

Chichester District Council Planning Committee

Wednesday 12 July 2023

Report of the Director Of Planning and Environment Services Schedule of Planning

Appeals, Court and Policy Matters

between 22-06-2023 - 25-07-2023

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 website

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>22/01216/FUL</u>	
Loxwood Parish Case Officer: Sascha Haigh Written Representation	Loxwood Hall Guildford Road Loxwood West Sussex RH14 0QP Erection of dwelling with associated parking, landscaping and ancillary structures.
<u>20/01192/FUL</u>	
West Wittering Parish Case Officer: Martin Mew Written Representation	Edelsten Cottage 2 Marine Drive West Wittering PO20 8HE Demolition of single dwelling house and construction of development comprising 4 no.2 bed flats, new access and associated works.
<u>23/00076/CONCOU</u>	
Westbourne Parish Case Officer: Andrew George Written Representation	Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ Appeal against WE/60

Reference/Procedure	Proposal
23/00076/CONCOU	
Westbourne Parish Case Officer: Andrew George Written Representation	Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ Appeal against WE/61

2. DECISIONS MADE

Reference/Procedure	Proposal
22/02553/DOM	
Bosham Parish Case Officer: Freya Divey Fast Track Appeal	Brooks Farm Cottage Brooks Lane Bosham West Sussex PO18 8JX Detached garage with home office above.
Appeal Decision: APPEAL ALLOWED	
<p>"... In this context I am not convinced that the increased footprint over and above the approved scheme should be a determining negative factor. ...The dormers would be lengthy but I take considerable comfort from the fact that they would be well set down relative to the ridge, stepped-in appreciably from the vertical elevations, and not have an excessive degree of glazing. ...I note that the height of the building would be as per the fall-back scheme ...and that suitable materials are to feature externally. My assessment is that the proposed development would result in minimal change to the overall scene and the aesthetic character of the area. ...suitable sized and designed scheme would not be harmful to amenity, agriculture, landscape or rural character. ...In all the circumstances I conclude that the scheme would not conflict with these policies, the LP and NP generally, or the National Planning Policy Framework. ...standard commencement condition. The Council suggests the requirement for materials to match the existing building. I agree this condition would be appropriate in the interests of visual amenity. I also agree that there should be a condition that works are to be carried out in accordance with listed, approved, plans; future of use of the building be restricted is logical for amenity purposes as are the two conditions put forward for biodiversity and wildlife protection reasons. I shall thus apply the conditions put forward by the Council. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the locality. Accordingly, the appeal is allowed."</p>	

Reference/Procedure	Proposal
21/03546/DOM	
Funtington Parish Case Officer: Rebecca Perris Written Representation	Densworth House Funtington Road East Ashling Chichester West Sussex PO18 9AP Extension and change use of existing garage creating ancillary self-contained annexe.
Appeal Decision: APPEAL DISMISSED	
<p>" . While the distance between the main house and the proposals is approximately 200m, I do not find this alone would amount to the planning unit being severed, given the ease of the links between the two buildings, the nature of the access and the relative scale of the appeal site overall. In conclusion on this main issue and for the reasons given, the proposals under both Appeal A and Appeal B would remain part of the same planning unit as Densworth House. A suitably worded condition could be imposed as suggested by the appellants if the appeals were otherwise acceptable. While some shared activities are anticipated, the proposals are clearly intended to provide the main living and sleeping areas for its future occupants and include new bathroom and washing facilities. ... The proposals would therefore increase the amount of wastewater generated at the site, resulting in possible increased levels of nutrients into the water courses and catchment of the Habitat sites. Therefore, in accordance with the Habitat Regulations, an Appropriate Assessment is required. In any event, given the particular characteristics of the appeals before me, and adopting the necessary precautionary approach, I cannot rule out the possibility that both proposals would have an adverse effect on the conservation objectives and integrity of the protected sites with regard to the discharge of nitrates. ...In the absence of detailed evidence relating to any such mitigation measures and whether they could reasonably be incorporated into the developments, as well as the absence of such an agreement, it cannot be ascertained that the proposals would not adversely affect the integrity of the sites. Given this uncertainty, the use of a condition, negatively worded or otherwise, would be unreasonable. Consequently, having regard to the Habitats Regulations, permission should not be granted. Both Appeal A and Appeal B would conflict with the Framework insofar as it relates to habitat sites. The LP sets out that all net increases in residential development will subsequently need to provide for a package of avoidance and mitigation measures. ...As above, the character of the appeal site is predominately residential, arising from the paraphernalia and structures forming the extended gardens of Densworth House. A cluster of buildings exists to the east and open countryside stretches beyond the appeal site. Both Appeal A and Appeal B would result in the building encompassing a more domestic appearance, arising largely from the introduction of glazing to the elevations and a flue to the roof. However, in both cases, as a result of the low level of the building, its scale, together with the use of natural materials including wood cladding and slate, the building would appear visually unintrusive. ...Both proposals would be set within the grounds of Densworth House, which is grade II listed. ...By reason of their distance from the main house, together with their low level and natural palette of materials, the proposal would preserve the setting of the heritage asset. The use of the existing outbuilding may prevent the need for another building within the grounds of Densworth House, which could potentially have adverse effects on the setting of the listed building. ...In addition, the proposal would provide accommodation for an elderly relative, and care worker in the case of Appeal B, which the Framework acknowledges at paragraph 62 to be a group who's housing needs should be reflected in planning policy. "</p>	

