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A meeting of **Planning Committee** will be held virtually on **Wednesday 12 August 2020** at **9.30 am**

MEMBERS: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman),
Mr G Barrett, Mr R Briscoe, Mrs J Fowler, Mrs D Johnson, Mr G McAra,
Mr S Oakley, Mr H Potter, Mr D Rodgers, Mrs S Sharp, Mr A Sutton and
Mr P Wilding

SUPPLEMENT TO AGENDA

15 **Agenda Update Sheet** (Pages 1 - 6)

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Agenda Update Sheet

Planning Committee
Wednesday 12th August 2020

ITEM: 5

APPLICATION NO: 20/01481/FUL

COMMENT:

Amended Conditions

Condition 18 is amended to read:

18) **No construction of any dwelling above slab level shall commence** until such time as the developer has entered into a Section 278 Agreement with West Sussex County Council to secure the highway works serving the development, including the traffic calming as shown on drawings ITB13023-GA-004 Rev G and ITB13023-GA-005 Rev B. No dwelling shall be first occupied until such time as the approved S.278 highway works and traffic calming measures have been implemented in full unless any variation is specifically agreed in writing by the Local Planning Authority in consultation with West Sussex County Council as the Local Highway Authority.

Reason: To accord with the terms of the application and in the interests of road safety.

Condition 21 is amended to read:

21) **No dwelling shall be first occupied** unless and until the vehicular access and associated visibility splays have been provided at the proposed vehicular site access onto Guildford Road in accordance with drawing ITB13023-GA-004 Rev G. Once provided the visibility splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above the level of the adjoining carriageway or as otherwise may be agreed in writing by the Local Planning Authority following consultation with the Local Highway Authority.

Reason: In the interests of road safety.

ITEM: 8

APPLICATION NO: 20/00605/FUL

COMMENT:

Amended Condition

Page 90 - Condition 7 has been updated to clarify that it

7) Notwithstanding any existing permission, at no time following this grant of permission shall there be more than one marquee erected anywhere within the Selsey Country Club grounds.

Reason: To limit the number of marquee erected within the site, in the interest of visual amenity and proper planning.

Corrections to agenda report

Page 77 – recommendation should read ‘RECOMMENDATION TO PERMIT’

ITEM: 11

CDC Schedule of Planning Appeals, Court and Policy Matters Between 17-Jun-2020 and 21-Jul-2020

COMMENT:

In respect of the appeal decision for 18/00675/FUL detailed on pages 140-141, the decisions for the linked planning and enforcement appeals have also been received.

17/00310/CONCOU Funtington Parish Case Officer: Tara Lang Written Representation	Cutmill Depot Newells Lane West Ashling Chichester West Sussex PO18 8DE - Appeal against FU/67
Appeal Decision: Appeal Dismissed and the Enforcement varied [time for compliance]	
<p>....The appellant's first name has been spelt incorrectly.... the mistake was no more than a typographical error and it would thus have remained clear who was being served upon. Furthermore, as an appeal has been lodged it cannot be said that the appellant has been substantially prejudiced by this mistake....the appellant contends that the touring caravan was not used for the purposes of human habitation and therefore this breach of planning control has not occurred..... There is however very little evidence before me to demonstrate [that] this was not the casethe mobile home and touring caravan are not in a suitable location and, as well as the boundary wall, are harmful to the character and appearance of the area. Whilst I have some sympathy for the situation the appellant finds himself in, the other considerations raised do not outweigh these harms.....The site represents the appellant and his family's only home..... I consider that 8 months strikes the appropriate balance to enable the requirements of the notice to be met whilst not allowing the breaches of planning control to unduly subsist. To this extent the appeal succeeds.</p>	

