

## Chichester District Council

### Planning Committee

Wednesday 19 September 2018

#### Report of Director of Planning and Environment Services

#### Schedule of Planning Appeals, Court and Policy Matters

This report updates Planning Committee members on current appeals and other matters.

It would be of assistance if specific questions on individual cases could be directed to officers in advance of the meeting.

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

\* - Committee level decision.

#### 1. NEW APPEALS

Reference/Procedure	Proposal
* <a href="#">17/01259/FUL</a> East Wittering And Bracklesham Parish  Case Officer: Caitlin Boddy  <b>Written Representation</b>	Billy's On The Beach Kiosk Bracklesham Lane Bracklesham Bay Chichester West Sussex PO20 8JH - Proposed decking with ramp and retractable canopy.
<a href="#">17/00929/FUL</a> Funtington Parish  Case Officer: Luke Simpson  <b>Written Representation</b>	Brick Bat Farm Mouthes Lane Funtington Chichester West Sussex PO18 8AA - Demolition of barn, removal of mobile home and erection of 1 no. dwelling.
<a href="#">17/00448/FUL</a> West Itchenor Parish  Case Officer: Caitlin Boddy  <b>Informal Hearing</b>	Old Haven The Street Itchenor PO20 7AN - Demolition of existing building and construction of 6 bedroom replacement dwelling, garage and associated works.

## 2. DECISIONS MADE

Reference/Procedure	Proposal
<p>* <a href="#">17/01712/FUL</a> Chichester Parish</p> <p>Case Officer: Rob Simms</p>	<p>Whyke Lodge Residential Care Home 115 Whyke Road Chichester West Sussex PO19 8JG - 6 no. dwellings.</p>
<p><b>Appeal Decision: APPEAL DISMISSED</b></p>	
<p>“... The Chichester Local Plan (CLP) makes little reference to the housing needs of the ageing population. The plan does not include any policies which seek to retain existing care homes or to prevent their change of use or redevelopment...Policy 38 seeks to retain local and community facilities, such as shops, sports venues, cultural buildings, public houses and places of worship. However, the supporting text acknowledged that this is not an exhaustive list. There was evidence from third parties that Whyke Lodge provides for an identified need within the wider community as a home that offers support to particularly vulnerable people. I therefore consider Policy 38 is of relevance to this case. Policies 3 and 26...are not directly relevant to the assessment of the appeal proposal...I consider that the Community Strategy, the views of the County Council as a provider of adult services and the current provision of care within Whyke Lodge are material considerations. ... The Community Strategy...has identified that in 2015 Chichester was estimated to have 2,329 people aged over 65 suffering with dementia...One of the strategy’s priorities in relation to health and well-being is to promote and develop a dementia friendly District. This suggests that the loss of existing care facilities could reduce the community’s ability to meet its needs both now and in the future. The County Council...pointed out that only 12 of the 33 homes in the Chichester area provide specialist dementia services. The letter went on to say that NHS England issued guidance in 2015 directing that ‘providers should do all they can to prevent care homes closing where possible’. In my view the concerns it expressed (the County Council) in its response are highly significant material considerations in relation to the appeal proposal. ... The County Council’s report: Needs Analysis for Supported Housing in West Sussex, set out data and projections for the number of vulnerable people in different groups. It did so in order to identify likely future demand for various forms of supported housing. Within Chichester District it was estimated that an additional 160 people over the age of 65 will have dementia and an additional 180 will require nursing care. It is recognised that most want to stay in their own homes for as long as possible. Where this is not possible supported housing which offers a measure of independence is preferred to residential care. However, even with more people living in supported accommodation, the need for residential care beds is set to increase as the population ages. The groups in greatest need of residential care, or a new form of extra care, will be those who are either very physically frail or suffer from dementia. ... It therefore estimated that the County Council will need to access 43 additional residential care beds and 36 nursing beds across the County. However, these figures did not take any account of the number of beds that are likely to be required by the very significant number of elderly people who will be funding their own care. Whilst the data did not allow the report to provide robust estimates of the likely overall demand for care beds, it seems to me that there can be little doubt that demand for care, particularly for those with dementia, will continue and is highly likely to increase. This demand for appropriate accommodation and care is therefore a material consideration of significant weight, even in the absence of specific policies within the CLP to address care home provision or prevent the loss of existing homes... The</p>	