Reference/Procedure	Proposal
21/03639/DOM	
Funtington Parish Case Officer: Rebecca Perris Written Representation	Densworth House Funtington Road East Ashling Chichester West Sussex PO18 9AP Change use of existing garage to habitable ancillary accommodation (annexe).
Appeal Decision: APPEAL DISMISSED	
As Above	

Reference/Procedure	Proposal
22/01560/DOM	
Hunston Parish Case Officer: Emma Kierans Fast Track Appeal	Bell Barn Church Lane Hunston PO20 1AJ Change of use of detached garage, studio and garden room to create 1 no. annexe and alterations to fenestration.
Appeal Decision: APPEAL ALLOWED	
<p>"The appeal is allowed and planning permission is granted for the change of use of detached garage, studio and garden room to create 1 no. annexe and alterations to fenestration, subject to the following conditions: 1. The development hereby permitted shall begin not later than three years from the date of this decision. 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 01 Rev B, 04 Rev B and 05 Rev B. 3. The detached building shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Bell Barn, Church Lane, Hunston, PO20 1AJ. ...There is no suggestion of a fresh access, new parking, a separate garden or any significant external works to impinge upon its modest subservient character. Physically the existing structure looks like an outbuilding and will continue to do so. The ancillary building faces the host property and given existing boundaries, curtilage size, flat ground, the nature of the intervening garden, and the positioning and style of fenestration I assess that there is presently a close relationship between the main dwelling and the outbuilding; and this would continue. There are functions of the main property which surround or lie behind the outbuilding (such as cottage parking) and add to its sense of a close relationship. ...To my mind, the scheme would represent the reasonable creation of a good quality annexe, not a new dwelling. ...Given that the proposal would not provide accommodation tantamount to a new dwelling within the countryside I conclude that there would not be conflict with these policies or the National Planning Policy Framework. ...For the reasons given above I conclude that appeal proposal would not provide accommodation tantamount to a new dwelling within the countryside. Accordingly, the appeal is allowed."</p>	

Reference/Procedure	Proposal
20/02785/ELD	
Sidlesham Parish Case Officer: Emma Kierans Written Representation	Jardene Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW Use of building 3 for B1 and B8 purposes.
Appeal Decision: APPEAL DISMISSED	
<p>“The appeal is dismissed...both parties in their submissions clarify that the use for which a certificate of lawfulness is sought is a carpentry workshop. I shall consider the appeal on that basis, as s191(4) of the 1990 Act allows for modification of the description ...Although these letters, indicate that a carpentry workshop has existed for over ten years, they are not in themselves sufficient to show a continuous 10-year period of use. Moreover, none of these letters place the carpentry workshop use in building 3. Thus, this evidence alone falls short of showing that the appeal building has been used as a carpentry workshop substantially uninterrupted over the requisite 10-year period prior to 26 October 2020...The Council has drawn my attention to an officer’s report for the use of building 3 “as a B2 use - for the preparation of pet food ”. Whether or not the officer went inside the building, there is no indication that at this time building 3 was being used as a carpentry workshop. I give considerable weight to the officer’s report as it was not prepared with or before 26October 2010, that use continued substantially uninterrupted in excess of 10 years...For the above reasons, I conclude that the Council’s refusal to grant a certificate of lawful use or development in respect of the use of Building 3, Jardene Nursery, 16 Chalk Lane, Sidlesham, Chichester, West Sussex PO20 7LW was well-founded and that the appeal should fail...”</p>	

Reference/Procedure	Proposal
22/00585/FUL	
<p>Sidlesham Parish Case Officer: Calum Thomas Informal Hearings</p>	<p>Land South Of Telephone Exchange Selsey Road Sidlesham West Sussex</p> <p>Stationing of 1 additional caravan for gypsy-traveller families along with associated utility building, hard standing and landscaping.</p>
Appeal Decision: APPEAL WITHDRAWN	
See PINs letter dated 05.07.23	

