

Chichester District Council

Planning Committee

Wednesday 1 February 2017

Report of the Head of Planning 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).

- WR – Written Representation Appeal
- H – Hearing
- I – Inquiry
- FT – Fast Track (Householder/Commercial Appeals)
- () – Case Officer Initials
- * – Committee level decision

1. NEW APPEALS

Reference/Procedure	Proposal
SDNP/15/00301/BRECON Bury WR (R Hawks)	1 Sutton Hollow The Street Sutton Pulborough West Sussex RH20 1PY - Breach of conditions - use and demolition
CH/14/03647/OUT I (R Jones)	Land North Of Aviary Close Hambrook Chidham West Sussex - Outline application for 39 no. dwellinghouses and open space.

Reference/Procedure	Proposal
CH/16/00806/DOM WR (P Hunt)	3 Wayte Cottages Chidham Lane Chidham Chichester West Sussex PO18 8TQ - New rear facing dormer window.
SDNP/16/03955/HOUS Easebourne WR (R Grosso MacPherson)	The Old Pump House Henley Old Road Henley Easebourne GU27 3HQ - Two storey rear extension and front porch addition.
NM/15/00375/CONCOU I (R Hawks)	Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex -
SDNP/14/00448/COU Plaistow WR (S Pattie)	Northurst Farm Dial Green Lane Lurgashall Petworth West Sussex GU28 9HA - Extension of residential curtilage.
SY/ 16/00373 /FUL WR (M Tomlinson)	Tidewall Cottage 85 East Street Selsey West Sussex PO20 0BU - Erection of 1 no. dwelling.

2. DECISIONS RECEIVED

Reference/Decision	
CC/15/03923/FUL WR (M Tomlinson) Dismissed	25A Chapel Street, Chichester, West Sussex, PO19 1BT - To replace 6 no. windows with UPVC units.
<p>...the host building is identified as a 'positive building' in the CCA Character Appraisal. These represent non-designated heritage assets. It is proposed to replace six existing timber casement windows with uPVC windows of a similar style...while there are examples of uPVC replacements in St Cyriacs, the majority remain in timber...timber again remains the predominant material for windows and doors on the appeal site side of the street. I note the appellant's intention for the style of the replacement windows to be 'like for like' but in uPVC. Nonetheless, I consider that the design and materials proposed are not appropriate for the host property of the CCA and would fail to achieve that outcome. The window frames would be relatively modern and bulky design, which would appear inelegant in the streetscene and would detract from the character and appearance of 25A and the CCA.</p>	
CC/15/04197/DOM WR (H Chowdhury) Dismissed	39 Ormonde Avenue, Chichester PO19 7UX – Proposed Conservatory
<p>The proposed extension would result in a total projection from the rear elevation of the main house of 6 metres in very close proximity to the shared boundary with No 37. No 37 has a habitable room window relating to a kitchen close to the boundary between the two properties. Given the close relationship, the degree of projection of the proposal, together with its noticeable increase in height compared with existing screen fencing on that part of the boundary, would result in it having an overbearing and unacceptably enclosing effect on people using No 37's kitchen as well as the most private garden area closest to the rear of that house. For the above reasons, the proposed development would cause unacceptable harm to the living conditions of the occupiers of No 37 in respect of outlook.</p>	

Reference/Decision	
EWB/16/01638/DOM WR (M Tomlinson) Allowed	Offshore, 5 Tamarisk Walk, East Wittering, Chichester, West Sussex, PO20 8DQ - Amendment to planning application 16/00677/DOM - narrow balcony to rear elevation.
<p>"... I noted that there exists locally some considerable degree of intervisibility from dwellings over parts of rear gardens due to extent, height and position of glazing and in some cases balconies and roof terraces. The public footpath also generally allows views into this row of garden areas albeit I did note that the homes in question here do have greater screening to this aspect than most others locally. The approved scheme at the appeal property would provide opportunities for a degree of over-looking and while one is constrained or blinkered to a degree by being indoors there would be no physical side screens with the permitted arrangement. The outdoor space created by the balustrade on the proposed balcony is shallow and would not allow for any depth of gathering or degree of seating and it is hard to see how any table arrangement could be set up. I suspect that the space would be used for short periods but in any event, unless one leant out and looked backwards / downwards, the side screens would meet the task of maintaining a degree of privacy for the 'patio' parts of the gardens most closely tied to the neighbouring homes. In the circumstances, and given the tradition and evolution of seaside houses which is clearly evident along this stretch of coast, the development proposed would not appear out of place and would not give rise unacceptable loss of privacy; complete privacy within these garden areas is not a locally distinctive feature, quite the opposite. ... I would also agree that the matter of side screening should be set out explicitly as the Council suggests, in the interests of residential amenity.. "</p>	
SY/16/02420/DOM WR (P Hunt) Allowed	Alkerton House, 58 James Street, Selsey, PO20 0JG - Proposed first floor extension over side extension of permitted application 15/02712/DOM.
<p>No 58 is set in a corner position, where the south-west elevation is well tucked away at the end of the close. As a result, the proposed extension would be largely hidden behind the main house when viewed from the close and would be almost entirely screened when viewed from St James Street itself. The design, scale, height and increased width and massing of the proposed extension would be consistent with the previously approved extensions and alterations to the property. There would be reasonable separation between the flank wall and the common boundary...The proposed extension</p>	

