

Chichester District Council

Planning Committee

Wednesday 21 June 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/16/00069/COU Upwaltham I (Shona Archer)	The Mill, Eartham Lane, Eartham, Chichester, PO18 0NA – Use of workshop as residential.
SDNP/16/05877/FUL Fernhurst WR (B Stubbington)	Home Farm, Bell Road, Kingsley Green, Fernhurst, GU27 3LG – Formation of a new access with field gate and associated track.
SDNP/16/04701/LIS Harting H (Rafa Grosso MacPherson)	East Harting Farm, Hollist Lane, East Harting, Petersfield, GU31 5LU – Extension to annex.

SDNP/16/04896/FUL Harting WR (Rafa Grosso MacPherson)	Hill Ash Farm, Hill Ash Lane, West Harting, GU31 5NY - Construction of 1 no. store building for equestrian use.
LX/16/03786/FUL Loxwood WR (Paul Hunt)	Land at Oakhurst Farm, Oakhurst Lane, Loxwood, Billingshurst, RH14 0QR - Demolition of existing kennels building which has consent to be converted into a dwelling under application reference LX/15/00138/FUL and the erection of a new residential building to the west of the existing building.
NM/16/00424/ELD North Mundham I (Reg Hawks)	10 Acres, Land North of Fisher Common Nursery, Fisher Lane, North Mundham, PO20 1YU - Continuous occupation for in excess of 4 years of barn style building erected under planning permission 10/00517/FUL granted on 28 April 2010. <u>Linked to NM/15/00375/CONCOU – see below</u>
SB/16/03569/OUT Southbourne I (Rhiannon Jones)	Land East of Breach Avenue, Southbourne - Outline with all matters reserved except access - development of up to 34 dwellings, access, retention of orchard, public open space and other associated works.
SDNP/16/00334/COU Stedham H (Shona Archer)	The Old Studio, Bridgefoot Lane, Stedham, West Sussex, GU29 0PT – Use as a self contained residential unit.
TG/16/03798/FUL Tangmere WR (R Ballam)	1 Boxgrove Corner, Arundel Road, Tangmere, PO18 0DU – Erection of 1 no. 3 bed chalet bungalow.

2.DECISIONS RECEIVED

Reference/Decision	
CC/16/02363/FUL WR (C Boddy) APPEAL ALLOWED	34 Ormonde Avenue Chichester PO19 7UX - Demolition of existing dwelling and erection of 3 no. dwellings, with associated access, parking and landscaping.
<p>“...I accept that the demolition of No 34 would unbalance the pattern of frontage development along Ormonde Avenue. However, the geometry of the access would be fairly modest and the resultant gap between Nos 32 and 36 would not be unduly excessive. The loss of No 34 would not be readily apparent in more distant, oblique views to the north and south where the access would be largely concealed by on-street and frontage parking. Whilst, the loss of No 34 would be apparent in more immediate views, it is not a distinctive building and I am unpersuaded that the effect on the street scene would be so unacceptable as to provide a compelling reason to dismiss the appeal. The houses would occupy a back-land location lacking a traditional frontage to Ormonde Avenue. However, there is nothing in the policies referred to by the Council that preclude back-land development per se. Although the plot sizes would be smaller than those to the north and east, there would be ample separation between the</p>	