Reference/Procedure	Proposal - continued
	<p>government is seeking to raise the standard of accommodation that is provided within new care homes. ... Whyke Lodge has been a care home for about sixty years. The Care Quality Commission inspected the home in 2016 and stated that it complied with all the necessary standards. It was judged to be 'good' and providing a high standard of care. On this basis there is nothing to suggest that there is a likelihood of the home closing in the immediate future, regardless of the ownership and lease arrangements. It is clearly fulfilling a need for a service within the local community and it is doing so effectively. This is also a matter of significant weight. ... For all these reasons, I conclude that the proposal would result in the unacceptable loss of a care home. This would be contrary to Policy 38 of the CLP, which seeks to protect facilities which meet an identified need and for which there is an on-going demand. It would be contrary to Paragraph 92 of the revised Framework which requires provision of social facilities and services needed by the community and seeks to guard against the unnecessary loss of valued facilities. It would also conflict with Paragraph 61 of the revised Framework which requires local planning authorities to assess and reflect in planning policies the size, type and tenure of housing needed for different groups in the community, including older people. The government is seeking to significantly boost the supply of housing. The revised Framework recognises that small sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. I accept that the appeal site is a location which is within easy reach of the wide range of services that the city of Chichester has to offer. Future residents would not be overly dependent on a private car to access day-to-day facilities. The proposal would not be harmful to the character and appearance of the area or the living conditions of occupants of neighbouring dwellings. The proposal would therefore not result in any environmental harm. The development would generate short term employment during construction and expenditure by future residents would support the local economy. However, these economic benefits would not, in my view, compensate for the loss of the existing business and the employment associated with it... The provision of six homes would make a small contribution to the District's housing need. However, the Framework requires local planning authorities to consider the needs of all sections of the community, including older people. In this case the Council is able to demonstrate a five-year supply of deliverable housing sites. I therefore consider that the provision of six additional houses would be significantly outweighed by the loss of accommodation and care that is being provided to people who are particularly vulnerable and with restricted choices about where they can live. ... Planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. For the reasons set out above, I find that in addition to the conflict with the development plan and the revised Framework, there are material considerations which weigh heavily against the scheme...I therefore conclude that the appeal should be dismissed. "</p>

Reference/Procedure	Proposal
<a href="#">17/03126/FUL</a> Chichester Parish  Case Officer: Summer Sharpe	Rose Court St Cyriacs Chichester PO19 1AW - Replacement windows and doors.
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>“The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Chichester Conservation Area. ... Rose Court is a three storey block of sheltered housing containing 34 flats that was constructed in 1985. ... Rose Court is linked with No 25 Chapel Street which has a traditional appearance and includes timber framed sash windows. Immediately to the south there are a number of buildings which the CAA has identified as positively contributing to the Area’s character, some are locally listed. Grade II and Grade II* listed buildings in North Street also back onto St Cyriacs. Rose Court is therefore in a sensitive location and within an area where the CAA has identified that the streetscape requires enhancement. In this context the replacement of the existing timber window and door frames with a modern material such as UPVC would not be compatible with the surrounding heritage assets. Whilst Rose Court is not a listed building the introduction of replacement windows and doors in modern materials would further erode the historic fabric of this quadrant of the Conservation Area. ...”</p>	
<a href="#">17/02138/FUL</a> East Wittering And Bracklesham Parish  Case Officer: Naomi Langford	Royal Oak Stocks Lane East Wittering Chichester West Sussex PO20 8BS - Demolition of the former public house and erection of a two storey terrace of 9 no. dwellings (consisting of 7 no. 3 bedroom units and 2 no. 4 bedroom units) with undercroft and parking to the rear and the erection of 1 no. 2 bedroom bungalow.
<b>Appeal Decision: APPEAL WITHDRAWN</b>	
Appeal Withdrawn – Please see The Planning Inspector’s letter in Public Access dated 07.08.18	
<a href="#">18/00333/DOM</a> East Wittering And Bracklesham Parish  Case Officer: Luke Simpson	28 Garden Avenue Bracklesham PO20 8HX - New roof dormers and reconfiguration.
<b>Appeal Decision: APPEAL WITHDRAWN</b>	

