development constraints for new building.
- Policy D 1: Good design.

7.7 Other Local Policy and Guidance

- CDC Design Guidelines for Alterations to Dwellings and Extensions 2009

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:

- 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) Appropriateness of design, scale and character
- iii) Impact on the amenity of neighbouring properties
- iv) Highway safety and parking
- v) Other matters and material considerations

i) Principle of development

8.2 The application site comprises a lawful dwelling within the settlement boundary as designated by Policy 2 of the Local Plan. Therefore, the principle of residential alterations and extensions are considered acceptable, subject to the assessment of design and impact on residential amenity, any other material considerations, and compliance with development plan policies. Furthermore, the principle of similar alterations to the garage, including installing a pitched roof, has already been established under approved application 17/03697/DOM.

ii) Appropriateness of design, scale and character

8.3 Local Plan Policies 33 and 47 relate to alterations to residential properties, and require development to be of high-quality design, reflective of the surrounding area. The proposed external changes are limited to replacing a flat roof with hipped roof, replacing the double roller shutter door with a single door and a window, and insertion of a rooflight. The footprint of the garage would remain unchanged.

8.4 It is considered that the built form, materials and small scale of the proposed garage roof would respect the character and appearance of the site and surrounding area. The materials used within the roof construction would match the existing house, as would the materials and design of the window. Given the variety between the dwellings in the street scene and the number of pitched-roof garages in the area, it is considered that the development would be in keeping with the street scene generally. Similar roof and elevation changes have recently been approved at the site under application 17/03697/DOM.

8.5 The proposal is therefore deemed to be of an acceptable scale, form and design, would remain in-keeping with the character of the area, and complies with Local Plan Policies 33 and 47, and the Council's Guidelines for Alterations to Dwellings and Extensions.

iii) Impact on the amenity of neighbouring properties

8.6 A similar scale and design of roof has already been approved under application 17/03697/DOM. The impact on neighbouring amenity is no greater than previously approved and remains acceptable and would not result in a loss of light or outlook to either neighbouring dwelling.

8.7 With regards to elevational and fenestration changes, a window is proposed on the southern elevation and a rooflight is proposed on the eastern elevation. The rooflight results in no further impact as it is high-level and faces towards to the house. The southern window would replace a roller shutter door, would face on to a garage and front driveway of the neighbouring site, is sufficient distance from the neighbour so as to not materially impact on their privacy, and is in a similar position to window approved within the previous application.

8.8 The proposal can therefore be considered to preserve the amenity of neighbouring residents, and accords with Local Plan Policy 33 and the Council's Guidelines for Alterations to Dwellings and Extensions.

iv) Highways and Parking

8.9 There is no change in access to the site and, although a garage parking space would be lost, there is ample space for parking and turning within the front drive. The proposal is therefore acceptable in terms of highway safety and parking provision and complies with Local Plan Policy 39.

v) Other Matters and Material Considerations

8.10 By virtue of the scale and nature of development and siting within Flood Zone 1, there are not considered to be any impacts with regards to ecology or flood risk.

8.11 The approval of planning permission 17/03697/DOM, which remains extant, is a material consideration in the assessment of this application and supports the granting of planning permission.

Conclusion

8.12 The proposal is considered to be acceptable with regards to design, appearance, amenity and highways, in accordance with local and national development plans, including Policies 1, 2, 33 and 47 of the Local Plan, Policies SD3 and DS1 of the Neighbourhood Plan, and the principles of the NPPF; and is therefore acceptable. There are no other material considerations which outweigh the conclusion.

8.13 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 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: STM1'A' & STM3'A'.

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.

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 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=PPNCUHER0ZT00>

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Parish: Chidham & Hambrook	Ward: Bosham
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CH/19/00661/FUL

Proposal Demolition of existing dwelling and associated outbuildings and construction of 11 no. dwellings (variation of condition 12 of permission CH/16/04148/FUL - amendments to street lighting).

Site Flat Farm Broad Road Hambrook Chidham Chichester West Sussex PO18 8RF

Map Ref (E) 478776 (N) 106007

Applicant Miss Lauren Wiltshire

RECOMMENDATION TO PERMIT



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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 site measures 0.3ha and is on the eastern side of Broad Road, within the settlement boundary of Nutbourne East.
- 2.2 The site comprises a development of 11 dwellings and associated works granted permission under planning application 16/04148/FUL. There is also a large electricity pylon within the northern part of the site.
- 2.3 Beyond the northern boundary of the site there is a caravan park. There are residential properties to the west and south and open fields to the east. The land to the east is subject to pending outline planning application 19/00874/OUT for a residential development of 42 dwellings. The surrounding area is semi-rural in character.

3.0 The Proposal

- 3.1 The application is submitted under Section 73A of the Town and Country Planning Act 1990, to amend condition 12 of planning permission 16/04148/FUL and regularise the street lighting that has been installed on the development.
- 3.2 Planning application 16/04148/FUL was granted on 31/08/2017 for the 'Demolition of existing dwelling and associated outbuildings and construction of 11 no. new dwellings'.
- 3.3 Condition 12 of that planning permission stated:
12. No erection of the superstructure shall commence until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an isolux diagram showing the predicted luminance in both the horizontal and the vertical plane (at a height of 3.5 metres) for the development. The scheme approved by the Local Planning Authority shall be fully implemented in accordance with the approved details. The works and scheme shall thereafter be retained, in accordance with the approved details.
Reason: This is required prior to the construction of the superstructure to protect the appearance of the area, the environment and local residents from light pollution and in the interests of preserving the nature conservation interests of the area.
- 3.4 Details pursuant to condition 12 were submitted to the Council under application 17/02787/DOC and were approved on 19/12/2018. These details showed 5 no. lighting bollards measuring 1m in height along the main access road running west to east from Broad Road and 4 no. street lamps adjacent to the on-site parking spaces, between the two rows of dwellings.

3.5 The current proposal seeks to amend condition 12 by removing the approved 5 no. lighting bollards and replacing them with 3 no. street lamps along the main access road. The 4 no. street lamps between the dwellings, adjacent to the on-site parking area will remain as previously approved with a minor alteration to the position of the northern lamp post. A total of 7 no. street lamps are therefore proposed across the entire development.

3.6 The street lamps would measure 5m in height and have LED bulbs with a luminance of 915 lumens.

4.0 History

13/01610/OUT	PER106	Construction of nine dwellings.
16/04148/FUL	PER106	Demolition of existing dwelling and associated outbuildings and construction of 11 no. new dwellings.
17/02787/DOC	DOCDEC	Discharge of conditions: 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19 and 23 from planning permission 16/04148/FUL - access, stage 1 safety audit, materials, foul drainage system, utilities, site levels, access closure, landscaping timing, external lighting, visibility splays, cycle store, refuse and recycling storage, SUDS management and policy 40 construction.
17/02070/FUL	PER106	Demolition of existing dwelling and associated outbuildings and construction of 11 no. new dwellings (Variation of condition 3 of planning permission 16/04148/FUL - Change the wording of condition 3 from 'No development shall commence...' to 'Prior to first occupation...').
18/02533/DOC	DOCDEC	Discharge of Condition 19 of planning permission CH/16/04148/FUL - SUDS Management Plan.

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 Chidham and Hambrook Parish Council

The Planning Committee met on 18 April 2019 and objects to this application due to the following:

- high level street lighting in place
- The Planning Committee would prefer to see low level bollard lighting which is timed in accordance with local authority regulations. The light at the entrance should remain as high level with all others reduced to low level lighting.

6.2 CDC Environmental Health Officer

Comments received 01/04/2019:

Condition 12

A lighting scheme has been submitted which complies with the requirements of the condition. Providing the scheme is fully implemented in accordance with the approved details the condition will have been complied with.

Comments received 17/05/2019:

Further to the previous comments made on 1-4-19 we confirm that the illumination levels are considered acceptable at this location and are in line with appropriate guidance ILP document "guidance notes for the reduction of obtrusive light".

6.3 CDC Environmental Strategy Officer

Comments received 08/05/2019:

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.

Comments received 16/05/2019:

The nearest known bat networks are at a small distance to the east of Broad Road. The increasing urbanisation of this area of Nutbourne should seek to avoid an in-combination impact on that network (which is also a proposed wildlife corridor in the Local Plan review). Most of the lighting is between the two rows of houses and will be shielded by the easternmost row from the fields and hedges in question. However lampposts 10 and 14 are new under the variation of condition 12 and these should downlight the smallest area compatible with the safety of pedestrians. Shielding should be fitted on the eastern side of these posts to curtail light spill into the rural area from lights at this height (which will inevitably be greater than with low level lighting) and minimise any impact on the bats flight lines to the east.

6.4 Natural England

No objection subject to securing appropriate mitigation to prevent harmful effects on coastal European Sites from increased recreational pressure.

6.5 Third Party Objection

One letter of objection has been received on the following grounds:

- Illumination levels out of keeping with existing area
- Lights are on all night
- Imposing light levels on the occupiers of Kestral Cottage
- Would prefer bollards
- Sensor controlled lighting on Pynham Crescent
- Impact on bats

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Chidham and Hambrook Neighbourhood Plan was made on the 20th September 2016 and forms part of the Development Plan against which applications must be considered.

7.2 The principle 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 4 Housing Provision

Policy 5 Parish Housing Sites 2012- 2029

Policy 6 Neighbourhood Development Plans

Policy 9 Development and Infrastructure Provision

Policy 33 New Residential Development

Policy 34 Affordable Housing

Policy 39 Transport, Accessibility and Parking

Policy 40 Sustainable Design and Construction

Policy 42 Flood Risk and Water Management

Policy 48 Natural Environment

Policy 49 Biodiversity

Policy 50 Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas

Chidham and Hambrook Neighbourhood Plan 2016

Policy EM1 Flood Risk and Surface Drainage
Policy EM2 Protection of Chichester Harbour SPA
Policy EM3 Landscape and Natural Environment
Policy CDP1 Community Development Contributions
Policy H1 Housing in the Plan Area
Policy H2 Diversity of Housing
Policy H3 Impact on Infrastructure
Policy DS1 Design Standard
Policy DS2 Encouraging Quality Design
Policy DS3 Provision of Car Parking

National Policy and Guidance

7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), published on 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and 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 of 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 the following paragraph and sections: Sections 2, 4, 5, 8, 9, 12, 14, 15 and 16. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

Planning Obligations and Affordable Housing SPD
Surface Water and Foul Drainage SPD
CDC Waste Storage and Collection Guidance
CHC Chichester Harbour AONB Management Plan (2014-2029)
Institute of Lighting Professionals: Guidance Notes for the Reduction of Obtrusive Light 2011

7.6 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
- 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. Design, Visual Amenity, Character of Area
- iii. Residential Amenity
- iv. Ecology
- v. Habitat Regulations Assessment

Assessment

i. Principle of Development

8.2 The principle of the development of 11 dwellings was established by the granting of planning permission 16/04148/FUL. Whilst the applicant is applying for a variation of Condition 12 of that permission, under Section 73A of the Town and Country Planning Act 1990 (as amended), this is in effect a fresh planning application. The development is now substantially complete and the dwellings are now occupied. Since the determination of planning application 16/04148/FUL, the NPPF was updated in July 2018 and February 2019 and the consultation on the Preferred Approach for the Chichester Local Plan Review ran between 13/12/2018 to 07/02/2019. There was also a European Court of Justice (CECJ) ruling in April 2018 which has altered the way in which the planning authority approaches Habitats Regulations Assessments.

8.3 Notwithstanding these changes, Officers consider that the assessment of the following considerations made under 16/04148/FUL would not be materially affected by the variation of this condition and the original conclusions on the following issues remain unchanged.

- Housing Mix
- Surface water and foul drainage
- Loss of non-designated heritage asset

ii. Design, Visual Amenity, Character of Area

8.4 Policy 33 of the Local Plan requires new residential development to provide a high quality living environment in keeping with the character of the surrounding area and its setting in the landscape.

- 8.5 The layout and form of the proposed development was considered acceptable in the assessment of application 16/04148/FUL. The current application seeks to amend the street lighting on the access road only. Whilst there would be an overall increase in street lamps, which would be taller than the previously permitted bollards, there would be a net reduction in lighting across the development.
- 8.6 The form and appearance of the street lamps reflects that which is typical of street lamps and would be acceptable. The street lamps would be read as appropriate street furniture within the residential development and would not be unduly prominent within the streetscene.
- 8.7 The submitted light spill plan demonstrates that there would be no material increase in light spill into the wider area. There would be a reduction in light spill to the north of the site. Whilst there would be some additional light spill to the east of the site, this would not extend beyond the site boundary. Furthermore, a condition is proposed to secure shielding to minimise the light spill from the two eastern street lamps (labelled 10 and 14) which are closest to the open countryside (Condition 11). It is therefore considered that the semi-rural character of the area would be preserved.
- 8.8 The proposal would therefore accord with Policy 33 of the Local Plan with regards to visual amenity.
- iii. Residential Amenity
- 8.9 Policy 33 of the Local Plan requires new residential development to respect and where possible enhance neighbouring amenity.
- 8.10 In the assessment of planning application 16/04148/FUL it was considered that the proposed development of 11 dwellings would not result in material harm to neighbouring amenity.
- 8.11 It is noted that a letter of objection has been submitted from the occupiers of Kestral Cottage. Kestral Cottage is approximately 20m to the south of the application site. The submitted plan (13565-1-C), shows that the 3 street lamps within the parking area, closest to the residential properties to the south, would remain the same as the extant permission. Therefore, there would be no material increase in light spill to the south of the site above that previously approved, and as such, there would be no material harm to the occupiers of Kestral Cottage above that of the approved scheme.
- 8.12 Whilst the proposal is seeking to replace 5 bollards with 3 street lamps, there would be no material increase in light spill when compared to the extant permission. Therefore, there would be no material harm to any other neighbouring occupiers.
- 8.13 The proposal would therefore accord with Policy 33 of the Local Plan with regards to neighbouring amenity.

iv. Ecology

- 8.14 Under planning application 16/04148/FUL the CDC Environmental Strategy Unit reviewed the submitted bat survey and mitigation statement and raised no objection subject to a condition to secure the mitigation. This condition would need to be carried across to any new permission to safeguard the onsite ecology (attached as recommended condition 21).
- 8.15 The Council's Environmental Strategy Unit has not objected to the current application, but has stated that there should be directional light sources and shielding to minimise harm to bats in the local area. The street lamps would face downwards and a condition has been recommended requiring the two eastern street lamps to have shielding to minimise light spill towards the countryside to the east (condition 11).
- 8.16 Having regards to the above, it is considered that there would be no material harm to local bat populations. The proposal would therefore accord with Policy 49 of the Local Plan.

v. Habitat Regulations Assessment

- 8.17 The European Court of Justice (CECJ) ruling in April 2018 disbars planning and other competent authorities when screening a plan or project for Habitats Regulations Assessment (HRA) from taking account of any measures intended to avoid or reduce the harmful effects on such a site.
- 8.18 This means that projects which previously would not have been subject to a full HRA are now required to undertake an appropriate assessment. Under Article 6(3) of the Habitats Directive an appropriate assessment is required where a plan or project is likely to have a significant effect upon a European site.
- 8.19 Within the Chichester Local Plan Area District, any net increase in dwellings within the zone of influence would require an appropriate assessment to be carried out by the Council and consultations carried out with Natural England as the appropriate nature conservation body.
- 8.20 The LPA has screened the proposal, undertaken an appropriate assessment as required, and concluded that provided a contribution is towards the Bird Aware Solent is secured the scheme the proposal would not have an adverse impact on the Integrity of the European protected site.
- 8.21 The proposal would therefore accord with Policies 49 and 50 of the Local Plan.

