

# 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), Mr 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

## SUPPLEMENT TO AGENDA

### 2 **Approval of Minutes** (Pages 1 - 8)

The minutes relate to the meeting of the Planning Committee on 24 April 2019.

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Minutes of the meeting of the **Planning Committee** held in The Council House (Chichester City Council), North Street, Chichester on Wednesday 24 April 2019 at 9.30 am

**Members Present:** Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mr G Barrett, Mrs J Duncton, Mr J F Elliott, Mr M Hall, Mr L Hixson, Mrs J Kilby, Mr G McAra, Mr S Oakley, Mr R Plowman, Mrs J Tassell and Mrs P Tull

**Members not present:** Mr M Dunn

**In attendance by invitation:**

**Officers present:** Mrs S Archer (Enforcement Manager), Miss C Boddy (Senior Planning Officer), Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mr J Saunders (Development Manager (National Park)), Mrs F Stevens (Development Manager (Applications)) and Mr T Whitty (Divisional Manager for Development Management)

## 301 **Chairman's Announcements**

The Chairman welcomed everyone to the meeting, and the emergency evacuation procedure was displayed on screen.

## 302 **Approval of Minutes**

### **RESOLVED**

That the minutes of the meeting held on 13 March 2019 be approved and signed by the Chairman as a correct record.

## 303 **Urgent Items**

There were no urgent items.

## 304 **Declarations of Interests**

Mrs Duncton declared a personal interest in planning applications SDNP/18/05965/FUL and SDNP/19/00253/FUL as a member of West Sussex County Council.

Mr Oakley declared a personal interest in planning applications SDNP/18/05965/FUL and SDNP/19/00253/FUL as a member of West Sussex County Council.

Mrs Purnell declared a personal interest in planning applications SDNP/18/05965/FUL and SDNP/19/00253/FUL as a member of West Sussex County Council and SY/18/01751/FUL as a member of Sesley Town Council.

305 **WW/18/02708/DOM- Dolphins Rookwood Lane West Wittering Chichester West**

This item was withdrawn from the agenda.

306 **SY/18/01751/FUL - Land To The Rear Of 28 Park Lane Selsey Chichester West**

The following member the public addressed the committee:

Mr C Alden – Parish Representative

In response to Members' questions regarding the actual permitted use class, and the construction of the drainage, Mrs Stevens responded that the use class was sui generis and as there is no indication that vehicle use will be significant the construction of the access track (to a domestic standard) would be appropriate.

Recommendation to **Permit** agreed.

307 **SI/18/01584/FUL -Longreach 14A Chalk Lane Sidlesham**

During the discussion Members debated the conversion of redundant buildings for other purposes, and asked if a condition could be added confirming that the building could not be converted to a dwelling at a future date. Mr Whitty drew members' attention to the report which stated the building should only be used for agricultural purposes and should the building cease to be used for this purpose, it should be demolished. Mr Whitty also advised that there is a further application pending for the grazing of cattle.

Recommendation to **Permit** agreed.

308 **PS/18/02939/FUL - Valtony Loxwood Road Plaistow**

Additional information was reported on the agenda update sheet regarding an amendment to condition 2 including a plan showing the proposed gates, which stated 'The development hereby permitted shall not be carried out other than in accordance with the approved plans' to ensure compliance with planning permission.

The following member of the public addressed the committee:

Mr L Smith – Agent.

During the discussion Members debated the proposed glass link in relation to the Dark Skies Policy, and sought clarification regarding whether the new dwelling would be constructed on a platform, if provision for bats had been made and the method of construction. Ms Stevens confirmed the dwelling would not be elevated

on a platform and referred Members to condition 3 which required details of the floor levels to be approved prior to construction. The glass link had been reduced in size with tinted glazing to the roof and was of good design. The design for the dwelling did not include roof lights, therefore light emitted was not considered to be a concern. Members further discussed the control of external lighting and Ms Stevens responded that such a condition would be included.

Recommendation to **Permit** agreed with amended and additional conditions requiring no external lighting, a scheme to mitigate light spill from glazed link, and restriction of PD for roof lights and dormer windows.

309 **FB/18/03033/DOM - Little Dolphins Main Road Fishbourne Chichester West**

Additional information was reported on the agenda update sheet regarding an amendment to conditions 2 and 3 to lower or replace the fence on the southern boundary of the site, to be constructed in materials as specified within the application form and plans, and to reduce the width of the shed and stain with Cuprinol Old English Green in accordance with the approved plan.