3. IN PROGRESS

Reference/Procedure	Proposal
* <u>20/02066/OUT</u>	
Birdham Parish Case Officer: Jeremy Bushell Informal Hearings	Koolbergen, Kelly's Nurseries And Bellfield Nurseries Bell Lane Birdham Chichester West Sussex PO20 7HY Outline Application with all matters reserved apart from access for the erection of up to 73 dwellings, open space and associated works, Class E(g) employment floorspace and Class E(a) retail floorspace.
* <u>21/01830/OUT</u>	
Birdham Parish Case Officer: Andrew Robbins Public Inquiry 12-Sep-2023 Oaklands Pavilion	Land Off Main Road Birdham Chichester West Sussex PO20 7HU Outline planning application for up to 150 dwellings (including 30% affordable housing) with community park, public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.
* <u>21/00571/FUL</u>	
Bosham Parish Case Officer: Jeremy Bushell Public Inquiry 03-Oct-2023 Emsworth Baptist Church North Street Emsworth PO10 7BY	Land North Of Highgrove Farm Main Road Bosham West Sussex Construction of 300 dwellings (including 90 affordable dwellings), community hall, public open space, associated works and 2 no. accesses from the A259 (one temporary for construction).
<u>20/00040/CONENG</u>	
Chichester Parish Case Officer: Mr Michael Coates-Evans Written Representation	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Use of land to station a caravan for the purpose of human habitation and the operation of a waste collection business Appeal against CC/154

Reference/Procedure	Proposal
<u>20/03320/OUTEIA</u>	
Chidham & Hambrook Parish Case Officer: Jane Thatcher Public Inquiry	Land East Of Broad Road Broad Road Nutbourne West Sussex Outline planning application (with all matters reserved except access) for up to 132 dwellings and provision of associated infrastructure.
<u>20/03321/OUTEIA</u>	
Chidham & Hambrook Parish Case Officer: Jane Thatcher Public Inquiry	Land North Of A259 Flat Farm Main Road Chidham West Sussex Outline planning application (with all matters reserved except access) for up to 68 no. dwellings and provision of associated infrastructure.
<u>20/03378/OUT</u>	
Chidham & Hambrook Parish Case Officer: Andrew Robbins Informal Hearings	Land At Flat Farm Hambrook West Sussex PO18 8FT Outline Planning Permission With Some Matters Reserved (Access) - Erection of 30 dwellings comprising 21 market and 9 affordable homes, access and associated works including the provision of swales.
<u>* 21/02303/OUT</u>	
Chidham & Hambrook Parish Case Officer: Calum Thomas Written Representation	Caravan And Camping Site Orchard Farm Drift Lane Bosham Chichester West Sussex PO18 8PP Outline Application (with all matter reserved accept Access) for the demolition of caravan repair building, cessation of use of land for caravan storage and removal of hardstandings and erection of 1no 4bed, 3no 3 bed, 4no 2bed and 1no 1 bed bungalows.
<u>* 21/02361/FUL</u>	
Chidham & Hambrook Parish Case Officer: Jane Thatcher Written Representation	Cockleberry Farm Main Road Bosham Chichester West Sussex PO18 8PN Demolition of existing warehouse buildings, B8 container storage, residential caravans/park homes and stables and the erection of 9 no. dwellings and associated works including landscaping and access alterations.

Reference/Procedure	Proposal
<u>22/01366/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Calum Thomas Written Representation	Land To Rear Of Co-Op Store Bracklesham Lane Bracklesham Bay West Sussex 1 no. detached dwelling (plot 1).
<u>22/01367/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Calum Thomas Written Representation	Land To Rear Of Co-Op Store Bracklesham Lane Bracklesham Bay West Sussex 1 no. dwelling.
<u>21/02428/FUL</u>	
Linchmere Parish Case Officer: Calum Thomas Written Representation	Land North Of 1 To 16 Sturt Avenue Camelsdale Linchmere West Sussex GU27 3SJ 9 no. new dwelling houses and 9 no. carports/studios with associated access, infrastructure, parking and landscaping.
<u>22/01593/FUL</u>	
Linchmere Parish Case Officer: Calum Thomas Written Representation	Land North Of 1 To 16 Sturt Avenue Camelsdale Linchmere West Sussex GU27 3SJ New bridge access.
<u>19/01400/FUL</u>	
Loxwood Parish Case Officer: Martin Mew Written Representation	Moores Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS Erection of a detached dwelling following demolition of free-standing garage.
<u>* 21/02849/FUL</u>	
Loxwood Parish Case Officer: Calum Thomas Written Representation	Land South West Of Willets Way Willetts Way Loxwood West Sussex 5 no. residential dwellings, vehicular and pedestrian access and hard and soft landscaping.