Reference/Procedure	Proposal
<p data-bbox="197 230 488 297"><u>17/00031/CONMHC</u> Southbourne Parish</p> <p data-bbox="197 365 596 398">Case Officer: Shona Archer</p>	<p data-bbox="643 230 1477 409">Land North Of Marina Farm Thorney Road Southbourne Hampshire - Without planning permission, change of use of the land to a mixed or dual use for the grazing of horses and the stationing of a mobile home for the purposes of human habitation</p>
<p data-bbox="408 499 1286 533"><b>Appeal Decision: APPEAL DISMISSED - NOTICE UPHELD</b></p>	
<p data-bbox="220 539 1477 1637">The requirements of that notice were synonymous with those of the current enforcement notice but the plan accompanying the notice showed the 'land' as that immediately covered by the mobile home and associated decking. By moving the mobile home and decking a short distance the appellant complied with the requirements of the notice. The mobile home appears as an incongruous and prominent feature in the landscape. the development fails to conserve and enhance the landscape and scenic beauty of the AONB, contrary to the principles of the Framework, policies 45 and 48 of the Chichester Local Plan (LP) and policy 7 of the Southbourne Parish Neighbourhood Plan (2015). The appellant explained that the mobile home was currently let to a friend, who is not a gypsy or traveller, Although the siting of a caravan or mobile home at his mother's address is understood to be contrary to her tenancy agreement, the appellant accepted that he had been taking advantage of this arrangement 'for some time' Prior to the siting of the mobile home, the land upon which it sits was field/paddock land used for grazing. Clearly the land was not previously developed. It is accepted that the appellant meets the definition of gypsy and traveller in PPTS and the appeal development satisfies the criteria for the location of gypsy and traveller sites set out in the Council's Site Allocation Development Plan Document as incorporated into LP Policy 36. However, the site is within the Chichester Harbour Area of Outstanding Natural Beauty and fails to conserve and enhance the landscape and scenic beauty of the AONB and causes significant harm to it, contrary to the principles set out in the Framework and development plan policies. The development is, therefore, contrary to national and development plan policy and there are no material considerations which outweigh the conflict. For that reason the ground (a) appeal fails. The Ground (f) Appeal underground (f) the appellant suggests a temporary permission. Nothing short of complete compliance with the requirements of the notice would remedy the harm and therefore overcome the objections. The Ground (g) Appeal The appellant accepted at the Hearing that he is not living at the appeal site. Six months is more than sufficient time to comply with the requirements of the enforcement notice. I conclude that the appeal should not succeed. I uphold the enforcement notice and refuse to grant planning permission.</p>	

### 3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><a href="#">16/00933/OUT</a> Birdham Parish</p> <p>Case Officer: Jeremy Bushell</p> <p><b>Public Inquiry</b> <b>02/10/2018 10:00:00</b> The Vicars Hall Cathedral Cloisters Chichester PO19 1PX</p>	<p>Koolbergen, Kelly's Nurseries And Bellfield Nurseries Bell Lane Birdham Chichester West Sussex PO20 7HY - Erection of 77 houses B1 floorspace, retail and open space with retention of 1 dwelling.</p>
<p><a href="#">15/00064/CONLB</a> Chichester Parish</p> <p>Case Officer: Sue Payne</p> <p><b>Public Inquiry</b> <b>20/09/2018</b> Edes House West Street Chichester West Sussex PO19 1RQ</p>	<p>13 Parchment Street Chichester West Sussex PO19 3DA - Appeal against removal of x 3 wooden casements and fitting of x 3 UPVC casements in Grade II listed building in Conservation Area.</p>
<p><a href="#">17/01073/FUL</a> Chichester Parish</p> <p>Case Officer: Caitlin Boddy</p> <p><b>Written Representation</b></p>	<p>22A Lavant Road Chichester West Sussex PO19 5RG - Demolition of existing dwelling and erection of 2 no. 4 bed detached properties with shared garage, 3 no. 3 bed link detached properties with integral garages, parking and new access drive.</p>
<p><a href="#">17/02708/ADV</a> Chichester Parish</p> <p>Case Officer: Fjola Stevens</p> <p><b>Householder Appeal</b></p>	<p>3 West Street Chichester PO19 1QD - 1 no. non-illuminated fascia sign and 1 no. non-illuminated handing sign.</p>