Planning Obligations

- 8.22 Planning permission 16/04148/FUL was subject to a S106 agreement to secure affordable housing (3no. shared ownership units) and £1991 recreation disturbance mitigation contribution towards Bird Aware Solent.
- 8.23 Paragraph 15.2 of the S106 pursuant to 16/04148/FUL allows for subsequent S73 and S73A applications to be tied to the same provisions within the original S106 agreement. As such, no deed of variation is required in this instance. Furthermore, the financial contribution towards Bird Aware Solent was paid on 15/11/2017 and therefore this element of the S106 agreement has been complied with.

CIL

- 8.24 There are no amendments to floor space, as such there will be no implications to the previous CIL calculation under 16/04148/FUL.

Other matters

- 8.25 It is acknowledged that the Parish have commented that they would prefer to see low level bollards with restricted hours for illumination. However, the Council has previously permitted a combination of both street lamps and bollards in the discharge of Condition 12 on the original permission, 16/04148/FUL, which is a material planning consideration. For the reasons given in the above sections, officers do not consider that the amended proposal, with the amended condition to secure shielding, would be materially more harmful than that previously permitted and as such it would be unreasonable to refuse planning permission.
- 8.26 With regards to the request by the Parish Council for the imposition of a new condition to restrict the hours of illumination, Paragraph 55 of the NPPF 2019 states 'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.' It would be unreasonable to introduce a new condition restricting the hours of illumination, as the proposed scheme would not be materially more harmful than the previous scheme, which was permitted without a condition restricting hours of illumination.

Significant Conditions

- 8.27 All relevant conditions from 16/04148/FUL will be carried forward and amended where appropriate to reflect those that have been discharged. Condition 1 of 16/00661/FUL related to the expiry date of the planning permission, given that the development has been implemented it is not appropriate to reapply this condition. Therefore condition 12 of 16/00661/FUL, which this application seeks to vary, is now condition 11 on this recommendation. This condition has also been amended to secure shielding on the two eastern street lamps to minimise light spill towards the countryside, having regards to the considerations in the previous sections of this report.

Conclusion

8.28 The proposal to vary condition 12 of 16/04148/FUL is considered acceptable and would not result in material harm to visual and residential amenity above that of the previously permitted scheme. Condition 11 would secure shielding of the two street lamps to the east of the site, as such, there would be no material harm to ecology above that previously granted. Based on the above it is considered the proposal complies with development plan policies and therefore the application is recommended for approval.

Human Rights

8.29 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 be carried out in accordance with the approved plans: 13565-1-C submitted with this application and 16 029_003 REV E, 16 029_004 REV E, 16 029_005 REV E, 16 029_006 REV C, 16 029_007 REV C, 16 029_01 REV A, 16 029_02 REV A, DD121L01 C submitted with application CH/16/04148/FUL.

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

- 2) The vehicular access serving the development shall be constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority on 12/01/2018 under application reference CH/17/02787/DOC and thereafter retained.

Reason: In the interests of ensuring the development has a safe access. 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.

- 3) The development shall be carried out consistent with the Road Safety Audit Stage 1 (Feasibility), by traffic Management Consultants Ltd (dated 10th July 2016) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of road safety.

- 4) The development shall be carried out in full accordance with the Flat Farm Materials Proposal submitted 25 September 2017 by Hampshire Homes Group and as submitted and approved under application reference CH/17/02787/DOC, unless otherwise agreed in writing with 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) All of the development hereby approved shall be undertaken in accordance with the approved system of foul drainage (Plan numbers ES1639-502-02 REV E and ES1639-502-01 REV I) submitted to and approved by the Local Planning Authority on 12/01/2018 under application reference CH/17/02787/DOC. There shall be no occupation of any of the development until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: To ensure adequate provision for drainage.

- 6) The development shall be carried out in accordance with Construction Phase Plan by Hampshire Homes Group REV 1 contract HH003 submitted 26 September 2017 and approved under application reference CH/17/02787/DOC on 12/01/2018. 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.

Reason: In the interest of highway safety and to safeguard neighbouring amenity.

- 7) The development shall be connected to all relevant utilities and services infrastructure networks (including fresh water, electricity, gas, telecommunications and broadband ducting) in complete accordance with Plan ES1639-506-01 REV A, submitted to and approved by the Local Planning Authority on 12/01/2018 under application reference CH/17/02787/DOC. The development will thereafter proceed only in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development benefits from appropriate infrastructure.

- 8) The development shall be carried out in accordance with the ground levels and proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development as shown in Plans ES1639-503-01 REV B, ES1639-509-01 REV B and ES1639-503-02 REV B submitted to and approved by the Local Planning Authority on 12/01/2018 under application reference CH/17/02787/DOC, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.

- 9) No erection of the superstructure shall commence until such time as the existing vehicular access(es) onto Broad Road has been physically closed in accordance with plan ES1639-S278-01 REV A submitted to and approved by the Local Planning Authority on 12/01/2018 under application reference CH/17/02787/DOC

Reason: In the interests of road safety.

- 10) All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the Plant Schedule submitted 25 September 2017 and Plan 'Soft Landscaping General Arrangement 01' and 'Soft Landscaping General Arrangement 02' and 'Soft Landscaping Tree Pit Details 04'. submitted to and approved by the Local Planning Authority on 12/01/2018 under application reference CH/17/02787/DOC. These works 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: To ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved plans.

- 11) Notwithstanding the detailed lighting scheme shown in approved drawing 13565-1-Rev C, within 3 months of the date of this permission, shielding shall be installed on the two eastern street lamps in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The street lighting and associated shielding shall thereafter be retained, in accordance with approved drawing 13565-1-Rev C and the approved shielding details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the appearance of the area, the environment and local residents from light pollution and in the interests of preserving the nature conservation interests of the area.

- 12) No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres at the proposed site vehicular access onto Broad Road in accordance with the approved planning drawing: ES1639-S278-01 REV A submitted to and approved by the Local Planning Authority on 12/01/2018 under application reference CH/17/02787/DOC. 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.

- 13) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plan Cycle Storage Proposal submitted to and approved by the Local Planning Authority on 12/01/2018 under application reference CH/17/02787/DOC, unless otherwise agreed in writing with the Local Planning Authority

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies

- 14) No part of the development hereby permitted shall be occupied until refuse and recycling storage facilities have been provided in accordance with plan: 17.066-103 REV P1. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

- 15) No part of the development hereby permitted shall be first occupied until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form submitted with application CH/16/04148/FUL. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

- 16) Prior to the occupation of the 1st dwelling, the Sustainable urban Drainage Strategy in approved drawing 502 00 REV F, 500-001 REV E shall be implemented in full, unless otherwise agreed in writing with the Local Planning Authority.

Reason: to ensure the satisfactory drainage of the site.

- 17) Prior to the occupation of the 10th dwelling the landscaping of the site shall be carried out in complete accordance with the approved drawing DD121.LO1 REV C, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure the visual amenity of the site

- 18) The development shall be carried out in full accordance with the details of the maintenance and management of the Sustainable Urban Drainage System (SUDS) submitted to and approved by the Local Planning Authority on 10/11/2018 under application reference CH/18/02533/DOC and thereafter maintained in accordance with the approved details.

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: C687 Chapter 22.

- 19) All demolition works and construction of the buildings hereby permitted shall not take place other than between the hours of:07.30 hours - 18.00 hours Mondays to Fridays inclusive;08.00 hours - 13.00 hours on Saturdays;and not at all on Sundays or Public Holidays.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect.

- 20) 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 Class A, B 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.

- 21) The development shall be carried out in full in accordance with the Updated Bat Survey Results and Mitigation Strategy document, section 5 (Ecosupport Limited) Dated September 2016 (Andre Bega).

Reason: The report identifies a protected species is present on site and suitable mitigation should take place to prevent harm to the species.

- 22) The development shall be carried out in accordance with Plan 17.066-102 REV C2 and Regulations Compliance Reports for Plots 1 -11 submitted to and approved by the Local Planning Authority on 12/01/2018 under application reference CH/17/02787/DOC, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is appropriately designed for the site, achieves high environmental standards and is adaptable for long term use.

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) S106
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

For further information on this application please contact Kayleigh Taylor on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PNVZ37ER19T00>

Parish: Birdham	Ward: West Wittering
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BI/19/00351/FUL

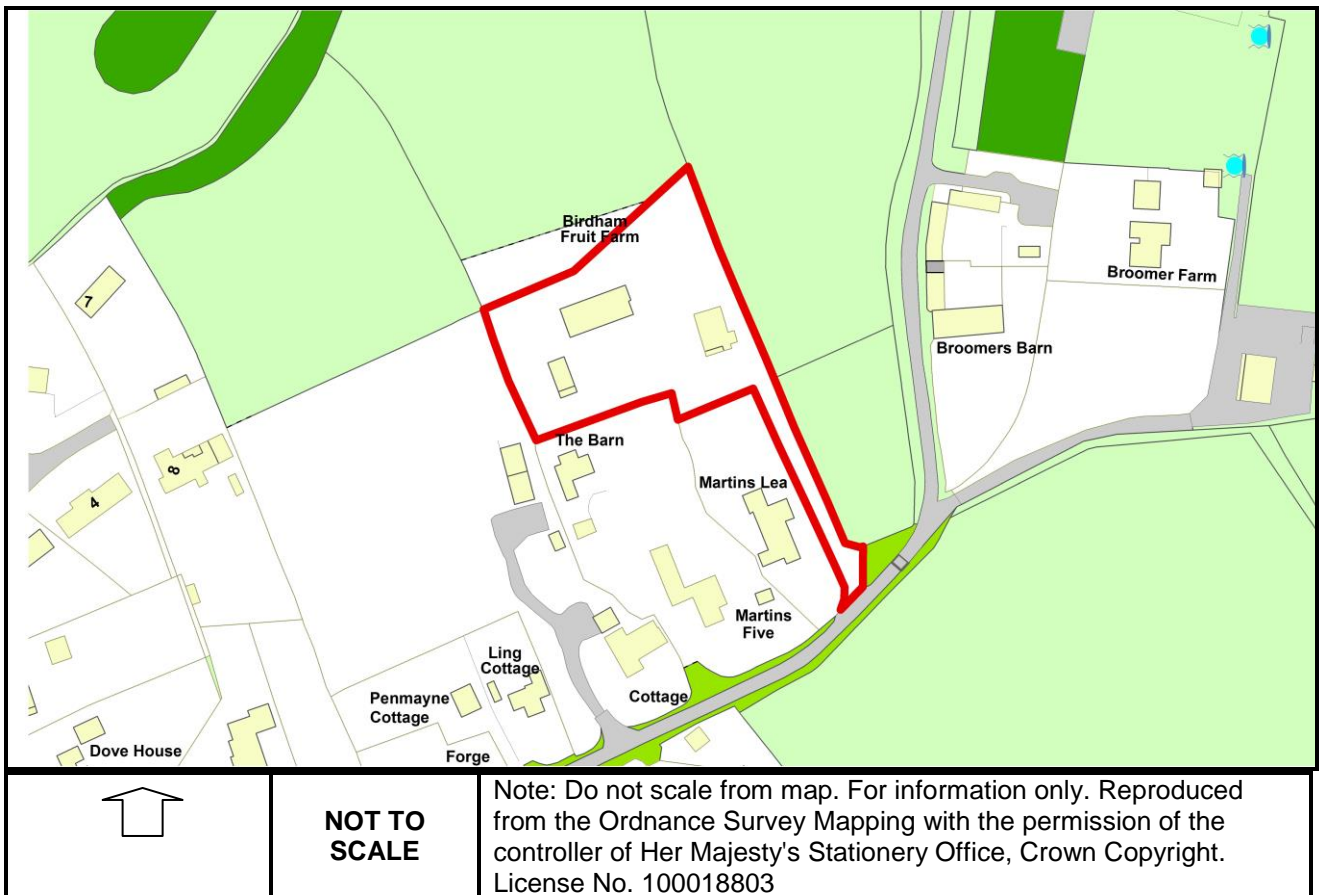
Proposal Replacement dwelling. Alterations to house design - window to utility and minor increase in projection of south balcony. Re-use of existing building to provide multipurpose store. Erection of 3 bay garage and construction of swimming pool and hot tub - Variation of Condition 2 of planning permission BI/08/04567/FUL (APP/L3185/A/09/2093508 - Multi purpose store to include residential annex ancillary to dwelling house.

Site Birdham Fruit Farm Martins Lane Birdham Chichester West Sussex PO20 7AU

Map Ref (E) 482674 (N) 100437

Applicant Mr S Crossley

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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 within the parish of Birdham, in a back land plot to the rear of properties known as Martins Lea and Martins Five. The property is a 2 storey detached dwelling, with the first floor set within the roof, served by dormer windows and rooflights. The existing property was permitted as a replacement dwelling, via an appeal, in 2009. A detached garage is located to the west of the dwelling. There is also a single storey building to the east which was the former dwelling on the site; when permission was granted for the replacement dwelling the retention of this building and its use as a multi-purpose store for purposes incidental to the main dwelling was also approved.
- 2.2 The site is accessed via a shared drive from Martins Lane. The area is semi-rural in character with residential properties to the south which fall within the settlement boundary of Birdham. Immediately to the east, west and north of the site are agricultural fields.