Reference/Decision - continued	
<p>would have no windows in the side elevation...The rear garden of No 47 is sufficiently separated from No 58 such that the effect of any overlooking arising would not be inconsistent with that to be reasonably expected in an established residential area of this nature...There would be full height windows in the rear elevation of the proposed extension, with a Juliet balcony, which would not allow for standing out.</p>	
<p>WH/15/04038/FUL H (F Stevens) Dismissed</p>	<p>Land North Of March Primary School, Claypit Lane, Westhampnett, West Sussex - Erection of two storey detached dwelling house and detached single storey double car port with attached storage.</p>
<p>...the appellant owns and operates an established stud specialising in the breeding and showing of award-winning Connemara ponies from land and buildings adjoining the appeal site. I accept that having a worker living at the stud would aid the detection of health problems or injuries...However, as the appellant confirmed, no breeding is currently taking place at the stud...in my view security and welfare matters as well as other emergencies could adequately be dealt with by other methods, such as employing a security guard or regular patrols...I am not satisfied that the nature and scale of the current stud business demonstrates that there is an essential need for a rural worker to live at their place of work...by being arranged over two storeys and providing four bedroomed accommodation, the dwelling would have a substantial overall size, height and bulk, added to by the outbuilding...Consequently, the proposal would be experienced as a large scale and rather obvious residential feature in the otherwise largely open and undeveloped surroundings and it would therefore give a more urbanised appearance to the locality...in my view the proposed dwelling would not provide a suitable living environment for its future occupiers, having regard to the noise from aircraft...the proposal would not accord with the development strategy and settlement hierarchy set in LP Policy 2. Accordingly, it would not accord with the sustainable development principles in LP Policy 1.</p>	

3. OUTSTANDING APPEALS

Reference/Status	Proposal
<p>BI/15/00139/CONSH PI (S Archer) In Progress 7th – 9th February 2017 CDC Committee Room 1</p>	<p>Land North West Of Premier Business Park, Birdham Road Birdham, West Sussex – Access track, hardstanding and fencing. Linked to BI/15/01288/FUL and BI/15/00194/CONTRV</p>

Reference/Status	Proposal
BI/15/00194/CONTRV PI (S Archer) In Progress 7 th – 9 th February 2017 CDC Committee Room 1	Land North West of Premier Business Park Birdham Road Birdham, West Sussex - Use of land as a Traveller Site. Linked to BI/15/01288/FUL and BI/15/00139/CONSH
BX/16/01909/FUL WR (J Cross) In Progress	Land North East Of 51, Halnaker, Boxgrove, West Sussex - 2 bedroom single storey oak framed self-catering holiday accommodation unit.
BI/15/01288/FUL PI (S Archer) In Progress 7 th - 9 th February 2017 Committee Rm1	Land north west of Premier Business Park, Birdham Road Birdham, West Sussex PO20 7BU - Proposed single pitch site including the provision of a utility building for settled gypsy accommodation together with existing stables. Linked to BI/15/00194/CONTRV and BI/15/00139/CONSH
SDNP/14/04865/FUL BURY I (D Price) Awaiting Decision	Land North of Junction with B2138 Bury Road Bury West Sussex - Change of use from agricultural land to a Gypsy and Traveller's site. Linked to SDNP/15/00336/COU .
Reference/Status	Proposal
SDNP/15/00336/COU BURY I (R Hawks) Awaiting decision	Land North of Junction with B2138 Bury Road Bury West Sussex - Stationing of two caravans for human habitation. Appeal against enforcement notice Linked to SDNP/14/04865/FUL
CC/15/00409/CONBC WR (S Archer) In Progress	3 Pound Farm Road, Chichester, West Sussex, PO19 7PX - Residential occupation of games room. Appeal against enforcement notice.
CC/16/01842/FUL WR (C Boddy) In Progress	North House, North Street, Chichester, West Sussex - Demolition of existing ground floor rear extensions and erection of single storey floor rear extension, with new vehicular access. Roof extension to provide 2 no. one-bedroom flats. Internal alterations to existing flats.
CH/14/00399/CONMHC	Cockleberry Farm, Main Road, Bosham, West Sussex,