Reference/Procedure	Proposal
<u>22/00470/PA3Q</u>	
Loxwood Parish Case Officer: Sascha Haigh Written Representation	Mill House Farm Drungewick Lane Loxwood Billingshurst West Sussex RH14 0RS Proposed change of use from agricultural buildings to 4 dwellings - (C3 Use class); Class Q (a).
<u>22/00637/PA3Q</u>	
Loxwood Parish Case Officer: Sascha Haigh Written Representation	Mill House Farm Drungewick Lane Loxwood Billingshurst West Sussex RH14 0RS Proposed change of use from agricultural building to 1 dwelling - (C3 Use class).
<u>22/01565/ELD</u>	
Loxwood Parish Case Officer: Emma Kierans Informal Hearings	Loxwood Farm Brewhurst Lane Loxwood West Sussex RH14 0RJ Existing lawful development use of land as garden curtilage.
<u>22/01003/FUL</u>	
Oving Parish Case Officer: Joanne Prichard Written Representation	Littlemead Business Centre, S & R Interiors Limited Tangmere Road Tangmere West Sussex PO20 2EU Two storey rear extension employing class uses E(g)(iii) and B8 Ground Floor with ancillary offices on first floor mezzanine E(g)(i) plus PV to roof.
<u>21/01697/PA3Q</u>	
Plaistow And Ifold Parish Case Officer: Rebecca Perris Written Representation	Premier Treecare & Conservation Ltd Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ Prior notification for the change of use of agricultural buildings to 1 no. dwelling (C3 Use Class) with alterations to fenestration.
<u>20/00414/CONHH</u>	
Plaistow And Ifold Parish Case Officer: Sue Payne Public Inquiry	Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ Use of the land to station caravans for the purpose of human habitation, B8 (storage), forestry and agriculture Appeal against Enforcement Notice PS/71.

Reference/Procedure	Proposal
<u>22/01038/PA3Q</u>	
Sidlesham Parish Case Officer: Sascha Haigh Written Representation	Butskiln Street End Road Sidlesham Chichester West Sussex PO20 7QD Change of use of agricultural building to form 1 no. dwelling (Use Class C3) and associated operational development.
<u>20/02077/FUL</u>	
Southbourne Parish Case Officer: Martin Mew Written Representation	Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.
<u>* 22/01283/FULEIA</u>	
Southbourne Parish Case Officer: Jane Thatcher Public Inquiry	G And R Harris Main Road Nutbourne Chichester West Sussex PO18 8RL Demolition and mixed use development comprising 103 no. dwellings and a Childrens' Nursery, together with associated access, parking, landscaping (including provision of wildlife corridor) and associated works.
<u>19/00103/CONCOU</u>	
Southbourne Parish Case Officer: Mr Michael Coates-Evans Written Representation	Thornham Marina Thornham Lane Southbourne Emsworth Hampshire PO10 8DD Construction of two floating pod-style dwelling houses Appeal against SB/124
<u>20/03164/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearings 05-Oct-2022 St Johns Church Hall	Land East Of Monk Hill Monks Hill Westbourne West Sussex Change of use of land to 1 no. private gypsy and traveller caravan site consisting of 1 no. mobile home, 1 no. touring caravan, 1 no. utility dayroom and associated development.
<u>21/00051/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Written Representation	The Stables Cemetery Lane Woodmancote Westbourne PO10 8QB Increase number of permitted caravans from 1 no. static and 1 no. tourer to 2 no. static and 2 no. tourers and retention of stable block.

Reference/Procedure	Proposal
<u>19/00176/CONT</u>	
Westbourne Parish Case Officer: Shona Archer Fast Track Appeal	4 The Paddocks Common Road Hambrook Westbourne Chichester West Sussex PO18 8UP Appeal against Enforcement Notice WE/55 - removal of TPO'd trees without an application for tree works.
<u>22/02269/DOM</u>	
Westhampnett Parish Case Officer: Freya Divey Fast Track Appeal	Pampas Cottage Claypit Lane Westhampnett West Sussex PO18 0NU Front boundary wall and gates.
<u>21/03135/FUL</u>	
Wisborough Green Parish Case Officer: Calum Thomas Written Representation	Land Adjacent To 1 Newfields Newpound Wisborough Green RH14 0AX Change use of land to private gypsy and traveller caravan site consisting of 1 no. pitch.

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
Land north west of Premier Motor Homes, Main Road, Birdham	Stationing of caravans for the purpose of human habitation	Contempt of Court proceedings High Court. Next hearing date has been set for 20 th and 21 st December 2023

Prosecutions		
Site	Breach	Stage
Land South of the Stables	Of Enforcement Notice	Waiting for new court date after case was adjourned pending the outcome of a new planning application
Crouchlands – Lagoon 3	Of Enforcement Notice	Not guilty plea entered. Trial on 23 August 2023
82 Fletchers Lane	Of Enforcement Notice	First court hearing on 15 August 2023
Land East of Farmfield Nurseries	Of Enforcement Notice x 2	Not guilty plea entered. Waiting for the court to issue a trial date

7. POLICY MATTERS