The following member of the public addressed the committee:

Mr A Moss – CDC Member

During the discussion Members sought clarification on the fence line, the colouring of the fence and shed. Mrs Stevens confirmed the replacement fence was in the same location as the previous fence, and condition 3 stated the colour stain to be used and maintained. On a further question regarding the planting, Mr Whitty confirmed that condition 4 stated that should planting die within five years of being planted, it shall be replaced.

Recommendation to **Permit** agreed.

310 **SDNP/18/05093/LDE - Buryfield Cottage, Sheepwash, Elsted, Midhurst, GU29 0LA**

Mr Saunders provided an update with regards to the South Downs National Park Local Plan: On 1<sup>st</sup> February 2019, the SDNPA published the Main Modifications schedule to the South Downs Local Plan. The consultation on the 'Main Modifications' ran from 1 February 2019 and ended on 28 March 2019. Whilst the Main Modifications have been proposed without prejudice to the Inspector's final conclusions, it is not expected that the Inspector will now propose any further changes when issuing his final report in the spring. Therefore, the South Downs National Park Authority considers that 'significant weight' should now be applied to all policies in the South Downs Local Plan, as amended to incorporate the Main Modifications. This means that the policies should be given greater weight than any saved policies that were adopted prior to the National Planning Policy Framework (2012) that has, until now, formed part of the development plan.

Additional information was reported on the agenda update sheet by way of a letter from the applicant which had been forwarded to Members of the committee.

Mrs Golding drew the committee's attention to point 15 in the applicant's letter which cited two pieces of legal evidence, both from the case of Parker v Yeo 1972, and confirmed this was not a planning case, but one related to qualifying to stand as a Councillor and if the place of work was the council offices and whether the work of a Local Authority Councillor was employment for the purposes of the Local Government Act 1972. The judge in this case ruled that although Councillors undertook work, this had a wider meaning than business or employment, and the duties of a Councillor did not therefore amount to employment.

The following member of the public addressed the committee:

Mr A Shaxson – Applicant

The Chairman requested Mrs Golding to respond on the final statement from the applicant. Mrs Golding confirmed that the appeal decision from the agent and applicant had been received but the applicant had quoted 'only part of a sentence' and Mrs Golding provided the committee with both relevant sentences in full: 'The word 'employed' can take the meaning of spending time doing something simply from pleasure or out of interest such as a hobby regardless of the financial outcome or with the intention of doing something with a financially beneficial outcome such as paid work'. The inspector continued, 'I consider that 'employed' in the condition is to be given the meaning more akin to the latter rather than the former.'

The Chairman commented that when he began his role as District Councillor in 2007, it was made abundantly clear to Councillors that they were not employees of the Council.

A Member of the committee commented that the issue was not one of whether a Councillor received a wage or allowance but related to a building which no longer had a connection with agriculture and cited another application in which change of use from agricultural residence to normal residence had been granted in recent years. Mr Saunders confirmed that on a point of clarification the application was not to lift the condition, but for a 'Lawful Development Certificate' which focuses on whether that condition has been complied with for a period of time, and that the condition was quite specific in that it restricted the dwelling to someone employed in agriculture and also covered the opportunity for an occupant to have retired from agriculture. Considering the evidence, the applicant was last employed in agriculture and so had complied with the condition. Mrs Golding reiterated that the planning merits of lifting the condition were not relevant, as this is not a planning application, but the applicant is able to submit an application to lift the condition. The matter for consideration was whether the condition had been complied with which the officers have confirmed, as the applicant's last employment was in agriculture.

During the discussion Members debated the role of a Councillor with a paid allowance, the associated tax implications for a financial income, the definition of agriculture and 'Lawful Development Certificates'. Mr Whitty responded that the

merits of the case are not relevant, and that it was the applicant's choice to submit an application for a Lawful Development Certificate as he clearly felt he had breached the condition for long enough and this was the best way of achieving their aims. If they wished to submit an planning application to lift the tie, Members would have to consider whether or not there was still a need for agricultural workers on the farm, which it is still part of. With regards to the current application, it has been submitted as stated and the merits cannot be taken account of. As Mr Saunders and Miss Golding has set out, the question was ultimately whether the activities undertaken by the applicant in the last twenty years form employment.