H (R Hawks) In Progress	PO18 8PN - Appeal against the stationing of 2 mobile homes (in livery yard) for purposes of human habitation. LINKED TO CH/16/01902/PA3P
CH/16/01902/PA3P H (M Tomlinson) In Progress	Cockleberry Farm, Main Road, Bosham, West Sussex, PO18 8PN - Part 3 Class P application for prior approval - Proposed change of use of 3 no. B8 storage buildings to 3 no. dwellings. Revised application further to CH/15/02290/PA3P. LINKED TO CH/14/00399/CONMHC
CH/16/02071/FUL WR (R Ballam) In Progress	Land South Of Kings Meadow, Broad Road, Hambrook, Chidham, West Sussex - Revised house type on Plot 30 with attached single garage and drive, access onto Broad Road.
Reference/Status	Proposal
EWB/16/01793/DOM WR (J Cross) In Progress	22 Seafeld Close, East Wittering, West Sussex, PO20 8DP - Demolition of garage and outbuildings, extension and loft conversion to bungalow. LINKED TO EWB/16/00311/FUL
EWB/16/01793/DOM WR (J Cross) In Progress	22 Seafeld Close, East Wittering, West Sussex, PO20 8DP - Demolition of garage and outbuildings, extension and loft conversion to bungalow. LINKED TO EWB/16/00311/FUL
EWB/16/02532/DOM WR (M Tomlinson) In Progress	Dakar, Nab Walk, East Wittering, PO20 8DH - First floor extension over existing garage to provide new studio.

Reference/Status	Proposal
FU/15/02504/FUL H (K Rawlins) Awaiting Decision	Land South Of The Stables, Scant Road East, Hambrook, West Sussex, PO18 8UB - Change of use of land from equestrian use to half equestrian and residential gypsy and traveller site with the erection of barn and 2 no. stable building
SDNP/16/04021/FUL FUNTINGTON WR (D Price) In Progress	Land South of Braefoot, Southbrook Road, West Ashling, PO18 8DN - Construction of three bedroom thatched roof dwelling and double garage/car port following clearance of site including a shed and two existing caravans one being residentially occupied, installation of access gate, fences and landscaping.
HN/16/01665/OUT WR (M Tomlinson) In Progress	Streamside, 1 St Leodegars Way, Hunston, PO20 1PE - Outline application for the erection of 1 no. 3 bedroom dwelling.
SDNP/16/01027/HOUS LAVANT WR (J Shore) In Progress	60 Midhurst Road, Lavant, West Sussex, PO18 0BP - Rear extension and conversion of outbuilding. LINKED TO SDNP/16/01028/LIS

Reference/Status	Proposal
SDNP/16/01028/LIS LAVANT WR (J Shore) In Progress	60 Midhurst Road, Lavant, West Sussex, PO18 0BP – Rear extension and conversion of outbuilding. LINKED TO SDNP/16/01027/HOUS
LX/15/00498/ELD I (C Boddy) Awaiting Decision	Beech Farm, Roundstreet Common, Loxwood, Wisborough Green, West Sussex, RH14 0AN. - The siting of a mobile home for the purposes of human habitation independently to Beech Farm House
PS/13/00015/CONCOU I (R Hawks) In Progress 25 th -28 th April & 3 rd -4 th May 2017	Crouchlands Farm, Rickmans Lane, Plaistow, Billingshurst West Sussex, RH14 0LE. Use of anaerobic digestion tanks and equipment for importation of waste and export of biomethane. Construction of a digestate lagoon without planning permission. Appeal against enforcement notice. Linked to s78 appeal against refusal of planning permission by WSCC.
SDNP/15/00361/COU PLAISTOW WR(R Hawks) In Progress	Old Hearne Farm, Jays Lane, Lurgashall, Haslemere, West Sussex, GU27 3BL - Without planning permission, the erection of a building and laying of a stone pavement
PS/16/00562/PLD WR (H Chowdhury) In Progress	Newhouse Farm, Shillinglee Road, Shillinglee, Northchapel GU8 4SZ - Construction of single storey outbuilding to be used for purposes incidental to the enjoyment of the dwelling.
Reference/Status	Proposal
SY/14/00304/CONHH WR (S Pattie) Awaiting decision. PINS have been reminded that this appeal remains undetermined.	100 Beach Road, Selsey, Chichester, West Sussex PO20 0SZ - Erection of a fence adjacent to the highway. Appeal against enforcement notice.
SY/15/00371/CONCOU H (R Hawks) In Progress	East Beach Evangelical Church, 6 Marisfield Place, Selsey, Chichester, West Sussex PO20 0PD - Stationing of a portacabin. Appeal against enforcement notice.
SY/15/00376/CONADV WR (S Archer) In Progress	2 Sherrington Mews, Ellis Square, Selsey, Chichester West Sussex, PO20 0FJ - Non-illuminated fascia sign within the front porch pitched roof over the entrance to door to Unit 2. Appeal against a discontinuance notice.
SY/16/02694/FUL WR (M Tomlinson)	47 Gainsborough Drive, Selsey, PO20 0HG - 1 no. dwelling.