3.0 The Proposal

- 3.1 The application seeks permission to vary condition 2 of planning permission BI/08/04567/FUL, appeal decision reference APP/L3185/A/09/2093508, to use part of the approved multipurpose store as a residential annex ancillary to the dwelling house.
- 3.2 The multipurpose store was the former dwelling on the site, permission was granted for its retention as a multipurpose store incidental to the replacement dwellinghouse. It is subject to a s106 agreement for its use as a multipurpose store/boat store/garage and there is a clause which requires it to not be used for any form of sleeping accommodation.
- 3.3 This application seeks to vary that condition and the s106 so that it can be used as a store and provide ancillary residential accommodation to the main house for use by the applicant's family.
- 3.4 The building has a shallow ridged roof, with a height to the ridge of 3.6m, length of approximately 12.5m and depth of 10.2m. It is timber clad with white metal windows. There would be provision for a store; and further store with wc, both accessed from the exterior only, plus an annex with bedroom, living area, shower room and kitchenette. No amenity space or access separate from the main house is proposed.

4.0 History

03/03041/FUL	WDN	Demolition of existing dwelling and outbuildings. Erection of replacement dwelling, garaging and boat store/stable.
04/00049/FUL	PER	Demolition of existing dwelling and outbuildings. Replacement dwelling, garaging, boat store and stable.
04/00759/FUL	REF	Change of use of vacant farmland to residential access and drive (using existing access) through field to residential curtilage and associated paddock known as Birdham Fruit Farm.
05/00972/FUL	REF	New barn store.
05/00973/FUL	REF	2 no. camping pitches for 28 days per annum.
05/00960/PLD	WDN	New access.
05/01382/PNO	WDN	Creation of drive/access, utilising access from Lock Lane.
05/01481/PNO	YESPAR	Creation of agricultural farm track off existing access from Locks Lane.
05/01943/AGR	WDN	Creation of agricultural farm track off existing access from Locks Lane.
05/02132/PNO	NOPA	Culvert ditch.
05/02801/COU	REF	Two camping pitches for 42 days per annum.
05/02930/FUL	REF	Creation of access utilising existing access from Lock Lane.
05/04879/FUL	PER	Amendments to approved application BI/04/00049/FUL - demolition of existing dwelling and outbuildings. Replacement dwelling, garaging, boat store and stable.
06/00871/FUL	REF	Amendments to approved plans/application BI/04/00049/FUL and BI/05/04879/FUL. Re-use of existing building to provide multipurpose store and separate two bay garage and installation of solar panels to west elevation of approved dwelling.

06/01407/PLD	PER	Temporary use (28 days maximum in one calendar year) of agricultural access from Lock Lane for plant, machinery etc in connection with construction of development permitted under BI/04/00049/FUL and BI/05/04879/FUL.
06/01973/FUL	PER106	Re-use of existing building to provide multi-purpose store and separate two bay garage. Amendments to approved plans no. BI/04/00049/FUL and BI/05/04879/FUL.
06/04047/FUL	PER	Replacement drains/service trench.
07/01023/FUL	DECDET	Creation of access and closure of existing accesses.
08/04567/FUL	REF	Replacement dwelling. Minor alterations to house design - window to utility and minor increase in projection of south balcony. Re-use of existing building to provide multipurpose store. Erection of 3 bay garage and construction of swimming pool and hot tub.

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 Parish Council

The Parish Council OBJECT to this application as to raise no objections would in fact fly in the face of the decisions made previously by an Inspector at appeal.

6.2 Chichester Harbour Conservancy (summarised)

Objection; uncertainty as to whether planning condition could be adequately enforced to require the accommodation to remain ancillary to the replacement house.

6.3 Natural England

No objection

6.4 West Sussex Highways (summarised)

No objection

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 Birdham Neighbourhood Plan was made on the 19th July 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 (CLP)

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk

Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)

Policy 45: Development in the Countryside

Policy 46: Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside

Policy 48: Natural Environment

Policy 49: Biodiversity

7.3 Birdham Parish Neighbourhood Plan (BPNP):

Policy 4 Landscape Character and Important Views

Policy 5 Light Pollution

Policy 16 Housing Density and Design

National Policy and Guidance

- 7.4 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.
- 7.5 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

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

- Planning Obligations and Affordable Housing SPD
- Joint Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document
- Surface water and foul drainage SPD

- 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:

- 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 issues arising from this proposal are:

- i) Principle of development
- ii) Impact on visual amenities and character of the area

Assessment

i) Principle of development

- 8.2 In February 2006 application BI/05/04879/FUL was approved for the replacement of the existing single storey dwelling with a new house. This permission was conditional upon the existing dwelling being demolished and removed from the site when the replacement dwelling was either substantially completed or first occupied.
- 8.3 The scheme underwent a number of subsequent alterations and planning application BI/06/01973/FUL was submitted which sought to construct a replacement dwelling and to reuse the existing dwelling to provide a multi-purpose store and separate two-bay garage. At that time it was noted that it would have a smaller footprint than the replacement garage/stable/boat store that had been previously approved and it would have a lesser visual impact on the wider area. Members of the committee resolved that planning permission should be granted subject to the applicants entering into a s106 agreement that would limit the uses of the building, prohibiting the occupation of the former dwelling as an independent dwellinghouse. The building is presently subject to restrictions by that s106 agreement.
- 8.4 A subsequent application for an amended proposal comprising a replacement dwelling and the retention of the existing dwelling to be used as a general store and for recreational accommodation, including gym, sauna, changing/shower room was then submitted (BI/08/04567/FUL). The application was refused and subject to appeal decision APP/L3185/A/09/2093508 which granted planning permission for the proposal. In allowing the appeal the Inspector acknowledged the concerns about using the building as a separate dwelling, but did not consider 'that this is in itself tantamount to the provision of a new dwelling. It is normal to incorporate recreational uses in an outbuilding incidental to the enjoyment of a dwellinghouse'. The Inspector concluded that in view of the completed Unilateral Undertaking preventing future residential use of the building, that the proposed uses would be acceptable.
- 8.5 The Inspector's decision does not prevent the future alteration of the building to provide ancillary accommodation, but requires planning permission to first be sought and a deed of variation entered in to for such a use, if found to be acceptable. Ancillary residential accommodation to the primary residential use of a main dwelling is generally considered acceptable and policy compliant, but would be subject to considerations including design, form, relationship with the main house and the level of accommodation provided internally.
- 8.6 It is not the intention for the applicants to use the building as independent residential accommodation. No subdivision of the wider site is proposed and the building would remain reliant on the main house for services. The applicants have agreed to complete a deed of variation for the buildings use; so that it is not used for independent residential accommodation. In addition it is recommended that a condition be imposed stating that the accommodation shall only be used for purposes ancillary to the main dwelling, and that it shall not be let for commercial purposes; thereby ensuring that the accommodation could not be rented out as b&b accommodation, or via any other rental arrangement, without a separate grant of planning permission.

- 8.7 The building is existing on site; it appears subservient due to its size and form; it is well linked to the main house through the shared access drive and its siting adjacent to the main house. The level of accommodation proposed is proportionate to the main house and for accommodation normally found within ancillary buildings, particularly for large properties in rural locations whereby the annex accommodation would be subservient to the main dwelling on the site. For example, the Council recently refused planning permission (18/00945/DOM) to convert a detached garage into an annex that comprised 2 bedrooms, 2 bathrooms, a hallway and an open plan kitchen, living and dining space at Merston Cottage, West Wittering. The building to which the application related was close to the main dwelling but was capable of being accessed independently of the main dwelling, and the Council considered that due to the scale of accommodation proposed and because it could easily be accessed separately from the main dwelling that the proposal would constitute a new dwelling in the countryside contrary to policy, rather than be an acceptable form of ancillary accommodation. The proposal was subsequently allowed on appeal (APP/L3815/W/18/3215377), and officers have had regard to the outcome of this appeal.
- 8.8 In allowing the appeal, the Inspector stated that “In this case the annexe would be located very close to Merston Cottage, would be accessed off the same driveway as at present, would be clearly subservient in terms of both its physical scale and the scale of accommodation contained, and would share utilities. Therefore, notwithstanding the fact that it would be generously sized, and irrespective of where the external doors would be positioned, there is no particular reason to consider that the proposed annexe would fail to credibly function as an annexe.” Officers are of the view that whilst in the appeal case quoted the building was closer to the main dwelling on the site than the current proposal, the argument set out by the Inspector is relevant to the assessment of the proposal at Birdham Fruit Farm, particularly as the annex would provide less accommodation than the one allowed at Merston Cottage. As stated in paragraph 8.7 above, it would be linked to the main dwelling by a shared access, there are no physical boundaries between the main dwelling and the proposed annex, nor are any proposed, and it would be of a significantly lesser scale than the main dwelling on the site.
- 8.9 The Chichester Harbour Conservancy raise concerns about the ability to control the use of the building as ancillary accommodation and prevent its independent occupation due to its location away from public vantage points. The proposal is however for ancillary accommodation and not independent residential accommodation, it would be subject to a s106 agreement and planning condition to control its use herewith. Previously, in granting permission for the retention of the building on the site and limiting its use the Planning Inspector considered that a condition and S106 would be an enforceable, and reasonable in all other respects, mechanism to prevent residential occupation. In allowing the annex at Merston Cottage, the Planning Inspector also decided that a condition was a suitable mechanism to control the occupation of the annex stating “The ancillary nature of the approved use could be further clarified by imposition of a suitably worded condition which could be reasonably enforced. As such, whether or not plot severance would be practical or desirable in practice, and despite the fact that the accommodation would be ‘self-contained’, any subsequent material change in the approved use of the building would require planning permission.”

8.10 Although the application site is relatively secluded it is considered that it would be possible to identify and enforce any breaches of the recommended condition. It is possible that neighbouring properties would notice increased activity to and from the site by additional residents if the building became a separate dwelling, in addition if registered for council tax as a dwelling this would flag up with the Council that its use had changed, and any marketing of accommodation to let out as holiday accommodation or for other residential use would be publicly available. Officers therefore consider the use of a condition and S106 would be an appropriate way to control the use of the building and there would be no reasonable justification to argue that permission should be refused because it would not be possible to enforce the recommended condition.

8.11 Overall the proposed use of the existing building for a multipurpose store and for ancillary accommodation is considered to comply with local and national development plan policies and would be acceptable subject to conditions and a deed of variation regarding its use.

ii) Impact upon Visual Amenities and Character of the area

8.12 The proposal seeks permission for the conversion of the existing building plus small fenestration changes, including the insertion of doors, and general upgrade of the building. The existing building would not be extended and the changes would be reflective of the existing building and rural character of the area. Any vehicular parking would be accommodated on existing hardstanding to the front of the residential property and there would no separate garden area or an extension of the existing garden. Therefore the character and appearance of the site would not be substantially altered as a result of the proposed development.

8.13 Overall due to the nature of the proposal and the limited changes to the form of the existing building the proposal would not result in harm to the visual amenities and character of the area, nor harm to the Chichester Harbour AONB. The proposal would therefore comply with policies 33, residential development, and 43 of the CLP which seeks to ensure the protection of the Chichester Harbour AONB.

Significant Conditions

8.14 The application proposal is a variation of condition and therefore a fresh planning permission. As such all conditions attached to the original permission for the dwelling, and the retained multi-purpose store would be applicable to this current application and as such have been carried forward in the recommendation for this application.

Section 106 Agreement

8.15 The applicants have agreed to enter into a deed of variation to the existing s106 that exists on site.

Conclusion

8.16 Based on the above assessment it is considered the proposal complies with development plan policies and therefore the application is recommended for approval.

Human Rights

8.17 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

DEFER FOR SECTION 106 THEN 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: 08069/108 REV B1,

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

2) The building hereby permitted for use as a multi-purpose store (hereafter referred to as 'the outbuilding') shall be used for purposes ancillary to the enjoyment of the dwelling house granted conditional planning permission under refs BI/04/00049/FUL and BI/05/04879/FUL (hereafter referred to as 'the dwellinghouse') or for purposes incidental to the working of the land at Birdham Fruit Farm only and at no time shall the outbuilding be used or let out for commercial purposes.

Reason: The site is in an area where new dwelling would not normally be permitted except in the demonstrable needs of the case.

3) The residential curtilage of the dwellinghouse is to be defined as the area lying within the red line drawn on the submitted plans 08069/105A and 08069/106A reference BI/08/4567/FUL the northern boundary of the curtilage being delineated by the post and rail/wire fence shown on plan 08069/107A reference BI/08/04567/FUL. The dwellinghouse shall not be occupied until this fence has been erected and the fence shall thereafter be retained.

Reason: In the interests of the visual amenities, character of the area and the protection of the Chichester Harbour AONB

4) At no time shall the access marked 'agricultural access only' on the submitted plan 08069/107A reference BI/08/04567/FUL be used to gain access from the public highway to the curtilage of the dwellinghouse.

Reason: To accord with the terms of the planning permission and in the interests of the visual amenities of the rural area and the Chichester Harbour AONB.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, the approved parking and garaging shall be retained and used only for those purposes, in perpetuity.

Reason: To accord with the terms of the application and with the policies of the Council, and to ensure adequate parking provision

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=PMEDGYER0PD00>

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VARIATIONS TO SECTION 106 AGREEMENT

18/00448/OBG: Land west of Garsons Road, Southbourne

The proposed amendments to the S106 agreement related to the detailed provisions of the mortgagee in possession obligations. The amendment was proposed to bring the wording in line with updated National Housing Federation recommended clauses, which CDC now use as standard. The updated wording would allow the Registered Provider to achieve the maximum possible value when securing affordable housing finance. The proposals do not change the approved proportion, mix and tenure of affordable dwellings secured under the S.106. The variation facilitates the ability/viability of registered providers to continue to deliver affordable housing in the District.

CDC Housing supports the proposed changes. Southbourne Parish Council raised no objections.

The S106 deed of variation was completed on 20 March 2019.

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VARIATIONS TO SECTION 106 AGREEMENT

18/02913/OBG: Land west of Garsons Road, Southbourne

The variation to the S106 agreement sought to add a separate definition and bespoke clauses for the management of the allotments, separating the allotment provision and management obligations from the rest of the Open Space. The amendments were proposed to allow the option for Southbourne Parish Council to be transferred the allotment provision, while the remainder of the Open Space would be the responsibility of a site management company. The deed allows for the management company to be responsible for the allotments in the event that the Parish Council do not proceed with the transfer.

The Parish Council has been involved in the drafting of the deed of variation and raised no objections to this application.

The S106 deed of variation was completed on 21 March 2019.

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Report to **Planning Committee**
Date **6 June 2019**
By **Director of Planning and Environment**
Local Authority **Chichester District Council**
Application No. **SDNP/18/00474/FUL**
Applicant **Mr & Mrs S Howard**
Application **Proposed demolition of 2 no. agricultural cattle barns, the erection of a replacement U-shaped agricultural barn and stables (for private use only), outdoor sand school, muck ramp, refurbishment of an existing agricultural barn and associated landscaping. Change of use to a mixed agricultural use and private equestrian use.**

Address **Lower Diddlesfold Farm Diddlesfold Lane Northchapel West Sussex GU28 9EN**

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

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.