dwellings as well as to the appeal site boundaries. Their proportions, detailing and materials would all be broadly consistent with adjacent properties and I can find nothing untoward in that regard particularly as the development would be well screened from public vantages by existing frontage development. Consequently, the dwellings would not appear unduly cramped, intrusive or prominent in the street scene. I have noted the Council's view that the height of the dwellings would be incongruous. However, the submitted plans show that they would be only slightly higher than those to the east. The Council has not adduced any substantial evidence to explain why existing views across the appeal site from the recreation land or the conservation area are worthy of special protection. In my view, the perimeter landscaping would heavily filter views of the development and even in the winter months the dwellings would simply be seen against the general townscape beyond. Consequently, the setting of nearby heritage assets would be preserved. Overall, there would be some change to the character and appearance of the area. However, for the reasons given above, I find that the degree of change would not be at a level to cause unacceptable harm or to bring the proposal into conflict with the development plan. I therefore conclude that the development would not cause unacceptable harm to the character and appearance of the area. According to the Flood Risk Assessment (FRA) 2 submitted with the appeal, most of the site including the proposed access and habitable rooms would be within Flood Zone 1 and at a lower risk from flooding. Flood Zones 2 and 3 which are classed as medium /high probability flood zones respectively. Within such areas, the Framework advises that a Sequential Test should be carried out. In the absence of such a test the Council argue that they cannot be sure that there are not more preferable housing sites in the district. However, that part of the site within Flood Zones 2 and 3 would form the gardens to the proposed dwellings. Accordingly there would be no material change in its use. Decisively the access, parking areas and the houses themselves would be within Flood Zone 1 meaning that future occupiers would have safe refuge in the event of a flooding event. Consequently, I am satisfied that a Sequential Test is not required in this instance. The FRA concludes that subject to various resilience measures being incorporated such as setting minimum floor levels for habitable rooms and the provision of sustainable drainage systems, the development would not be at actual risk of flooding nor would it increase flooding risk elsewhere. The Environment Agency has not objected to the application on the basis of the measures in the FRA. Although the FRA was originally submitted with a slightly different application, its recommendations could be secured by way of a planning condition. I conclude that the development would not be placed at an unacceptable risk of flooding. There would thus be no conflict with Policy 42 of the LP or advice in the in the Framework regarding flooding. Whilst I accept that the dwellings would be visible from number of neighbouring gardens and rear facing windows, in most cases there would be a good degree of separation as well as intervening tree cover. I have some concern about the potential outlook from the rear garden..."

[SY/16/02196/FUL](#)
 WR (P Hunt)
 APPEAL ALLOWED

Arun Posts Southern Road Selsey Chichester West Sussex
 PO20 0BD - Change of use of existing ancillary outbuilding
 to a 2 bedroom dwelling with external alterations, formation
 of a projecting front gable and new access

"The appeal is allowed and planning permission is granted for the change of use of existing ancillary outbuilding to a 2-bed dwelling with alterations, formation of a projecting front gable and new access... The appeal property is a single storey outbuilding located to the rear of Arun Posts. It fronts Southern Road and is a relatively simple and unobtrusive building both in terms of its proportions and appearance. The surrounding area is characterised predominantly by bungalows of varying design...In my view, the addition of a projecting front gable, a common feature in the Southern Road street scene, would significantly improve the appearance of the building by removing the

unsightly roller shutter door. As the main bulk of the building is already in situ it cannot reasonably be argued that the dwelling would be out of keeping with the established settlement pattern or result in a loss of openness... Although the amount of outdoor amenity space would be appreciably smaller than that of surrounding properties, the garden would be located to rear where views would be restricted to those from adjacent private gardens. Accordingly, the character and appearance of the area would not be impaired...I conclude that seen in its context, the dwelling would not appear unduly cramped and would not harm the character and appearance of the area..."

[WE/16/00565/FUL](#)
WR (C Boddy)
APPEAL DISMISSED

Land West Of Jubilee Wood Hambrook Hill North Hambrook West Sussex - Agricultural building, compound and access track.

"...The main issues are firstly, whether there is sufficient justification for the barn and secondly, its effect upon the character and appearance of the countryside. ...The building is required to provide secure storage to house essential machinery and livestock in connection with the intended use of the surrounding land. However, at the time of my visit, there was no evidence and that any agricultural activity has taken place hitherto. None of the stated items are currently kept on the land and I have doubts whether their storage alone would require a building of the size proposed. Whilst I note the appellant's intention to graze animals on the land, there is considerable doubt as to its suitability for such purposes given that it is a former landfill site... In the light of the above and given the lack of information about exactly what the building would be used for, I am not persuaded on the evidence before me that an "esssential" agricultural need for the building has been demonstrated in this case... The Bridal Lane despite some sporadic residential development in the locality, the area is unmistakably rural and the openness of the site makes a significant contribution to the area's bucolic character... The barn would be visible in glimpsed views from the public footpath to the south, The Bridle Lane and from the new access track to the north. I agree with the Council that the scale of the building and compound would be excessive relative to the land it would serve. Collectively they would completely change the open and rural character of the land giving it an industrial appearance. Of particular concern is the siting of the building to the south of the field, the reasons for which are unclear, as this would necessitate the construction of a lengthy access track... No essential need for the building and associated works have been demonstrated and it would have a harmful effect on the character and appearance of the countryside. I therefore conclude that the development would conflict with Policy 45 of the LP. There would also be conflict with Policies 1, 2 and 48 of LP and advice in the "National Planning Policy Framework" which amongst other things, seeks to recognise the intrinsic character and beauty of the countryside...."