<p><a href="#">17/02433/FUL</a> East Wittering And Bracklesham Parish</p> <p>Case Officer: Maria Tomlinson</p> <p><b>Written Representation</b></p>	<p>Bon Ami Peerley Road East Wittering PO20 8DW - Erection of 1 no. bungalow - resubmission of EW/17/00240/FUL.</p>
<p><a href="#">17/02881/DOM</a> East Wittering And Bracklesham Parish</p> <p>Case Officer: Luke Simpson</p> <p><b>Householder Appeal</b></p>	<p>Shore House East Bracklesham Drive Bracklesham PO20 8JW - Demolition of small garage and erection of front and rear extensions.</p>
<p><a href="#">SDNP/17/00949/FUL</a> Funtington Parish</p> <p>Case Officer: Derek Price</p> <p><b>Awaiting Decision</b></p>	<p>Land South of Braefoot, Southbrook Road, West Ashling West Sussex - Retention and continued use of mobile home for gypsy family occupation including existing timber shed and refuse enclosure. Linked to SDNP/16/00496/OPDEV</p>
<p>SDNP/16/00496/OPDEV Funtington Parish</p> <p>Case Officer: Shona Archer</p> <p><b>Awaiting Decision</b></p>	<p>Land South of Braefoot, Southbrook Road, West Ashling West Sussex – Mobile home inc installation of a cesspit and engineering works - appeal against enforcement notice. Linked to <a href="#">SDNP/17/00949/FUL</a></p>
<p><a href="#">15/00202/CONAGR</a> Oving Parish</p> <p>Case Officer: Reg Hawks</p> <p><b>Written Representation</b></p>	<p>Ham Farm Church Lane Oving West Sussex PO20 2BT - Appeal against new agricultural building, earth bund and access track.</p>
<p><a href="#">17/00055/CONCOU</a> Plaistow And Ifold Parish</p> <p>Case Officer: Reg Hawks</p> <p><b>Written Representation</b></p>	<p>Nell Ball Farm Dunsfold Road Plaistow Billingshurst West Sussex RH14 0BF - Appeal against enforcement notice</p>

<p><a href="#"><u>16/00359/CONTRV</u></a> Sidlesham Parish</p> <p>Case Officer: Emma Kierans</p> <p><b>Informal Hearing</b></p>	<p>Land Adj To Ham Road Sidlesham West Sussex - Appeal against Enforcement Notice SI/69</p>
<p><a href="#"><u>16/00359/CONTRV</u></a> Sidlesham Parish</p> <p>Case Officer: Emma Kierans</p> <p><b>Informal Hearing</b></p>	<p>Land Adj To Ham Road Sidlesham West Sussex - Appeal against the Sstationing of a mobile home</p>
<p><a href="#"><u>16/03383/FUL</u></a> Sidlesham Parish</p> <p>Case Officer: James Cross</p> <p><b>Informal Hearing</b></p>	<p>Land Adjacent To Ham Road Sidlesham West Sussex - Use of land as a travellers caravan site consisting of 2 no. touring caravans, 1 no. amenity structure and associated development.</p>
<p><a href="#"><u>18/00747/DOM</u></a> Southbourne Parish</p> <p>Case Officer: Luke Simpson</p> <p><b>Householder Appeal</b></p>	<p>4 Park Road Southbourne PO10 8NZ - Change of use of loft space into habitable accommodation with front and rear dormers plus cable build ups.</p>
<p><a href="#"><u>17/00448/FUL</u></a> West Itchenor Parish</p> <p>Case Officer: Caitlin Boddy</p> <p><b>Informal Hearing</b></p>	<p>Old Haven The Street Itchenor PO20 7AN - Demolition of existing building and construction of 6 bedroom replacement dwelling, garage and associated works.</p>

#### 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
River Farm Brookfield Lane Tillington Petworth West Sussex GU28 9BJ	Appeal against the Planning Inspectorate's decision to uphold Enforcement Notice TL/2 – stationing of mobile homes and caravans	17.08.18 – High Court. The appeal was dismissed. The Enforcement Notice is effective from the 17.08.18 with a compliance period of 3 months

Prosecutions		
Site	Breach	Stage
Land North Of White Barn Elms Lane West Wittering West Sussex	Non-compliance with Enforcement Notice WW/44 – formation of an access way onto Elms Lane	03.08.18 – Magistrates' Court. The defendant pleaded guilty. Fined £505 and victim surcharge of £50 (these will go to the Ministry of Justice) and all of our costs of £751.85.

#### 7. POLICY MATTERS