Executive Summary

Reason for Committee Referral: Parish objection - officer recommends PERMIT

The proposed redevelopment of the existing dilapidated farm buildings on the site with a new group of buildings designed in the traditional vernacular is considered to represent a positive enhancement of the site and the surrounding landscape and would not be detrimental to the special qualities of the South Downs National Park or the setting of nearby designated and non-designated heritage assets. The use as a mixed agricultural/equestrian enterprise would not be contrary to the objectives of national and local policies related to farm diversification and the level of use and its siting and nature of the proposed use is not considered to result in material harm to the residential amenities or living conditions of nearby residents.

Conditions have been recommended to ensure that materials and finishes of the development are of a high quality, reflecting the sensitive position of the site, a limitation on the use of the site for private purposes only, and access to the site solely via the main point of access in the south east corner of the farm. Further conditions are recommended regarding landscaping of the site and the submission of a construction management scheme.

On that basis, it is therefore recommended that planning permission is granted.

1 Site Description

- 1.1 Lower Diddlesfold Farm is situated approximately 300 metres west of the village of Northchapel on the south western side of Diddlesfold Lane (also a public right of way), a single track road leading off Hillgrove Lane. The holding extends to 116 acres (47Ha) and includes deciduous woodland and mixed grassland. The agricultural land comprising the holding is classified as grade 3 (moderate to good).
- 1.2 The holding was historically part of a much larger farm, which has been split and land parcels sold off. The present holding comprises a pair of semi-detached dwellings, built in the 1960's and a number of utilitarian agricultural buildings's, including a timber-clad feed barn, large steel-framed barn and field shelter. In addition, there is a large expanse of concrete hardstanding (previously used as a silage clamp, and latterly for hay storage) and other extensive areas of concrete hardstanding around the buildings.
- 1.3 Opposite the access to the farm buildings, on the north east side of Diddlesfold Lane is Diddlesfold Manor Farmhouse, a grade II listed building. Adjacent to it are a range of traditional farm buildings that most likely formed part of the original farmstead but have since been converted to residential use.
- 1.4 The surrounding landscape is gently undulating farmland (mainly pasture), with irregularly shaped fields defined by natural hedgerow boundaries and interspersed with blocks of woodland. Diddlesfold Lane, which passes the application site, is also a public right of way (bridleway).

2 Proposal

- 2.1 The proposal comprises the demolition of the former agricultural barns and removal of the areas of concrete hardstanding and their replacement with a compactly arranged group of buildings comprising stabling and associated storage barns for private use only. The buildings are arranged in a U-shaped footprint and are designed to reflect the rural architecture of traditional farm buildings and to encourage most activity to be contained within a central yard area. In addition, an outdoor sand school is proposed together with the refurbishment of an existing barn located near the entrance to the holding (this has recently been completed, with the barn being re-clad, the fitting of replacement doors and some additional internal subdivision). The application also proposes the change of use of the land to a mixed use comprising agriculture and (private) equestrian use.

- 2.2 This proposal forms part of a wider aspiration of the applicant to bring the holding into a more viable and sustainable use and will be carried out in conjunction with the objective of introducing a more diverse mixed farming system, supporting both cattle and sheep, along with the applicant's own horses.

3 Relevant Planning History

SDNP/16/01242/PRE - Replace 2 no. dwellings with 1 no. farmhouse dwelling with separate garage block and new access driveway. ADVICE GIVEN 16.06.2016

SDNP/16/01258/APNB - Agricultural barn. REFUSED 12.04.2016

SDNP/16/01972/APNB - Agricultural barn. No OBJECTION 14.06.2016

SDNP/16/03317/APNR - Track to farmland and buildings. REFUSED 01.08.2016

SDNP/16/05390/APNR - Proposed construction of an agricultural track. WITHDRAWN 17.11.2016

SDNP/17/00464/LDE - Existing lawful development. Breach of agricultural occupancy condition. CERTIFICATE GRANTED 15.08.2017

SDNP/17/05915/FUL - Demolition of existing dwellings and erection of 2no. replacement dwellings. WITHDRAWN 11.01.2018

SDNP/18/06056/FUL - Demolition of the existing dwellings and the erection of two replacement dwellings, including one with an agricultural tie PENDING CONSIDERATION

4 Consultations

Parish Council Consultee

Northchapel Parish Council planning committee met on Saturday 17th March 2018 to consider the application.

The Committee outlined the proposed work, on the basis of the planning application documents, and invited comments from those present. It was noted that the site in question had been out of use for many years, and the associated barns etc. were now very dilapidated.

There was general support in principle from neighbours for removing the two old barns as proposed, and for replacing them with a new structure or structures, to bring the site back into use. A number of concerns were expressed, however, about the scale of the proposed new L-shaped stable block/hay store, in relation to the footprint of the two barns that would be removed (net additional gross

internal floor space of 379.4 sq. m); and also that the activities on the new site, once it was again in use, would result in increased traffic, including of horse boxes, along the narrow access lane, to the disturbance of nearby residents. Some neighbours were also concerned about a possible increase in light pollution from the new buildings/activities.

Against this, the Committee noted the applicant's contention that the proposed facility was for family, not commercial, use; that the horses would normally be kept on site and exercised on the surrounding farm land, so there would not be any regular additional horse box traffic along the lane, and any additional traffic would in any case be less than if the site were returned to general farm use; that the scale of the proposed stable block, with ten stables/eight horses was reasonable in the light of planned horse carriage-driving activities; and that no external lighting was planned.

Local residents noted the applicant's undertakings, but remained concerned about the longer term, particularly if the applicant were, at some point in the future, to sell the property on to another party.

In keeping with their general welcome in principle for bringing the site back into use, all those present recognised that there would inevitably be an increase in traffic/disturbance during any demolition/construction period.

In further discussion, a number of those present suggested, and the Committee agreed, that it would be easier to give a considered view if all the relevant plans for the wider property ' including the revised plans for a new house on an immediately adjacent site, and an application for a new access road across a field to the proposed stable yard site ' could be considered together, in a way which would make it possible for all concerned to assess the overall impact of the development, and which would also give a clear idea of the likely timeline for all the proposed work. The Committee suggested that concerns about the longer term might perhaps be met by including relevant conditions/covenants in any eventual permissions.

Northchapel Parish Council requests the District Council takes these comments into account when considering this application.

Further comments received (07.08.2018)

The Committee objects to this application.

Several residents of neighbouring properties attended the meeting to express their views. The points they made were very similar to those expressed at the Committee's 17 March 2018 meeting, which considered an earlier application relating to the same site. There was general support in principle for removing the two old barns as proposed, and for replacing them with a new structure or structures, to bring the site back into use. But concerns were again expressed about the scale of the proposed barn and stable block, particularly as the

applicant is now understood to be proceeding with the construction of another large barn in the same area, on the basis of permission given in 2016. Residents were also once again concerned that the activities on the new site, once it was in use, would result in increased traffic, including of horse boxes, along the narrow access lane, causing disturbance. Some neighbours were also concerned about a possible increase in light pollution from the new buildings/activities, and about the proposed location of the muckheap, which would be closer than under previous plans. One asked why the stable block was oriented with the main entrance towards the neighbouring properties, and indicated that she would perhaps have found the plans more acceptable if it had been facing the other way, i.e. rotated through 180 degrees.

More generally, those present again suggested, and the Committee agreed, that it would be easier to give a considered view if all the relevant plans for the wider property - including the revised plans for a new house on an immediately adjacent site, and any possible application for a new access road across a field to the proposed stable yard site - could be considered together, in a way which would make it possible for all concerned to assess the overall impact of the development, and which would also give a clear idea of the likely timeline for all the proposed work.

The applicant could not attend the meeting, but later spoke to a member of the Committee to try to allay fears about increased traffic, noting that he and his wife only have one carriage each, the farrier would visit twice a year and he hoped there would not be much need for visits by vets. This echoed his comments at the March meeting that the proposed facility was for family, not commercial, use; and that the horses would normally be kept on site and exercised on the surrounding farm land, so there would not be any regular additional horse box traffic along the lane. Nonetheless, in the light of the concerns expressed, the Committee maintains its objection, and would like to consider plans for this area again when the plans for the adjacent site etc. are also available, so all concerned can take a view 'in the round'.

HCC - Landscape Officer

To original plans: Holding objection

3.1 The scale and form of the development is of concern:

i) The form and size of the buildings appears almost industrial in scale, rather than domestic.

ii) It is also out of step with the local vernacular- even if a modern steel frame is used the buildings could reflect traditional forms - e.g. traditional roof pitch, patterns of fenestration/door openings etc. without becoming a pastiche.

iii) Should this application be taken any further every effort should be made to reduce the impact the scale and mass of the building group has in order to reduce adverse impact on the local landscape:

-The plan forms are simple leading to a very 'blocky' footprint- this could be broken up if it reflected the different types of accommodation being provided i.e. if tack room, general storage, stabling etc. were separated out and their form reflected their function.

-The ridge height seems high considering the purpose of the buildings, again parts of the building might have a lower roof. We question whether the height of the barn wing is justified and it looks as though the eaves on the stable block could come down slightly.

-The purpose of central drive-through bay in the stable wing is not clear and it adds greatly to the footprint of the building.

ii) The expansion of the group of buildings, the number of stables and consequent increase in activity is of concern.

The potential increase in activity both on the site itself and in terms of vehicle movements along the lane has the potential to adversely affect the tranquillity in this quiet rural setting. The experiential quality of the landscape is particularly important as the public bridleway along the lane passes along the site boundary.

iii) The relationship between this application and an earlier application now withdrawn to replace Manor Farm cottages is not clear.

If other development is planned on the applicants holding it would be useful to see a masterplan showing the whole site so the cumulative effect of development could be assessed.

(To amended proposals)

We agree that the revised proposals shown on the following drawings 17149/C201C site plan and 17149/C202A both dated June 2018 are much more acceptable in terms of the building massing, elevations and materials. We welcome the variation in building heights and the use of more traditional materials. It would appear that this proposal is much more suited to the landscape setting.

However, the impact on long distance views (ZTVs) as previously requested have not been submitted with the revised application. In particular, from the highly sensitive location of Black Down - this needs to include the impact of the proposed sand school in addition to the proposed buildings.

Wireline drawings would be helpful.

This information would assist with determining the extent and nature of appropriate mitigation planting, if the proposal were given approval and the detail of the material used in the sand school.

We remain concerned about details of the proposals and request further information about:

Vehicles: confirmation needed that parking is contained within the proposed yards and that there is sufficient space for turning vehicles including tractors/trailers etc. Changes to the vehicle entrance - the suburbanisation of the entrance area by the use of inappropriate site furniture/gates, pillars, lighting, signs etc. would be resisted.

Site lighting - is there to be security lighting? If so what are the details?

Paddocks - no information provided about the layout of the paddocks to the north of the buildings/yard. Will there be subdivision of the field and if so how will it be enclosed - fencing style?

While we support the changes made so far to the proposed building layout and design we feel that the impact of the proposal on the landscape setting has yet to be fully understood and that further information is requested:

- ZTVs from long distance views particularly the iconic Black Down location
- Confirmation about the levels/cut/fill works proposed, if any, to create the base for this development.
- Details regarding vehicles, entrance, lighting and the paddocks (see above).

CDC - Environmental Health Officer

Given the types of building being demolished, there may be asbestos present therefore an asbestos survey should be undertaken prior to any works taking place at the site. Depending on the outcome of the survey, a method statement should be submitted which follows the requirements of the Control of Asbestos Regulations 2012.

Waste management must be adequately controlled and the appropriate Waste Regulations must be followed. There should be no on-site burning of demolition materials at the site to reduce the impact on neighbouring properties.

Please note: these comments are made only with respect to land contamination and air pollution.

No objection to proposal. Siting of muck heap and method for disposal would appear to be satisfactory.

Applicant should take measures to minimise dust and noise during demolition and construction should permission be granted.

CDC - Ecologist

Bats

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).

5 Representations

6 Third Party objections (to both original and amended plans)

No 'in principle' objections to redevelopment of the site. However present scheme not considered acceptable:

- Restricted access to the site
- Net increase in traffic movement to and from the site
- Intensification of use
- Scale of development - excessive compared to the extent of the holding
- Impact on residential amenity
- Potential for light pollution
- Impact on character, appearance and tranquillity of the area.

Applicant's/Agent's supporting information

- Note that there is no objection to the principle of redevelopment
- Client is actively bringing the land in their ownership back to a condition which will be a benefit to the wider landscape
- Applicant wishes to stress that the current proposal is for private use only, with no business enterprise associated with it.
- Client currently has 9 horses. Vehicle movements associated with them would be the vet and farrier. No additional movements are anticipated in relation to labour.
- Use will generate less movement than historically associated with the former dairy use.
- Client is part of a family that has an active interest in keeping/looking after horses and therefore scale of development not that unusual in such context.
- Can confirm that there are no plans to breed or sell horses from the site.
- Client would be content with a condition that restricts future use/expansion of the site
- The storage provisions for the holding are to be split between the prior approval barn (already erected), which will be for hay from the holding and straw plus agricultural machinery. The proposed barn will be for hay and bedding for horses, together with a horse box.
- Hay grown on the holding under proposed arrangements will see 50% retained by Client and 50% collected as required by a third party
- Design of buildings in revised scheme closely reflects traditional vernacular, with a much more compact siting and will complement the landscape character and the setting of the converted farm buildings nearby
- Lighting to be kept to a minimum and discretely located

6 Planning Policy Context

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 Local Plan First Review (1999)** and the following additional plan(s):

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

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

National Park Purposes

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.

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 Planning Policy

Relevant Government Planning Policy and Guidance

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 on 24 July 2018. 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)

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

- NPPF01 - Introduction
- NPPF02 - Achieving sustainable development

- NPPF04 - Decision-making
- NPPF06 - Building a strong, competitive economy
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment
- NPPF16 - Conserving and enhancing the historic environment

It is also necessary to have regard to s. 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

- RE1 - Development in the Rural Area Generally
- RE12 - Rural Diversification
- BE4 - Buildings of Architectural or Historic Merit

BE11 - New Development

- BE14 - Wildlife Habitat, Trees, Hedges and Other Landscape Features
- R6 - Equestrian Facilities

Partnership Management Plan

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
- General Policy 9
- Farming Policy 13
- General Policy 50
- General Policy 55

The South Downs National Park Local Plan - Submission

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:

- Core Policy SD1 - Sustainable Development
- 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 SD12 - Historic Environment
- Development Management Policy SD24 - Equestrian Uses
- Development Management Policy SD40 - Farm and Forestry Diversification

8 Planning Assessment

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

- The effect of the proposed development on the character and appearance of the surrounding area
- The effect of the proposed development on the amenities and living conditions of neighbouring properties
- The effect on nearby heritage assets

The effect on the character and appearance of the surrounding area

8.2 The proposed stabling and associated barn would occupy the same area of the site as the existing, dilapidated barns and expanses of concrete hardstanding, with the sand school located immediately to the west of this group. The physical layout provides for a compact grouping on three sides to create a central courtyard, which would have the advantage of containing the bulk of any equestrian-related activity visually.