[WE/16/01218/OUT](#)
WR (C Boddy)
APPEAL DISMISSED

Land At Mill Lane Westbourne Emsworth West Sussex PO10 8RT - Construction of 3 no. dwellings.

"...The appeal is dismissed... In light of the above, the main issues are whether the development is acceptable in light of local planning policy and its effect on the character and appearance of the countryside... There is no dispute between the parties that the Council has a 5 year supply of housing... Consequently, the LP and policies therein must carry full statutory weight. In order to protect the landscape, character, quality and tranquillity of the countryside Policy 45 of the LP strictly controls new residential development. It is not part of the appellant's case that the proposal accords with the exceptions set out in this policy. Therefore the location of the development would conflict

with the spatial strategy of the development plan and specifically Policy 45 of the LP... In my view the site contributes to an open and undeveloped setting to the south of Mill Lane at a point where a marked transition from village fringe to open countryside begins... Whatever form the development takes, it is likely that it would be a more formal, close-knit layout than that which prevails in the locality. Although views of the development from the wider landscape would be filtered by existing planting on the site

boundaries which could be strengthened, there would still be a significant localised effect from Mill Lane. From here the dwellings, vehicle parking/manoeuvring areas and domestic boundary treatments would all be clearly visible through the entrances. Whatever the level of inter-visibility between the development and public vantage points, the argument that a development would be out of sight, is not a good one in principle as it could be off-repeated to the overall detriment of the countryside. The development would completely change the open character of the land thus giving the area a more built-up character. The open setting, albeit contained behind landscaping currently, as well as those glimpses of the open countryside to the south would be permanently lost. I therefore conclude from the evidence before me and from my site visit that the appeal scheme would be a visually intrusive development on the periphery of a settlement which is outside the main built up part of Westbourne. Consequently, there would be conflict with Policies 33 and 48 of the LP which seek to protect local landscape character...Whilst there are basic services and facilities in Westbourne which would provide for some day-to-day essentials, future occupants of the proposed development would still be dependent on longer distance car journeys to access supermarkets, employment areas and the like...Even if I am wrong about that, the nearest facilities in the village centre would be approximately 0.5km away. The local primary school is located on the far side of the village nearly 1km away. Whilst the distances involved might not be overly excessive, they would not be particularly convenient either. Of more significance is that a meaningful section of the route is unlit, narrow and without the benefit of footways meaning that pedestrians including children would have to walk in the carriageway...In my view therefore journeys on foot to local services would be the reserve of the most intrepid pedestrians. There are bus stops close to the site. However, as no timetables have been submitted I have no information before me as to the frequency and timing of bus services which might run from these stops. Overall, for the majority of future residents, the balance of probability is that for most journeys, for most purposes, the transport mode of choice, and in most cases necessity, would be the private car. Accordingly, I do not consider the development would be sustainable in locational terms... I have carefully considered the appellant's submissions that the LP cannot be considered 'up to date' because it pre-dates the Act and makes no specific provision for self-build housing. Whilst I agree with the appellant that the promotion of self build housing is a legitimate aim of government planning policy and therefore a material consideration in this appeal, it would be quite perverse for me to conclude that the failure of the LP to have foreseen the requirements of the Act in advance should render it out..."

[CC/16/03755/DOM](#)

WR (P Hunt)

Allowed

42 Guilden Road, Chichester, West Sussex, PO19 7LA -
Demolition of existing side extension and rear conservatory,
erection of side two storey extension and rear single storey
extension.