WE/15/00363/CONBC H (R Hawks) In Progress	The Woodlands, Marlpit Lane, Hambrook, Westbourne, Emsworth, West Sussex, PO10 8EQ - Breach of condition 2 to 12/00559/FUL - occupation agricultural. LINKED TO WE/15/03965/FUL
WE/15/03965/FUL H (C Boddy) In Progress	The Woodlands, Marlpit Lane, Hambrook, Westbourne, Emsworth, West Sussex, PO10 8EQ - Retention of 1 no. mobile home to serve the dual purpose of providing a single travelling show persons pitch and a single Gypsy pitch. LINKED TO WE/15/00363/CONBC
WE/16/01529/FUL WR (C Boddy) In Progress	The Meadow, Cemetery Lane, Woodmancote, Westbourne West Sussex - Use of land as a single pitch private gypsy plot. Resubmission of WE/15/01114/FUL.

Reference/Status	Proposal
WE/16/02259/FUL WR (R Ballam) In Progress	Yew Tree Cottage, North Street, Westbourne, PO10 8SN - Demolition of rear conservatory and construction of ground floor extension and part first floor infill extension. LINKED TO WE/16/02260/LBC
WE/16/02260/LBC WR (R Ballam) In Progress	Yew Tree Cottage, North Street, Westbourne, PO10 8SN - To demolish rear conservatory and construction of ground floor extension and part first floor infill extension. LINKED TO WE/16/02259/FUL
SDNP/14/04141/FUL WISBOROUGH GREEN WR (D Price) In Progress	Stroods, Strood Green, Wisborough Green, Billingshurst RH14 0HL - Partial removal of low level boundary wall, retention of remainder of wall and relocation of tennis court. Retention of greenhouse and vegetable patch and removal of patio area and post and rail fence. New post and rail fence to tennis court.

4. VARIATIONS TO SECTION 106 AGREEMENTS

NONE.

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage
NONE		

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Birdham Farm	Breach of Enforcement Notices and Stop Notices	<p>Court Orders will be served on all defendants in person with notification that we reserve the option to have the case re-opened at court before April 2017 after the Planning Inspectorate matter is concluded. Date for the public Inquiry is 7,8,& 9 February 2017.</p> <p>12.01.17 – Court ordered Council to pay £1511.45 in costs to adjacent landowner who had been adjointed to the original proceedings but then withdrawn.</p>

Prosecutions		
Site	Breach	Stage
Nell Ball Farm (Mr & Mrs Cozens-Smith)	Breach of Enforcement Notices x 3	<p>First court hearing at Worthing Magistrates' Court on 7 October 2016. Defendant has requested an adjournment, now awaiting a new court date. New court date: 6 January 2017. Proceedings were withdrawn at court due to Mr Cozen-Smith having complied with the 3 Enforcement Notices issued. The full costs of the investigation and prosecution were paid by the defendant to Chichester District Council of £2264.25.</p>

Prosecutions		
Site	Breach	Stage
1 The Quell Cottages	Breach of Listed Bulding Consent and Planning permission	<p>Prosecution in progress against the owners and building Project Manager. Court date provided: 6 January 2017. Defendants pleaded guilty. Sentencing, fine imposed of £2,000 to owner and £1,000 to builder. Costs given in full and split equally between the parties: total costs: £3,323.51 and £1,661,95 respectively</p>

7. POLICY MATTERS

NONE