- 8.3 The design of the proposed buildings has been significantly revised from the American barn-style first promoted following concerns raised about the scale and utilitarian nature of the replacement buildings. Not only has this resulted in the revised layout described above but a design that is considered to be a positive response to the site's sensitive landscape setting and taking its cue from the traditional farmstead grouping on the opposite side of Diddlesfold Lane. The traditional form, use of vernacular materials and varied heights will provide visual interest to the proposed development appropriate to the character of the area.
- 8.4 The site of the proposed building complex is on a slightly elevated position relative to the surrounding land. Whilst it is considered that the buildings would not be overly prominent in terms of their landscape impact, the drawings show that the new buildings and sand school would be set down below natural ground level by approximately 800mm. Maximum heights vary from 4.7 metres for the stable range to 7.5 metres for the main barn within the complex.

The lowest building range (stabling) is arranged on the more exposed aspect of the group on its southwest side, with the highest part of the development (the storage barn) located close to the existing refurbished barn, which is of a similar height. The long catslide feature the main barn's roof on the north east elevation will also considerably soften the building's massing from available views from the bridleway and neighbouring properties. Overall, it is considered that the proposals meet the objectives of policy BE11 of the Local Plan, policy SD5 of the emerging South Downs Local Plan and advice related to design contained in the NPPF.

- 8.5 The comments received from the LPA's landscape adviser on the amended scheme conclude that the vernacular form of the building's now represent a positive response to their landscape setting, picking up on traditional design cues of the existing barn conversions and other traditional rural buildings in the area. Section drawings and spot height measurements indicate a modest increase in height of the tallest buildings over that of the existing barn, although this must be seen in context of the improved design.
- 8.6 The main views of the development will be from the bridleway running past the north east boundary of the site and medium distant views from Hillgrove Lane. Public views of the proposed development from Hillgrove Lane will show that the buildings are set on a slight rise. These views must however take account of the presence of the existing farm buildings on the site, which presently exhibit a uniform monolithic and rather tired visual presence. The introduction of varied colours, materials palette and traditional form provide adequate visual mitigation and the buildings are not considered to have an adverse landscape impact. Longer distance views from further to the south west from a more elevated position are possible but these are increasingly diffused by intervening trees/hedgerows and the proposed buildings are seen in the broader context of the backdrop of existing development near to the site and dense woodland beyond.

- 8.7 Immediate views of the proposed development obtained from the adjacent bridleway are partially screened by the refurbished barn and traditional outbuilding in separate ownership adjacent to the public right of way and by a 2.0 metre high close-boarded fencing that borders it. The bridleway is slightly below adjacent site levels, which tends to further limit views. The main views from the bridleway of the new building complex is from the farm entrance and from a field gate in the north east corner of the site although the presence of the existing building range must be acknowledged. The refurbished barn is sited closest to the bridleway but must be considered part of the existing visual character. Its re-cladding with dark-stained timber boarding to replace the former cement sheeting significantly improves its appearance. The asymmetric roof pitch also gives it a low eaves level and gently rising pitch away from bridleway users' view. In conclusion it is considered that the refurbishment that has taken place has been a positive improvement in landscape terms.
- 8.8 The proposed sand school is to be set down slightly below natural ground level and will be enclosed with a relatively low timber post and rail fence. Its siting will be immediately to the south east of the recently erected agricultural barn and partially occupying an existing concreted area. Although the geometric form of the arena would be at odds with the more organic landform, its visual impact is limited by reason of its reduced levels and its close association with the existing and proposed buildings. Additional landscaping is proposed to the margins of the sand school, which would provide further, effective mitigation. It is also proposed to include a planning condition to exercise control over the colour and finishes of the surfacing medium to ensure a muted appearance appropriate to this rural location.
- 8.9 The proposal to include the change of use relates solely to the application site - i.e. the land identified within the red line. The remaining land forming the holding is to remain in agricultural use. The applicant has stated for the most part, the horses are likely to be stabled for much of the time, only accessing the fields for exercise and grazing. It is considered that on such a limited use of other land, no change of use of the bulk of the holding is likely to take place. It also follows that if the land outside the application site is subsequently used more intensively for equestrian purposes, the SDNPA would not be fettered from taking action if the need arises.
- 8.10 It is considered that in its revised form, the proposals would not have a negative impact on the special qualities and character of this part of the National Park landscape. To that end it is concluded that there is no conflict with the statutory purposes of designation or emerging policy SD4 of the South Downs Local Plan. It is also considered that the objectives relating to the diversification of the rural economy set out in the NPPF and emerging policies SD24 (equestrian uses) and SD40 (Farm and Forestry Diversification).

The effect of the proposed development on the amenities and living conditions of neighbouring properties

- 8.11 The primary concerns of the Parish Council and of nearby residents turn on the standard of the access serving the development, the potential intensification of use and traffic generation. The applicant has stated that the equestrian aspect of the proposal would provide stabling for up to 10 horses and storage facilities for associated equipment, bedding and feed. It is emphasised that the use is to be solely private for the enjoyment of the applicant, which also includes his hobby of carriage driving. It is emphasised that no commercial activity is to take place and the applicant has stated that he is happy to accept a condition to that effect.
- 8.12 It is acknowledged that the single track nature of Diddlesfold Lane may result in the occasional inconvenience to vehicular traffic moving in opposite directions. The lane currently serves both the application site, the four dwellings to the north and north east of it and Manor Cottages to the south. Currently, traffic movements are almost wholly residential in character, but clearly this does not take into account the potential for a more intensive agricultural use of the farm holding. Based on the applicant's information, it is noted that vehicle movements associated with this use are stated to be relatively low key, being restricted to essential visits from the vet and farrier in respect of the welfare of the horses. Day to day care of the horses will be undertaken by the applicant and his family, with the horses mainly stabled on the site and exercised in the surrounding fields, thereby further minimising the need to transport the animals to and from the site.
- 8.13 The physical nature of the lane will dictate that traffic speeds are most likely to remain low. It is concluded that whilst there is likely to be a modest increase in the amount of traffic that may on occasion be inconvenient, the level of use would not be detrimental to highway safety. It should also be noted that the neighbouring properties are located north of the length of Diddlesfold Lane serving the holding, so traffic movements would not pass directly adjacent to these properties and therefore would not result in disturbance to the living conditions of the occupiers. Objectors have also highlighted the fact that there is in place a covenant that restricts traffic movement along Diddlesfold Lane beyond the main point of access to the holding. Whilst not strictly a planning matter, it serves to further reinforce the limited impact of any potential traffic impacts on the residential amenities of those dwellings
- 8.14 The proposed buildings and associated activity is considered to be of sufficient distance from existing properties not to result in an unneighbourly form of development. The main access to the application site is between the existing pair of cottages and the refurbished barn. This is south and west of the four dwellings comprising Diddlesfold Manor Farmhouse, The Dairy, Diddlesfold Manor Barn and North Barn. Traffic accessing the site via this access point would be routed away from neighbouring properties and therefore is not considered to result in material harm from noise or disturbance directly affecting those properties.

It is acknowledged that aspects of the proposed buildings could be viewed from the adjoining dwellings, but they are to be sited a minimum of 40 metres from any other property. This is considered to be sufficiently distant not to result in an imposing or overbearing form of development, particularly in view of the traditional vernacular aesthetic incorporated into the design.

The effect on nearby heritage assets

8.15 Diddlesfold Manor Farmhouse is a Grade II listed building situated on the eastern side of Diddlesfold Lane and set back from the highway by approximately 30 metres. Its significance is derived from its status as the original farmhouse to the historically larger holding and as part of an almost intact farmstead, albeit that the majority of the larger farm buildings formerly associated with it are now in residential use. None of these other buildings are listed but are regarded as being non-designated heritage assets. The farmhouse's setting is largely defined by its relationship with these former farm buildings. It is physically separated from the more modern farm buildings associated with the application site by Diddlesfold Lane and visually screened by boundary features and existing buildings. This physical disconnection means that the proposed buildings are not considered to have a direct influence on the setting of the listed farmhouse or on the former farm buildings associated with it. The design and layout of the proposed buildings is considered to be complimentary to the traditional building group and represent a positive improvement on the quality of buildings currently existing on the site.

9 Conclusion

- 9.1 The proposed redevelopment of the existing dilapidated farm buildings on the site with a new group of buildings designed in the traditional vernacular is considered to represent a positive enhancement of the site and the surrounding landscape and would not be detrimental to the special qualities of the South Downs National Park or the setting of nearby designated and non-designated heritage assets. The use as a mixed agricultural/equestrian enterprise would not be contrary to the objectives of national and local policies related to farm diversification and the level of use and its siting and nature of the proposed use is not considered to result in material harm to the residential amenities or living conditions of nearby residents.
- 9.2 It is considered necessary to include conditions ensuring that materials and finishes of the development are of a high quality that reflects the sensitive position the site occupies a limitation on the use of the site for private purposes only and access to the site solely via the main point of access in the south east corner. On that basis, it is therefore recommended that planning permission is granted.

10 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. 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

2. **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.

3. **Agreement of materials**

No development above slab level shall commence until details, and samples where appropriate, of the following materials to be used in the development have been submitted to and agreed in writing by the SDNPA: Bricks, stone and any other wall facing materials, Brick bonds, Mortar mix and finish, Rain water goods (including their relationship with eaves and verges), Slates, tiles and any other roof coverings, including rooflights. Thereafter the development shall be undertaken in full accordance with that agreement unless otherwise agreed in writing by the SDNPA.

Reason: For the avoidance of doubt and in the absence of these important details from the application

4. **Surface treatment of sand school**

No development shall be begun on the sand school hereby approved until details of the composition; materials and final surface colour of the surfacing medium of the sand school have been submitted to and approved by the SDNPA. The development shall be completed in accordance with the approved details.

Reason: To control the development in detail in the interests of the character and appearance of the surrounding landscape.

5. Small Scale Development Construction and Environmental Management Plan

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) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway

(g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles

(h) measures to control the emission of noise during construction,

(i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,

(j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and

(k) 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. No lighting without approval

No lighting (including sensor-controlled security lighting) shall be installed on any buildings or anywhere on the site unless a scheme of lighting has first been submitted to and approved by the SDNPA. All lighting shall be installed in accordance with the approved details

Reason: Lighting associated with the proposed development has the potential to adversely affect the dark night skies designation of the South Downs National Park and therefore it is considered reasonable to control this aspect of the development in the interests of the character and appearance of the surrounding area and residential amenity.

7. No commercial use

Notwithstanding any indication to the contrary and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the development hereby permitted shall be used only for private, non-commercial, equestrian purposes only and for no other purpose.

Reason: To prevent the stables and associated storage barns from being used for commercial purposes to the detriment of the locality with respect to increased activity and vehicle movements.

8. Access arrangements

Access and egress for traffic connected with the development hereby approved shall be from the main point of access to the site immediately to the south east of the existing (refurbished) barn and from no other location.

Reason: To ensure that traffic movements associated with the development do not have an adverse impact on the established residential amenities of nearby properties

9. Landscaping scheme

The development hereby permitted shall not be first brought into use 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 and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. 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 and other vegetation.

11. Crime and Disorder Implications

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

12. 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. 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. Proactive Working

14.1 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.

Tim Slaney
Director of Planning
South Downs National Park Authority

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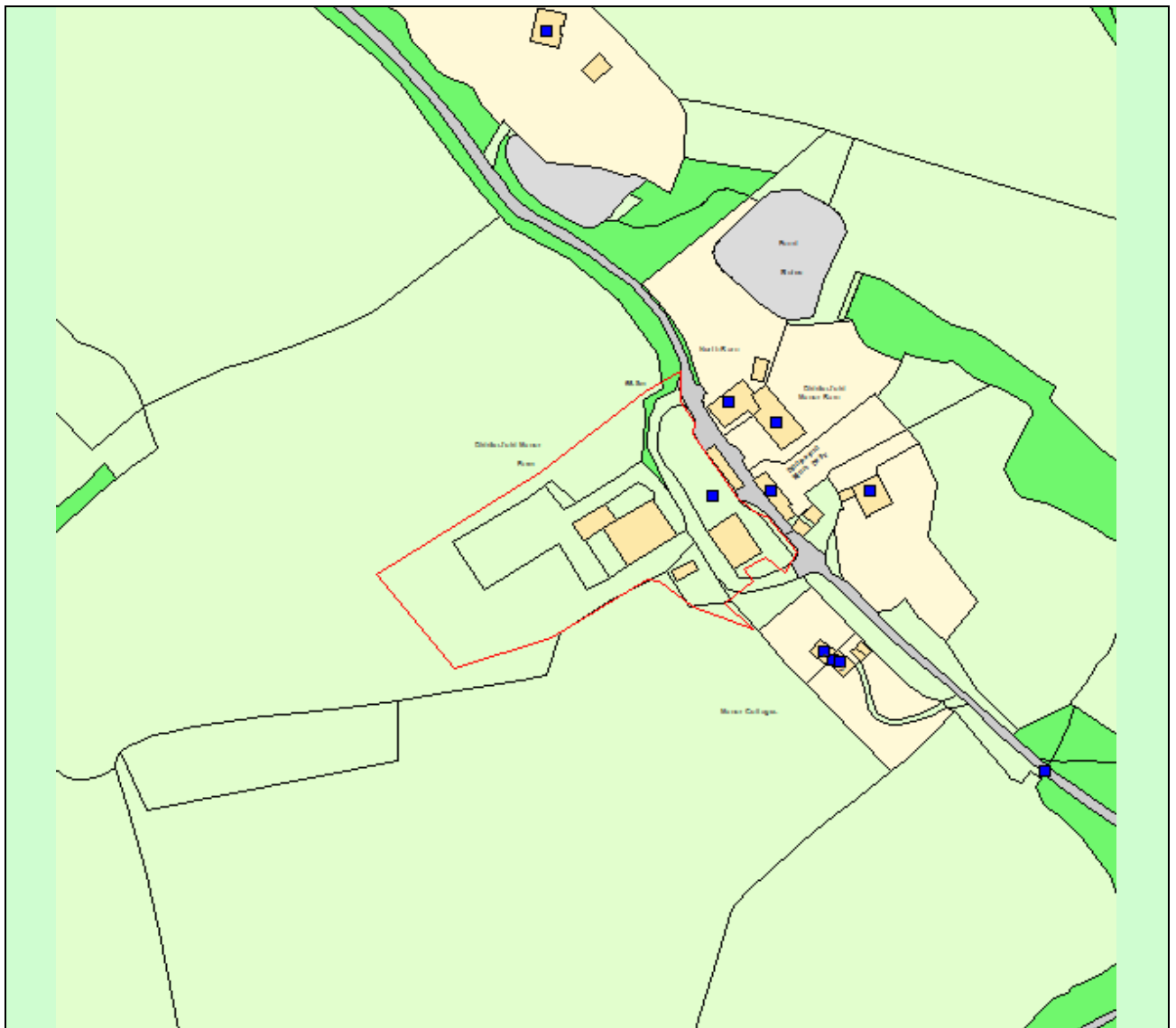
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this
Application