"... The appeal is allowed and planning permission granted for the demolition of existing side extension and rear conservatory and erection of a two storey side extension and a single storey rear extension ... The main issue in this case is the effect of the proposal on the living conditions of the occupiers of 41 Guilden Road, with particular regard to natural light and outlook ... The proposal would comprise the replacement of the side element with a 2-storey addition and the replacement of the conservatory with a single-storey addition of similar footprint. The 2-storey element would greatly increase the height and bulk of development next to the boundary shared with 41 Guilden Road. As a consequence there would be a reduction in the level of daylight and sunlight reaching windows in the flank elevation of No. 41 and a reduction in outlook from the internal spaces served by these windows... I consider it likely that the windows in the side elevation of No. 41 provide natural light to, and outlook from circulation areas, non-habitable rooms or provide a secondary source of light to rooms with windows facing the street or rear garden... I am satisfied that the reduction in natural light to, and outlook from, No. 41 would not have an unacceptable impact on the living conditions of the occupiers of the property. The proposal therefore complies with Policy 33 of the Chichester Local Plan: Key Policies 2014-2029 which seeks development that respects neighbouring amenity..

3.OUTSTANDING APPEALS

Reference/Status	Proposal
SDNP/17/00030/APNB Bepton WR (R Grosso MacPherson) In progress	Padwicks Farm, Whites Lane, Bepton, GU29 0LY - Agricultural storage building.
BI/15/00139/CONSH PI (S Archer) Awaiting decision	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
BI/15/00194/CONTRV PI (S Archer) Awaiting decision	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
BI/15/01288/FUL PI (S Archer) Awaiting decision	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/16/02175/FUL BURY WR (B Stubbington) In Progress	Timberley Farm, Bury Common, Bury, Pulborough, West Sussex RH20 1NP - Widen existing farm entrance.

Reference/Status	Proposal
SDNP/16/04313/FUL BURY WR (L Kent) In Progress	Highfield, 161 Bury Road, Bury, Pulborough, West Sussex RH20 1NL - Erection of replacement dwelling - revised scheme to that granted under SDNP/15/05945/FUL.
SDNP/16/05456/HOUS BURY WR (J Shore) In Progress	Hollow Farm, The Street, Bury, Pulborough, West Sussex RH20 1PA - Construction of outdoor swimming pool and associated changing room building.
CH/14/00399/CONMHC H (R Hawks) Awaiting decision	Cockleberry Farm, Main Road, Bosham, West Sussex, 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) Awaiting decision	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
CC/16/03484/FUL WR (C Boddy) In progress	18 Lavant Road, Chichester, West Sussex, PO19 5RG – Demolition of existing property and construction of 3 no. dwellings, with associated access, parking and landscaping
CC/16/03916/ADV WR (P Hunt) In progress	The Chantry, 27 - 28 Southgate, Chichester, West Sussex PO19 1ES - 1 no. illuminated fascia sign, 2 no. menu signs, 1 no. non-illuminated projection sign and 2 no. written logo signs. 6 no. flood lights and 2 no. lanterns.
E/16/01459/FUL WR (F Stevens) In Progress	Dragon Nursery, Third Avenue, Earnley, West Sussex, PO20 7LB - Erection of 1 no. custom/self build dwelling - Alternative to dwelling permitted by virtue of Class P Prior Approval for Change of Use from Class B8 (Storage) to Class C3 (Dwellinghouse) under E/15/04244/PA3P. Linked to E/16/02914/FUL
E/16/02914/FUL WR (F Stevens) In Progress	Dragon Nursery, Third Avenue, Batchmere, West Sussex, PO20 7LB - Erection of 1 no. custom/self build dwelling - Replicating change of use to dwelling permitted by virtue of Class P Prior Approval for Change of Use from Class B8 (Storage) to Class C3 (Dwellinghouse) under E/15/04244/PA3P but with false pitch roof and roof lanterns. Linked to E/16/01459/FUL