Members further debated what might be classed as income with reference to HM Revenue and Customs. Miss Golding responded by advising that when considering whether there is a breach of an agricultural occupancy condition, the courts advise 'to turn it on its head' and therefore by permitting this it would be accepting that in the last ten years, an enforcement notice could have been served and the occupant required to leave, as the occupant would have been in breach of the condition. Therefore, in the future if another Councillor is a retired farmer with an agricultural occupancy restriction, to be consistent' an enforcement notice would have to be served. By permitting this, the authority would be accepting that was a breach, and by becoming a Councillor, they are breaching the condition, which was potentially not the intention of the condition, to not permit retired farm workers to become Councillors or undertake any other voluntary 'work'. Mr Whitty added that officers would steer members away from considering income and taxation as a key element, this was about the relationship the Councillor shares with the organisation, with regards to benefits and how an employment tribunal would consider those, and on that basis officers are recommending that it does not constitute employment.

Recommendation to **Refuse** agreed.

311 **SDNP/18/05965/FUL - Land East Of Flint Acre Farm Bignor Park Road Bignor**

Additional information was reported on the agenda update sheet regarding an additional condition that the development work to the stables and hardstanding would not begin until works to the access and culvert had been carried out in accordance with the approved drawing. This work must also be to the satisfaction of SDNPA and require formal written consent from the Lead Local Flood Authority (WSCC) or its agent (CDC).

The following members of the public addressed the committee:

Mr E Mersey – Parish Representative  
Miss F Johnston – Objector  
Mrs A Booth – Objector

During the discussion Members sought clarification regarding SDNPA equestrian policies and Mr Saunders responded that the Local Plan states equestrian development will be permitted where compatible with the landscape and for equestrian buildings to be of good design or for existing buildings to be used where available. Access should be appropriate and supplemental landscape features provided such as hedgerows.

Members further debated the cumulative impact of such developments, drainage of hardstanding surfaces necessary for vehicles, suitability of the land which is 'boggy', the need for lights and water' and changing the character of the area. Mr Saunders confirmed that such development should comply with the new South Downs Local Plan, for purposes as a designation of a National Park. Policy SD4 relates to the conservation and character of the landscape. There are a number of policies which should be read in conjunction with the equestrian policy. With regards to drainage of the hardstanding area, condition 4 requires details to be submitted to the Council. Mr Saunders further added that 'boggy' fields have been traditionally used for grazing animals and utilities were already available on the site.

During the discussion, Members debated the potential drainage issues, and suitability of the location for horses. Mrs Tassell proposed that the application should be refused on the grounds of the impact on the landscape which was seconded by Mr Elliot.

Motion to **Refuse** agreed (contrary to officer recommendation).

### 312 **SDNP/19/00253/FUL - Aldsworth Manor Farm Sheepwash Lane Aldsworth**

The following member of the public addressed the committee:

Mr A Elms – Applicant

During the discussion Members commented on the tidiness and appearance of the site, and importance of the business supplying flint for construction of walls within the local area. Members sought clarification on whether conditions should be tightened regarding the potential for activities to change, and should the business move or cease, and if the premises would be returned to their original use, and if the lighting, and movement and storage of materials was considered appropriate. Mr Saunders responded that conditions had been included regarding lighting and storage. A condition could be included, that should the business cease the buildings would be returned to agricultural use, and any storage would be associated only with the business. Members further discussed if a company name could be used to denote and limit the activities on the site which was confirmed for inclusion.

Recommendation to **Permit** agreed with additional condition restricting the height of any external storage.

### 313 **Schedule of Outstanding Contraventions**

The Committee considered and noted the schedule of outstanding contraventions circulated with the agenda, which was presented by Mrs Archer.

Mrs Archer updated members on the latest position relating to the statistics, performance indicators and notices served as at 31 March 2019 adding that the Council is currently in a good position.

314 **Chichester District Council - Schedule of Planning Appeals, Court and Policy Matters between 22-Feb-2019 and 04-Apr-2019**

The Committee considered and noted the schedule of planning appeals, court and policy matters (CDC) that had been circulated with the agenda.

315 **South Downs National Park - Schedule of Planning Appeals, Court and Policy Matters between 21-02-2019 and 04-04-2019**

The Committee considered and noted the schedule of planning appeals, court and policy matters (SDNPA) that had been circulated with the agenda.

The meeting ended at 1.30 pm

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CHAIRMAN

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Date:

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