SDNPA Consultees Parish Council, HCC Landscape, CDC Ecology, CDC
Environmental Health

Background Documents NPPF, CDCLPFR 1999 saved policies, SDNP Management
Plan, SDNP Local Plan (final submission)

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 plan	C201	B		Superseded
Plans -	C202			Superseded
Plans -	P202	C		Superseded
Plans -	P210	A		Superseded
Plans -	P211	B		Superseded
Plans - Substitute Plan: proposed site layout	C201	C	14.06.2018	Superseded
Plans - Substitute Plan: Coloured elevations	C202	A	14.06.2018	Approved
Plans - Substitute Plan: Proposed floor plans	P210	C	14.06.2018	Approved
Plans - Substitute Plan: proposed site layout	C201	F	19.12.2018	Approved
Plans - Additional plan: proposed site sections	SK44	A	19.12.2018	Approved
Plans - Muck heap details	P250	A	26.01.2018	Superseded
Plans - Substitute plan: Muck heap details	P250	B	23.02.2018	Approved
Plans - Substitute plan: proposed much plan and section	P256	A	23.02.2018	Approved
Plans - Proposed external refurbishment of existing barn	P213	A	23.02.2018	Approved
Plans - Site and location plan	S201	A	08.02.2018	Approved
Plans - Existing site survey	S202	A	08.02.2018	Approved
Plans - Additional plan (for information): Composite masterplan	C203	A	09.08.2018	Approved
Plans - Additional plan (for information): Composite master plan	C204	A	09.08.2018	Approved

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

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Chichester District Council

Planning Committee

Thursday 06 June 2019

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters Between 04-Apr-2019 and 16-May-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
<u>17/00371/CONCOM</u> Donnington Parish Case Officer: Tara Lang Informal Hearing	Donnington Manor Farm Selsey Road Donnington Chichester West Sussex PO20 7PL - Appeal against D/9
<u>18/03126/FUL</u> Donnington Parish Case Officer: Robert Sims Written Representation	Louene 34 Birdham Road Donnington PO19 8TD - 1 no. dwelling and associated work.
<u>18/03255/FUL</u> Selsey Parish Case Officer: James Gellini Written Representation	Land Adjacent To 71 West Street Selsey Chichester West Sussex PO20 9AG - Erection of 1 no. 2 bed bungalow - resubmission of SY/18 02197/FUL.

<p>19/00084/TPA Sidlesham Parish</p> <p>Case Officer: Henry Whitby</p> <p>Informal Hearing</p>	<p>35 Chalk Lane Sidlesham Chichester West Sussex PO20 7LW - Fell 1 no. Black Poplar tree (T3). Reduce crown widths/spreads to 5m and heights down to 15m, sever ivy and remove deadwood on 2 no. Black Poplar trees (T4 and T5) and 1 no. Black Poplar tree (quoted as T1 - northern tree, within Group, G3). All 4 no. trees are subject to SI/86/00938/TPO.</p>
<p>18/03121/DOC West Wittering Parish</p> <p>Case Officer: Calum Thomas</p> <p>Written Representation</p>	<p>Rife Cottage Piggery Hall Lane West Wittering Chichester West Sussex PO20 8PZ - Discharge of condition 3 from planning permission WW/17/02506/DOM - schedule of materials.</p>
<p>18/02003/FUL Westhampnett Parish</p> <p>Case Officer: Daniel Power</p> <p>Written Representation</p>	<p>Greytiles Claypit Lane Westhampnett PO18 0NU - Demolition of existing garage, construction of additional dwelling and associated works, subdividing plot.</p>

2. DECISIONS MADE

Reference/Procedure	Proposal
<p>18/03317/DOM Bosham Parish</p> <p>Case Officer: Oliver Naish</p> <p>Written Representation</p>	<p>The Old Town Hall Bosham Lane Bosham PO18 8HY - Proposed outdoor swimming pool.</p>
<p>Appeal Decision: APPEAL - NO FURTHER ACTION</p>	
<p>... Thank you for your Householder (HAS) Appeal received on 11 May 2019. Appeals and all of the essential supporting documentation must reach us within 12 weeks of the date of the local planning authority's notice of the decision. As we received this appeal(s) after the time limit, we are unable to take any action on it. I am sending a copy of this letter to the local planning authority. ...</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>Appeal Decision: APPEAL DISMISSED</p>	
<p>... I am concerned that the proposed extension to the dormer would only add to this anomaly. The dormer would dominate the roof in an awkward and disproportionate way. Regrettably the overly large dormer would be ungainly, incongruous, and create a 'top heavy' dwelling seen in the context of the fenestration below and the building as a whole. ... I appreciate that there would only be views of the planned work available from private gardens. However an absence of viewing from the public realm does not negate the need to achieve a suitable good quality design approach to extending a home especially within a Conservation Area. ... The appeal proposal which I shall not allow would lead to less than substantial harm to the significance of the designated heritage asset however what public benefits there would not outweigh this harm. Furthermore there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the Conservation Area. ...</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 dayroom).</p>
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Appeal Decision: APPEAL ALLOWED

... Whilst the alternative utility/dayroom proposed would be larger in overall size to that of the original utility/dayroom approved, the increase in height and bulk of the building would be modest. Changes to windows, door openings and the introduction of a canopy over the entrance would not significantly alter the appearance of the building. I therefore consider the proposal would not substantially alter the size and/or nature of the development at the site and, as such, I conclude that the proposal would represent a minor material amendment to the original scheme. Accordingly, I conclude that the previously approved plans can be varied by the procedure set out under Section 73 of the Act. In reaching this conclusion I have had regard to the Government's Planning Policy Guidance (the PPG) and case law. ... the proposed development would result in very limited harm to the character and appearance of the rural area. ... I do not consider the overall enlarged size of the utility/dayroom and its appearance would manifest itself as a significantly more noticeable or conspicuous building in the context of this existing site. Consequently, I do not consider harm would arise to the character and appearance of the rural area. Thus, there would be no significant conflict with Policies 45 and 48 of the Local Plan that seek, amongst other matters, to protect the rural character of the area. ... In exercising my function on behalf of a public authority I am aware of my duties under the Public Sector Equality Duty (PSED) contained in the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In consciously thinking about the aims of the PSED I have had due regard to the appellant's traditional way of life and the personal circumstances of the wellbeing of Mr Brazil, his wife and family. I have also had regard to the best interest of the appellant's young children. The accessible and secure environment that the proposal would provide carries significant weight. ... I have found the larger utility/dayroom can be treated as a minor material amendment to the original planning permission and the impact of the development on the rural area to be acceptable. The development would therefore accord with Policies 1, 45 and 48 of the Local Plan as it would not harm the rural character of the area and, as such, would be in line with the Council's presumption in favour of sustainable development. ... The conclusion reached by the Council in refusal reason one, as I see it, was a matter of judgement and a decision the Council was entitled to make. This does not demonstrate a failure to understand its statutory position or the Act. The fact that I have arrived at a contrary view does not, of itself, show that the Council has behaved unreasonably in respect of this matter. Therefore, I cannot conclude that the hearing could have potentially been avoided as the Council was unlikely to reach an alternative conclusion in respect of refusal reason one. ... The appellant contends that the Council did not have regard to the utility/dayroom that has planning permission and did not undertake an assessment as to whether the building could be seen from any public viewpoint.

The Council's Statement of Case makes a comparison between the approved and proposed utility/dayroom and discusses where the site and building would be visible from. I am satisfied that the Council gave due consideration to these matters and, therefore, I do not agree with the appellant on this point. ... In looking at this proposal in the context of a Section 70 application, it has been suggested that this has clouded the Council's approach to its character assessment. The Council's Statement of Case undertakes an assessment of the impact of the proposed development upon the character of the area. To my mind this shows that the Council considered it prudent to undertake such an assessment irrespective of which section of the Act it considers should be applied. It does not appear to me that the Council's consideration of this matter is in any way marred by its conclusions within refusal reason one. Again, I do not agree with the appellant on this point. ... The appellant also claims that the Council has failed to consider whether the tilted balance has been engaged and considers that the Council should look to the National Planning Policy Framework to assess whether its development plan policies are absent or silent. The Council comments that it is required to approve development in accordance with an up-to-date development plan and considers its development plan to be up-to-date. As I see it both parties have made their own judgements as to whether the tilted balance has been engaged and again this is a judgement that the parties are individually entitled to make. ... In considering the points made by both parties, it appears to me, that the refusal reasons given by the Council were reached as a result of the Council having given due consideration of the Act and Government guidance. ...

<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>Appeal Decision: APPEAL DISMISSED</p>	
<p>... From the back garden, and from the rear facing opening which serves living space in the part of Miggles closest to the boundary, the site currently provides a substantially open outlook. This balances the appreciably more congested arrangement of built form to the south, and further along the Longlands Road frontage, where infilling has occurred previously. ... The proposed dwelling would be moderately set back from the boundary with Miggles, and would feature a low eaves line across much of the its rear elevation. The ridge height would however be much greater than that of adjacent parts of Miggles, and the building itself would occupy a substantial proportion of its plot width parallel to the boundary. It would as such have a significant physical and visual presence viewed both relative to adjacent back garden space to the rear of Miggles, and to Miggles itself. This would be further accentuated within the proposed design by the prominent rear facing gable, and would not be relieved by the slope of the main roof away from the boundary, given that the roof would remain a substantial and bulky feature. The resulting enclosure of the outlook along the boundary with Miggles, together with the overbearing scale of the proposed dwelling relative to adjacent space and built form, would be oppressive in its effect. This would significantly diminish the quality of outdoor amenity space at Miggles, and would also adversely impact upon the quality of outlook from internal living space within the adjacent part of Miggles. In each case the living conditions of occupants would be harmed. ... I acknowledge that the current occupants of Miggles raise no objection to the proposed development. However this does not mean that the identified adverse effects would fail to arise, or that the effects would be acceptable. Furthermore it does not remove a need to consider the likely long-term duration of the effects, and thus their impact on future occupants. As such, given my reasons above, the lack of objection from current occupants does not alter my view of the acceptability of the proposed development. ... I have had regard to paragraph 127(f) of the National Planning Policy Framework (the Framework) which amongst other things states that planning decisions should ensure that developments create places which promote a high standard of amenity for existing and future users. In view of my reasons above the proposed development would conflict with this advice, further indicating that permission should be refused. ... The fact that the development would be located to the north of Miggles would mean that it would cast no shade. This would not however alter the existence or acceptability of its overbearing effects ... The development would complement Neska and the general streetscene within Longlands Road, whilst plot density would appear comparable with that of other infill sites within the area. This does not however alter the fact that the development would have an unacceptable impact on the living conditions of occupants at Miggles. ... My attention has been drawn to advice within the Framework which encourages the efficient use of land, indicates that great weight should be given to the development of windfall on suitable sites within settlements, and that substantial weight should be given to the value of using suitable brownfield land for homes.</p>	

However residential gardens within built-up areas fall outside the Framework's definition of brownfield land, and paragraph 122(e) of the Framework highlights the importance of securing well-designed, attractive and healthy places in the context of achieving efficiency. Taking into account the amenity objectives set out in paragraph 127(f) of the Framework, whether or not the site is itself judged to be generally suitable for windfall development, the design of the proposed development is unsuitable within its context. My consideration of the planning merits of the appeal scheme has not therefore been altered. ... Whilst the site may be located within an area identified within the LP as suitable for housing, this again has no particular bearing on the acceptability of the proposed development with regard to the living conditions, as considered above. ...

<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>
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Appeal Decision: APPEAL ALLOWED

... I did note that whilst properties are set back there are no rigid building lines locally and in many ways this variety beyond the main front sizeable gardens adds to the local aesthetic. A matching projection of the scale proposed with its relatively subtle roof and sited a considerable distance from the highway would not be jarring on the eye. The pitched element of the roof would neatly integrate with the existing ground floor mono-pitch and there would be cohesion on the front elevation. ... Seen against the backdrop of the main property this addition would be suitably subordinate in appearance and integrated with the principal structure. ...

<p>18/00706/FUL Loxwood Parish</p> <p>Case Officer: Fjola Stevens</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>
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Appeal Decision: APPEAL ALLOWED

... The appeal is allowed, and planning permission is granted for an extension to an existing barn of a toilet, shower and rest area for agricultural workers ... The main issues are whether the proposal is justified in this location and its effect on the character and appearance of the area. ... Whilst noting the Council's concern about the use of the appeal site, it seems from my observations and from the evidence before me that the site is in agricultural use. ... There are no existing facilities on site for those working on the land, other than a tap in the corner of the field. On site presence may only be required at certain times of the year but the type of work is such that it is likely to require washing and cleaning facilities. ... The on-site facilities are to provide a specific function for the workers of the land, and in light of the above I am satisfied that the proposal is justified in this location. ... The new extension would be modest in size and would be a direct extension of the existing timber barn ... It would be of a design reflective of the existing barn and its rural location. The barn is set some distance back from the road beyond an area of woodland and is not visible from the wider area. ... I therefore find that the proposal would have a minimal impact on the landscape and rural character of the area. ...