Reference/Status	Proposal
SDNP/15/03654/FUL Elsted & Treyford WR (D Price) Awaiting Decision	Elsted Road Bridge, Fitzhall Road, Elsted, West Sussex - Infill single span bridge with stone and foam concrete to provide long-term structural support to the bridge. Form new embankments to sides of bridge and drainage pipes laid at ground level.
SDNP/16/05784/FUL WR (R Grosso MacPherson) In progress	Ashurst, Lickfold Road, Fernhurst, GU27 3JB - Replacement dwelling including realigned driveway.
SDNP/16/05918/HOUS Graffham FT (B Stubbington) In progress	Summerfield Cottage, Graffham Street, Graffham, GU28 0NP – Proposed new driveway with off road parking.
SDNP/16/00425/FUL Lodsworth WR (J Shore) In progress	Old Bakehouse, Surrey Road, Lickfold, Lurgashall, Petworth, West Sussex, GU28 9DX - Replacement dwelling.
SDNP/14/00448/COU Lurgashall WR (S Pattie) In Progress	Northurst Farm Dial Green Lane Lurgashall Petworth West Sussex GU28 9HA - Extension of residential curtilage.
SDNP/15/00361/COU Lurgashall H (R Hawks) Hearing to be held 10am 12 July at Chichester District Council	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. Linked with SDNP/16/04559/FUL
SDNP/16/04559/FUL Lurgashall H (J Shore) Hearing to be held 10am 12 July at Chichester District Council	Old Hearne Farm, Jays Lane, Lurgashall, Haslemere West Sussex, GU27 3BL - Retention of the east barn and its immediate surroundings for mixed agricultural and equestrian purposes. Linked with SDNP/15/00361/COU
SDNP/16/00204/OPDEV Midhurst WR (S Archer) In progress	Flat 2, Thomond House, North Street, Midhurst, GU29 9DJ – Formation of door opening.

Reference/Status	Proposal
<p>NM/15/00375/CONCOU I (R Hawks) In Progress</p>	<p>Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex - Change of use of barn to residential.</p>
<p>NM/16/03884/OUT WR (Fjola Stevens) In progress</p>	<p>The Pine Place, Lagness Road, Runcton, PO20 1AQ – Outline Application for 4 no. dwelling houses and associated works.</p>
<p>O/16/02254/OUT I (J Bushell) Public Inquiry to be held 6 & 7 June – WSCC at 10am 13 & 16 June – Chichester Park Hotel at 10am 14 June – Vicars Hall at 10am 15 June – Oving Jubilee Village Hall at 10am</p>	<p>Land To The South Of Oving Road/B2144, Shopwhyke West Sussex - Outline application for the development of the site to provide 100 no. dwellings (use class C3), with an associated access, parking, outdoor space, landscaping and infrastructure.</p>
<p>PS/13/00015/CONCOU I (R Hawks) Adjourned to 31 July 2017 at Brinsbury College, Pulborough</p>	<p>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.</p>
<p>SB/16/00176/CONCOU WR (R Ballam/E Kierans) In progress</p>	<p>Land East Of Inlands Road, Inlands Road, Nutbourne, West Sussex - Change of use of land - stationing of containers, paving materials, sheds and play area. LINKED TO SB/16/02811/FUL</p>
<p>SB/16/02811/FUL WR (R Ballam/E Kierans) In progress</p>	<p>Land East Of Inlands Road, Inlands Road, Nutbourne, West Sussex - Siting of metal shipping container for storage of agricultural equipment and animal feeds. LINK TO SB/16/00176/CONCOU</p>
<p>SB/16/00757/FUL WR (F Stevens) In Progress</p>	<p>Thornham House, Prinsted Lane, Prinsted, Southbourne PO10 8HS - Retrospective erection of a tennis court (siting). Changes to boundary of the property and siting from originally approved application 13/03928/FUL.</p>

Reference/Status	Proposal
WE/15/00363/CONBC H (R Hawks) Awaiting decision	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) Awaiting decision	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
WH/16/02827/FUL WR (C Boddy) In progress	Maudlin Mill, Sidengreen Lane, Maudlin, Westhampnett, Chichester, West Sussex, PO18 0QU - Construction of a workshop with first floor office.

2. VARIATIONS TO SECTION 106 AGREEMENTS

NONE

3. CALLED-IN APPLICATIONS

Reference	Proposal	Stage
NONE		

4. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Birdham Farm	Breach of Enforcement Notices and Stop Notices	Court action is being held in abeyance pending the outcome of the appeal/public inquiry process (see above).

Prosecutions		
Site	Breach	Stage
Barn North of Hunston Dairy Farm	Breach of Condition Notice	Court date obtained and summons sent to defendant for court hearing on 2 June at Worthing Magistrates' Court. 2 June: matter adjourned to 30 June as defendant stated he done some work as required by the Condition Notice. Site visit will be arranged to review the matter.
37 North Street, Midhurst	Breach of Enforcement Notice	Worthing Magistrates' Court on 2 June: proceedings withdrawn as compliance with Enforcement Notice achieved.

5. POLICY MATTERS

NONE