<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>Appeal Decision: APPEAL DISMISSED</p>	
<p>... main issues therefore are (a) whether the appeal site would be suitable for housing having regard to its location and the effect of the development on the character and appearance of the countryside and (b) the impact of the proposal on availability of employment land. ... It is in a location not ideally suited to new housing. The proposed housing does not require a countryside location ... proposal would nonetheless have an adverse effect on the undeveloped character of this part of the countryside ... Overall, on the basis of the evidence available to me, it would appear that the Council does have a five year housing land supply. The tilted balance in Paragraph 11 of the Framework would not therefore apply. ... The appellant has submitted a unilateral undertaking to use reasonable endeavours to procure a golf club tenant as soon as reasonably practicable following the grant of planning permission. However, this obligation would only apply for 12 months from the date of the permission. I am not persuaded that this would be long enough to procure a tenant given that obtaining approval of reserved matter following the grant of outline planning permission may take more than 12 months and there would be uncertainty on the overall nature of the golf enterprise. Furthermore, the unilateral undertaking and suggested planning conditions do not provide certainty that the new golf club house would definitely be provided as part of the development. ... whilst capital from the housing development could provide a short-term boost for the golf club, it has not been demonstrated that the investment would enable the club to remain a viable proposition given its relatively remote location from catchment areas and the prevailing economic climate that has led to its recent unprofitability. ... The unilateral undertaking proposes to use reasonable endeavours to procure a village shop tenant for a 12 month period from commencement of any dwelling unit at the appeal site. A rent free period of 4 years would be offered to a new tenant to help in the establishment of the new business ... there is no certainty that the proposal would lead to the opening of the village store if a tenant could not be found within 12 months or that the business would thrive if a tenant is found. ... the benefits arising from additional housing and the potential benefits in relation to investment for the golf course and the reopening of the village shop in Ifold would be outweighed by the unsuitable location for the housing and the harm resulting on the character and appearance of this rural area. The proposal would result in a block of housing remote from the nearest settlement and only partly built on brownfield land. Occupiers would be heavily reliant on private cars as the site would not be close to public transport and there are no footways along Foxbridge Lane. It would not amount to sustainable development and would not accord with the development strategy for additional housing set out in the CLP. The proposal would thereby be contrary to Policies 1, 2 and 45 of the CLP. There are no material considerations that lead me to a decision other than in accordance with the development plan. ... from the information available, it seems unlikely that an independent alternative employment use is likely to arise or that the loss of the barn to employment use would significantly impact on the availability of premises of similar size in the district. As such there would not be substantive conflict with the requirements of Policy 26.</p>	

The housing element in the proposal would have a detrimental effect on the character and appearance of the countryside and would not be a sustainable form of development in relation to its location some distance beyond the nearest settlement boundary. The benefits offered in relation to the golf club and the reopening of a village store in Ifold do not outweigh this harm and there remains uncertainty that these benefits would be delivered. For the reasons given and having regard to all other matters raised, the appeal is dismissed.

[18/00346/LBC](#)

Selsey Parish

Case Officer: Claire Coles

Written Representation

Fern Cottage 4 Albion Road Selsey Chichester West Sussex PO20 0DH - Replacement rear first floor window and side door and french doors.

Appeal Decision: APPEAL ALLOWED

... The extension has affected the original form and shape of the listed building and its originally approved fenestration was double glazed and did not reflect the sash windows of the original property. ... The introduction of UPVc elements into the more recent extension replaces features which were not of historic or architectural interest and which did not add to or contribute to the significance of the listed building. The doubleglazed aspect of the units replaced what was previously approved and the bulky form identified by the Council would result from the design to incorporate such units. Whilst the UPVc material may add to this and introduce an alien element, in the context of the overall extension the effect would be extremely limited. None of the new UPVc elements would be viewed in the same view as the remaining undisturbed elements of the original building and would have little if any effect on the appreciation and understanding of those matters that contribute to the significance of the listed building. ... the works the subject of this appeal would preserve the Grade II listed building known as Gull Cottages, 4 Albion Road (listed as Fern Cottage, 4 Albion Road) ... Even if I had concluded that there was harm I would categorise this harm at the very lowest level of less than substantial harm. This harm would be outweighed by the positive benefits of replacing the previously poor condition and damaged elements such that would assist in securing and maintaining the listed building, which is a public benefit. ...

<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>Appeal Decision: APPEAL DISMISSED</p>	
<p>... The main issues are (i) the effect of the proposal on the character and appearance of the host dwelling and the street scene, and (ii) the effect on the living conditions for the occupiers of No. 76 as regards privacy. ... the appeal dwelling forms one half of a pair of semi-detached dwellings in a group of other pairs of the same design. ... From a combination of driving and walking along Kingsway, it appeared to me that between No. 64 adjoining Ruskin Close and No. 90 just one dwelling away from Fraser Close, there is a uniformity to the street scene in the form of pairs of semi-detached houses of the same original design. If I were to allow this appeal the proposed changes would noticeably and harmfully disturb the symmetry of the pairs and rhythm of development in the road. Moreover, it would also be difficult for the Council in all fairness to resist similar applications to houses in this cluster In Kingsway. ...</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>Appeal Decision: APPEAL DISMISSED</p>	
<p>... The resultant effect is that the roofs are a more dominant feature of the design and somewhat alien in the context of the adjacent residential properties. Whilst the roof forms are pitched with ridges running parallel to the road the lower eaves and higher ridge results in a greater and more dominant expanse of roof which is further accentuated by the introduction of the gable features this would appear at odds with the simple proportions of the adjoining buildings. ... The height scale and form of the roof with a high ridge, low eaves and raised flank eaves is particularly incongruous in the street scene. ... The property would be significantly taller than the bungalows at this end of the street and be in a highly prominent and visually sensitive location at the eastern termination of the east west section of the street. It pays little regard to the general pattern and form of properties in the street and its orientation adds to the alien appearance that it would introduce. ... The overall lack of separation between the buildings within the development, proximity to the property boundaries and the surrounding properties is a function of the lack of space within the site and the excessive level of development that is proposed. This creates a cramped appearance as well as issues in respect of living conditions ... proposed development would result in material harm to the character and appearance of the surrounding area. ... The proposed amenity space would be dominated by the adjoining building and given its narrow dimension and location between the adjoining building and proposed car parking for the proposed development would not provide for a particularly pleasant environment even if screened to some extent by fencing. Overall the living conditions provided for the future residents of this property would be poor. ... proposed development would not provide for satisfactory living conditions for future occupants of the development with reference to privacy and amenity space. ... The positioning, height and scale of the proposed bungalow would substantially reduce any amenity afforded by this window to the occupants of that property and would be harmful to their living conditions ... proposed development would result in material harm to the living conditions of the occupants of properties in the surrounding area. ... The proposal would result in the loss of a premises the last use of which was for retail. ... As matters stand the proposal would remove the premises from retail use and would therefore reduce shopping facilities that exist in the settlement today. There has been no evidence or demonstration of the viability of a retail use and therefore the proposal would conflict with the policies in the development plan. ...</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 annexe.</p>
<p>Appeal Decision: APPEAL ALLOWED</p>	
<p>... The appeal is allowed and planning permission is granted for change of use of the garage and workshop into a 2 bedroom annexe ... The main issue is whether the site is a suitable location for residential development with particular regard to whether the proposal would amount to the creation of a separate dwelling, and its effect on the character and appearance of the area, including the landscape and scenic beauty of the Chichester Harbour Area of Outstanding Natural Beauty (the AONB) ... the Council's main concern, which arises from its view that the development would amount to the creation of a separate dwelling, is the impact this would have on the rural character of the area. ... the annexe would be located very close to Merston Cottage, would be accessed off the same driveway as at present, would be clearly subservient in terms of both its physical scale and the scale of accommodation contained, and would share utilities. Therefore, notwithstanding the fact that it would be generously sized, and irrespective of where the external doors would be positioned, there is no particular reason to consider that the proposed annexe would fail to credibly function as an annexe. ... The ancillary nature of the approved use could be further clarified by imposition of a suitably worded condition which could be reasonably enforced ... whether or not plot severance would be practical or desirable in practice, and despite the fact that the accommodation would be 'self-contained', any subsequent material change in the approved use of the building would require planning permission ... irrespective of what the combined floor area of the barn and proposed annexe would be, they have the capacity to serve differing ancillary functions ... Whilst I acknowledge the Inspector's findings, these do not alter my view ... The Council's officer report screened out any likely significant effects on the integrity of the SPA which might arise from recreational disturbance. This was on the basis that the annexe would not constitute a new self-contained residential unit. This however contradicted the Council's broader finding that a separate dwelling would be formed. ... I have lastly imposed a condition restricting occupation solely for purposes ancillary to Merston Cottage in order to clarify the nature of approved use. ...</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 - Construction of 1 no. agricultural barn, 1 no. poly tunnel and 2 no. fish tanks.</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>... The appeal is dismissed. ... I am of the opinion that the proposed development would be for agricultural purposes, which the appellant states would be to derive a profit and to diversify operations. ... views from this path is a factor in assessing the visual impact. ... the structures would be at least partially visible from some distant views due to them being set towards the top of this sloping field. I am not convinced that further planting would be effective in reducing the prominence of the proposed development, particularly the larger storage barn. ... Regarding the polytunnel, this is of a size that would not have a significant visual impact within this rural setting. ... However, the proposed barn would be approximately 23m in length and 6.4m wide, and approximately 4m to the ridge. Whilst the barn would have a rural/agricultural appearance, with sustainable timber to be used, it would be a large and prominent structure within the rural landscape, even if it would cover a small proportion of the overall site. Its prominence would be more pronounced as the barn would not visually relate to any existing farmstead or other similar building complex. ... this is a relatively small agricultural site, being a single field, which does not currently have much in the way of agricultural activity taking place. ... based on the evidence submitted (including the lists of items that could be stored), there is insufficient justification before me for the barn of the size proposed. ... there is not the substantive evidence to explain why there needs to be a barn of the size proposed, commensurate with the agricultural need as explained by the appellant. ... the proposal would not accord with Policy 45 of the Chichester Local Plan: Key Policies 2014-2029, as this requires agricultural buildings to have a minimal impact to the landscape and rural character of the area. ... due to the harm to the character and appearance of the area the appeal should be dismissed. ...</p>	

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>17/00061/CONENG</u> 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><u>18/01983/FUL</u> 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><u>19/00196/FUL</u> Bosham Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>By-The-Brook Bosham Lane Bosham PO18 8HG - Demolish 1 no. existing dwelling and erect 2 no. 2 bed dwellings and 1 no. 3 bed dwelling.</p>
<p><u>15/00018/CONBC</u> Chichester Parish</p> <p>Case Officer: Shona Archer</p> <p>Written Representation</p>	<p>Wildwood 30 Southgate Chichester West Sussex PO19 1DP - Appeal against CC/143</p>
<p>* <u>18/00798/FUL</u> 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>18/02459/FUL Chichester Parish</p> <p>Case Officer: James Gellini</p> <p>Written Representation</p>	<p>26 The Pitcroft Chichester PO19 6XB - Two storey side extension onto existing property to form 2 bedroom dwelling onto side of existing terrace property.</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>18/03046/DOM Chichester Parish</p> <p>Case Officer: William Price</p> <p>Householder Appeal</p>	<p>57 Westgate Chichester West Sussex PO19 3EZ - 3 no. replacement windows.</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>18/02620/FUL Chidham & Hambrook Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>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.</p>
<p>17/00374/CONCOM Donnington Parish</p> <p>Case Officer: Shona Archer</p> <p>Written Representation</p>	<p>Southend Farm Selsey Road Donnington Chichester West Sussex PO20 7PS - Appeal against D/8</p>
<p>* 17/03547/FUL East Wittering And Bracklesham Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>Land East Of 10 Downview Close East Wittering PO20 8NS - Construction of 1 no. 3 bedroom detached dwelling and 2 no. semi-detached, 3 bedroom dwellings.</p>
<p>18/02359/OUT East Wittering And Bracklesham Parish</p> <p>Case Officer: James Gellini</p> <p>Written Representation</p>	<p>Land North Of Anstey East Bracklesham Drive Bracklesham PO20 8JW - Construction of 1 no. 2 bedroom bungalow.</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>17/02564/LBC 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>18/00402/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>18/01578/FUL Loxwood Parish</p> <p>Case Officer: Robert Sims</p> <p>Written Representation</p>	<p>Land East Of Lady Lea House Brewhurst Lane Loxwood RH14 0RJ - Demolition of storage outbuilding and erection of detached three bedroom dwelling.</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>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 purposed 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>18/00808/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>18/03332/DOM West Wittering Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Householder Appeal</p>	<p>33 Marine Drive West Wittering PO20 8HQ - Proposed loft conversion and two storey side extension and widening of existing drop kerb.</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>17/02260/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>19/00084/TPA Sidlesham Parish</p> <p>Case Officer: Henry Whitby</p> <p>Informal Hearing</p>	<p>35 Chalk Lane Sidlesham Chichester West Sussex PO20 7LW - Fell 1 no. Black Poplar tree (T3). Reduce crown widths/spreads to 5m and heights down to 15m, sever ivy and remove deadwood on 2 no. Black Poplar trees (T4 and T5) and 1 no. Black Poplar tree (quoted as T1 - northern tree, within Group, G3). All 4 no. trees are subject to SI/86/00938/TPO.</p>
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4. VARIATIONS TO SECTION 106 AGREEMENTS

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

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 04-04-2019 and 16-05-2019

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

<p>SDNP/18/05965/FUL Bury Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Land East Of Flint Acre Farm Bignor Park Road Bignor RH20 1EZ - 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.</p>
<p>SDNP/18/06612/HOUS Midhurst Town Council Parish</p> <p>Case Officer: John Saunders</p> <p>Householder Appeal</p>	<p>24 Taylors Field Midhurst GU29 9PH - Proposed two storey side extension with various alterations and additions to fenestration.</p>
<p>SDNP/18/06373/FUL Stedham With Iping Parish Council</p> <p>Case Officer: Charlotte Cranmer</p> <p>Written Representation</p>	<p>Land North of The Sorrells School Lane Stedham West Sussex - Erection of a single detached dwelling together with associated works.</p>

<p>SDNP/18/04813/FUL Lynchmere Parish Council Case Officer: John Saunders Written Representation</p>	<p>Land Between The Vicarage and Forest Mead Linchmere 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.</p>
<p>SDNP/19/00893/MPO Sutton & Barlavington Parish Council Case Officer: Derek Price Written Representation</p>	<p>The Croft Bignor Road Sutton Pulborough West Sussex RH20 1PL - Application to discharge the S.106 Undertaking relating to planning permission SN/11/02662/DOMNP.</p>

2. DECIDED

<p>SDNP/18/04296/FUL Funtington Parish Council 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>
Appeal Decision: APPEAL DISMISSED	
<p>... Whilst the low-level building is existing residential accommodation, this is ancillary to the substantial main dwelling and it is clearly read as such. It is subservient to Cedar Field and the scale of the surrounding dwellings. The proposal seeks, though, to significantly extend the existing building. Whilst this would provide accommodation above the Nationally Described Space Standards and seeks to reflect the larger scale of the surrounding dwellings, this would further exacerbate the incongruous relationship of the proposed new dwelling with the smaller plot area, despite the design and traditional materials proposed. This would give the appearance of a cramped form of development that would be out of character with the established pattern of development, even though it would be relatively secluded. ... the proposal, due to its size, siting and scale would be out of character with the established settlement pattern and would harm the character and appearance of the area. ...</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 OHL - 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>
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Appeal Decision: APPEAL DISMISSED

... 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 facing onto Byworth Lane. ... Closing up of existing sub-standard domestic access and separate field access and formation of a new single access to serve the dwelling, holiday let and agricultural holding. ... The main issue in both appeals are the effect on the character and appearance of the area ... Change of use of part of the field to provide a new access to the dwelling and holiday let business ... a new driveway across the field would be created. ... grass seeded appearance ... no other mechanisms before me to ensure such an appearance would be preserved. ... New access, cut in to the banked earth facing the road. ... a significant intervention in to the topography of the field. ... urbanise this part of the field ... planting, would be likely to appear contrived ... the access to the field would appear as a simple gate. ... The volume of traffic using the driveway would be minimal. ... Harm to the appearance of the field ... would not materially improve the appearance of the field or views from the footpath towards the hamlet ... Such vehicular movements would, in any case, accord with the agricultural character of the field. ... Unlikely there would be any significant improvement in the appearance or environmental quality of the remainder of the field ... existing vehicular access to the site. ... Agricultural vehicles can access the land via the existing gate. Consequently, the proposal is not justified on this basis. Overall, I conclude that in both cases the loss of part of this field and its change of use to a driveway would lead to harm to the natural beauty of the National Park. ... Byworth Conservation Area. ... Special attention is paid to the desirability of preserving or enhancing the character or appearance of such areas. ... Special regard is paid to the desirability of preserving the setting of these buildings, or any features of special architectural or historic interest which they possess. ... Special character and significance of the Conservation Area ... the well-preserved historic appearance of the traditional buildings ... rustic, rural character ... The historic significance of these designated heritage assets is derived from the extent of historic fabric they retain and their close functional and visual relationship with each other ... Setting comprises a traditional, rural hamlet surrounded by open countryside ... would slightly diminish and urbanise the wider countryside setting of these heritage assets. ... Diverting traffic away from the area around the listed pub, which can get congested. ... Would have a slight beneficial effect on the character and appearance of the Conservation Area and its setting, and the traditional rural hamlet setting of these listed buildings. ... I conclude on this issue that the effect of the development on these designated heritage assets would be neutral and there would be no harm. ... Both proposals would lead to harm to the natural beauty of the South Downs National Park. ... These reflect the purposes of the National Park and seek to ensure development preserves the character and appearance of the area. ... There is an existing functional vehicular access point. ... There is adequate visibility when turning out of the car park in to the road. ... The current arrangement appears to have been

privately agreed, ... this is a private dispute ... the evidence before me does not demonstrate that the existing arrangement is fundamentally unsafe ... the highway safety benefits of both proposals only attract limited weight. ... Deterioration in the quality of life for that individual, due to an existing disability. ... The resultant improvement in the quality of life for the individual and family concerned is a matter that weighs significantly in favour of both proposals. ... In both cases the harm to the natural beauty of the National Park through the loss of part of the field to create a driveway to the dwelling and holiday let business would be substantial ... both proposals conflict with the first purpose of designation of the National Park. ... Significant weight that I place on the improvement in the quality of life of the individual and family residing at the premises ... promote opportunities for enjoyment of the National Park by the public, and accord with the objective of promoting growth in the rural economy as set out in the Framework. ... The considerations that weigh in favour of the development, including compliance with other parts of the development plan and emerging planning policies, are not sufficient to overcome the harm to the character and appearance of the area and the conflict with the first purpose of designation of the National Park. ... Any interference with these qualified rights would be justified on this occasion, as it accords with a well-established aim, set out in legislation, to protect the natural beauty of National Parks. ... Would not unacceptably violate the family's rights under Article 8 of the HRA. ... Public Sector Equality Duty ... Equality Act 2010 ("Equality Act"). ... This has been taken account of in the balancing exercise carried out above, as a consideration that weighs significantly in favour of the proposal. However, there are other material planning considerations on this occasion which mean that the appeal cannot succeed. ... Proposal conflicts with the development plan. There are no other considerations that outweigh this conflict. ... Appeals should be dismissed.

<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>
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Appeal Decision: APPEAL DISMISSED

... 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 facing onto Byworth Lane. ... Closing up of existing sub-standard domestic access and separate field access and formation of a new single access to serve the dwelling, holiday let and agricultural holding. ... The main issue in both appeals are the effect on the character and appearance of the area ... Change of use of part of the field to provide a new access to the dwelling and holiday let business ... a new driveway across the field would be created. ... grass seeded appearance ... no other mechanisms before me to ensure such an appearance would be preserved. ... New access, cut in to the banked earth facing the road. ... a significant intervention in to the topography of the field. ... urbanise this part of the field ... planting, would be likely to appear contrived ... the access to the field would appear as a simple gate. ... The volume of traffic using the driveway would be minimal. ... Harm to the appearance of the field ... would not materially improve the appearance of the field or views from the footpath towards the hamlet ... Such vehicular movements would, in any case, accord with the agricultural character of the field. ... Unlikely there would be any significant improvement in the appearance or environmental quality of the remainder of the field ... existing vehicular access to the site. ... Agricultural vehicles can access the land via the existing gate. Consequently, the proposal is not justified on this basis. Overall, I conclude that in both cases the loss of part of this field and its change of use to a driveway would lead to harm to the natural beauty of the National Park. ... Byworth Conservation Area. ... Special attention is paid to the desirability of preserving or enhancing the character or appearance of such areas. ... Special regard is paid to the desirability of preserving the setting of these buildings, or any features of special architectural or historic interest which they possess. ... Special character and significance of the Conservation Area ... the well-preserved historic appearance of the traditional buildings ... rustic, rural character ... The historic significance of these designated heritage assets is derived from the extent of historic fabric they retain and their close functional and visual relationship with each other ... Setting comprises a traditional, rural hamlet surrounded by open countryside ... would slightly diminish and urbanise the wider countryside setting of these heritage assets. ... Diverting traffic away from the area around the listed pub, which can get congested. ... Would have a slight beneficial effect on the character and appearance of the Conservation Area and its setting, and the traditional rural hamlet setting of these listed buildings. ... I conclude on this issue that the effect of the development on these designated heritage assets would be neutral and there would be no harm. ... Both proposals would lead to harm to the natural beauty of the South Downs National Park. ... These reflect the purposes of the National Park and seek to ensure development preserves the character and appearance of the area. ... There is an existing functional vehicular access point. ... There is adequate visibility when turning out of the car park in to the road. ... The current arrangement appears to have been

privately agreed, ... this is a private dispute ... the evidence before me does not demonstrate that the existing arrangement is fundamentally unsafe ... the highway safety benefits of both proposals only attract limited weight. ... Deterioration in the quality of life for that individual, due to an existing disability. ... The resultant improvement in the quality of life for the individual and family concerned is a matter that weighs significantly in favour of both proposals. ... In both cases the harm to the natural beauty of the National Park through the loss of part of the field to create a driveway to the dwelling and holiday let business would be substantial ... both proposals conflict with the first purpose of designation of the National Park. ... Significant weight that I place on the improvement in the quality of life of the individual and family residing at the premises ... promote opportunities for enjoyment of the National Park by the public, and accord with the objective of promoting growth in the rural economy as set out in the Framework. ... The considerations that weigh in favour of the development, including compliance with other parts of the development plan and emerging planning policies, are not sufficient to overcome the harm to the character and appearance of the area and the conflict with the first purpose of designation of the National Park. ... Any interference with these qualified rights would be justified on this occasion, as it accords with a well-established aim, set out in legislation, to protect the natural beauty of National Parks. ... Would not unacceptably violate the family's rights under Article 8 of the HRA. ... Public Sector Equality Duty ... Equality Act 2010 ("Equality Act"). ... This has been taken account of in the balancing exercise carried out above, as a consideration that weighs significantly in favour of the proposal. However, there are other material planning considerations on this occasion which mean that the appeal cannot succeed. ... Proposal conflicts with the development plan. There are no other considerations that outweigh this conflict. ... Appeals should be dismissed.

<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>Appeal Decision: APPEAL DISMISSED</p>	
<p>... The main issue is whether the proposal would preserve or enhance the character or appearance of the Bury Conservation Area and the host property. ... The significance of the conservation area is derived from the historic buildings and sunken lanes which form the heart of the village. ... The replacement extension would project across three quarters of the front elevation and introduce features such as a catslide, a double pitched roof with linking flat roof element and dormer windows which are not exhibited on the original property. ... it would appear as a separate element which would be particularly noticeable on the eastern elevation, given the juxtaposition of the extension and original house. ... the presence of several dormer windows would in my view increase the visual presence of the roof to the detriment of the host building. ... Corner House contributes to the character and appearance of the conservation area. ... and it occupies an elevated position from a sunken lane. ... the complexities of the roofscape and the introduction of a range of design features would be unsympathetic to the host dwelling and would be out of keeping with the conservation area. The proposed extension would be a dominant feature located to the front of the dwelling which would neither preserve or enhance the appearance of the conservation area. ... yet there are no public benefits identified that outweigh the harm. This is a matter to which I give considerable importance and weight. ... As such, I conclude that the extension would be out of keeping with the host property and detrimental to the character and appearance of the conservation area. ... The development would also fail to conserve and enhance the cultural heritage which forms part of the statutory purposes of the South Downs National Park designation. ... the materials are reflective of the local area, nevertheless, the scale and form of the extension would not relate well to the host dwelling, which outweighs the acceptability of the materials. ... I conclude that the appeal should be dismissed.</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>Appeal Decision: APPEAL ALLOWED</p>	
<p>SDNP/18/04138/FUL Heyshott Parish Council Parish</p> <p>Case Officer: Rafa Grosso Macpherson</p> <p>Written Representation</p>	<p>Heyshott Meadows Polecats Heyshott West Sussex GU29 0DA - Replace horse menage with tennis court.</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	

<p>SDNP/16/00691/COU 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>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>... This indicates that new development must not detract from its surroundings. Matters to be considered include the effect on the local environment, the merits of its design, scale and materials and its setting in the landscape ... planning permission will be refused where development proposals fail to conserve the landscape and the natural beauty of the National Park unless, exceptionally, benefits of the proposal demonstrably outweigh the great weight to be attached to the interests associated with the National Park ... It notes development will only be permitted where it conserves and enhances landscape character ... development proposals for structures for the purposes of agriculture and forestry will be permitted where there is an agricultural or forestry need within the National Park ... The concrete hardstanding is of utilitarian design and an alien feature in the field, out of character with, and detracting from, the surrounding countryside, causing significant harm that does not conserve or enhance the scenic beauty of the National Park ... However, there is little evidence of a significant need for the hardstanding, either at the site visit, or in photographs, and the Council noted little evidence of activity for horticulture or agriculture on the surrounding agricultural land or at the associated buildings ... I conclude that there is insufficient agricultural/horticultural justification for the hardstanding to outweigh the weight to be given to conserving the character of the area or the scenic beauty of the National Park. It does not accord with LP Policies RE1 and BE11 or emerging ELP Policies SD1, SD4, SD5 and SD39 or the Framework. The appeal on ground (a) does not succeed ...</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>Appeal Decision: APPEAL ALLOWED</p>	
<p>... The works fall under two categories. First, as part of the reuse of the building, a series of physical interventions are proposed. Second, a programme of repairs is proposed to arrest the deterioration of the fabric, and to make good the unsympathetic repairs or changes of the more recent past. ... This is a listed building which has lain unoccupied for several years, while its structure deteriorates. Taking into account its previous institutional and commercial uses and alterations, the works would secure the building's reuse, as well as the repairs necessary to preserve it. ... Some of the alterations for the reuse are significant interventions. However, considering their effects both individually as well as cumulatively, they would not, subject to conditions, harm the building or its special architectural or historic interest. The level of interventions and their design strikes the right balance between preserving the building's special interest and providing for its reuse and maintenance. ...</p>	

I appreciate the Authority's concern about applying conditions to areas of work where their precise extent is unknown. However, in weighing the balance of risk against probability, and from my own observations on site, and given the evident need for repairs and the nature of the works, I do not consider these would result in an unacceptable risk to the special interest of the building. ... In this light, even if the works were considered to amount to less than substantial harm to the significance of the building, which I do not consider to be the case here, what could only be described as an extremely low level of harm would be substantially outweighed by the public benefit of the works in sustaining and enhancing its significance. ... I conclude, therefore, that the proposed works would preserve the special interest of the Grade II listed building as well as the setting of the listed building beside it, and the character and appearance of the Petworth Conservation Area. ...

COSTS DECISION:

It is unclear how the information sought by the Authority during its consideration of the application amounts to unnecessary expense in the appeal process. In any event, given the sensitivity of the building to change, and the nature and extent of the proposed works, it has not been demonstrated that the information sought by the Authority was disproportionate or overly burdensome. Turning to the second leg of the claim, the Authority determined the application within the extended period agreed by the applicant. ... Therefore, while I understand the applicant's frustration having to supply additional information and to allow additional time for the Authority to reach its conclusion, which ultimately went against it, the Authority's actions do not constitute unreasonable behaviour. Unnecessary or wasted expense, as described in the PPG has not therefore been caused.

3. CURRENT APPEALS

<p>SDNP/18/01754/FUL Harting Parish Council</p> <p>Case Officer: Charlotte Cranmer</p> <p>Informal Hearing</p>	<p>Spindles East Harting Street East Harting Petersfield West Sussex GU31 5LY - Replacement 1 no. dwelling.</p>
<p>SDNP/17/01762/FUL Tillington Parish Council</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/18/00149/FUL Fittleworth Parish Council</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>Informal Hearing</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/18/01956/APNB Fittleworth Parish Council</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/18/01575/FUL Sutton & Barlavington Parish Council</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</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/18/06612/HOUS Midhurst Town Council Parish</p> <p>Case Officer: John Saunders</p> <p>Householder Appeal</p>	<p>24 Taylors Field Midhurst GU29 9PH - Proposed two storey side extension with various alterations and additions to fenestration.</p>
<p>SDNP/18/06373/FUL Stedham With Iping Parish Council</p> <p>Case Officer: Charlotte Cranmer</p> <p>Written Representation</p>	<p>Land North of The Sorrells School Lane Stedham West Sussex - Erection of a single detached dwelling together with associated works.</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><u>SDNP/18/04813/FUL</u> Lynchmere Parish Council Case Officer: John Saunders Written Representation</p>	<p>Land Between The Vicarage and Forest Mead Linchmere 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.</p>
<p><u>SDNP/16/00496/OPDEV</u> Funtington Parish Council Case Officer: Shona Archer 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 Case Officer: Steven Pattie 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 Case Officer: Sue Payne (CHICH) Written Representation</p>	<p>Flint Acres Farm Bignor Park Road Bignor Pulborough West Sussex RH20 1EZ - Appeal against BY/25</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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