<p>16/00325/CONCOM North Mundham Parish</p> <p>Case Officer: Shona Archer</p> <p>Written Representation</p>	<p>6 Oakdene Gardens North Mundham Chichester West Sussex PO20 1AQ - Appeal against NM/28</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>"... The appellants have been able to lodge an appeal and provide evidence ... The appellant does not dispute that the land is being used to store the items listed and is enclosed by a fence. ... The appeal site is being used to store items belonging to the appellants, who do not live at No 6. This is therefore an entirely separate and standalone storage use on a separate unit of occupation, which is both physically and functionally separate. ... The site is dominated by the storage containers and open storage ... This is not akin to the storage of personal items within a garden ... Accordingly, a material change of use has occurred... It has not been demonstrated that the use [is immune from enforcement]...the notice requires that the items be removed from the land, not that they be disposed of. They could therefore be stored elsewhere rather than thrown away. The three months' compliance period is reasonable. The appeals are dismissed and the enforcement notice is upheld."</p>	
<p>18/00676/FUL Funtington Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>Cutmill Depot Newells Lane West Ashling Chichester West Sussex PO18 8DE - Retrospective erection of boundary wall in excess of 1m in height adjacent to highway</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>The boundary wall is a particularly ornate boundary treatment situated along two road frontages. It is overtly domestic in appearance and has resulted in an unacceptable urbanising feature which does not sensitively contribute to the setting and rural qualities of the area. Whilst the appellant contends that the boundary wall results in a marked improvement on the previously dilapidated chain-link fence, it is in my view conspicuous and not a sensitive enhancement owing to its height and ornate design. I conclude that the developments are harmful to the character and appearance of the area in contravention of Policies 33 and 48 of the LP, which seek, amongst other things, to meet the highest standards of design and sensitively contribute to setting and quality. For the same reasons the developments fail to comply with the achieving well-designed places objectives of the Framework.</p>	

<p>18/00393/CONHH Appledram Parish</p> <p>Case Officer: Emma Kierans</p> <p>Written Representation</p>	<p>Ferndale 133 Birdham Road Appledram Chichester West Sussex PO20 7DY - Appeal against Enforcement Notice AP/5</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>" ... The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended. ... In contrast with other boundary treatments, the subject fencing is highly visible in the street scene, due to its height and considerable length. ... The fence and gates as a result of their excessive height and design cause unacceptable harm to the character and appearance of the area. They are therefore contrary to policies 33, 45 and 48 of the Chichester Local Plan: Key Policies 2014 – 2029 (2015). These policies seek to ensure that new development meets the highest standards of design and have minimal impact upon the landscape and rural character of the area, contributing to its setting and quality. ... screening does not adequately mitigate the unacceptable harm identified to the character and appearance of the area. ... if I was to extend the period for compliance as suggested, this would effectively amount to granting temporary planning permission, which would not address the harm I have identified above. ... there is no evidence to demonstrate that a fence of this design and height is the only way to secure the property. ..."</p>	
<p>19/02126/FUL Wisborough Green Parish Case Officer: Daniel Power Written Representation</p>	<p>Goose Cottage Durbans Road Wisborough Green RH14 0DG - Change of use of 1 no. existing timber clad store room into 1 no. new dwelling. Removal of temporary tent garage and replacement with 1 no. timber clad garage.</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>"... the proposal would conflict with the Council's strategic approach towards the location of development and result in future occupiers being dependent on the private car. The development would also cause harm to the living conditions of neighbouring residents. Although some benefits would arise from the proposal including the boost to housing supply and the economic benefits arising from the construction and subsequent occupation of the dwelling, the small scale of the development means that the benefits would be limited. Furthermore, whilst the proposal would accord with The Framework in some respects, for the reasons set out above, I conclude that the development would be contrary to The Framework when taken as a whole. ..."</p>	

Birdham Injunction – Land rear of Premier Motor Homes, Main Road, Birdham

The Councils application for an Injunction under Section 187(b) of the Planning Act 1990 was heard on 27th and 28th July 2020 in the High Court and the judgement was handed down on 5th August 2020.

A Permanent Injunction Order was issued on 10 August that orders the 25 defendants and persons unknown to:

- 1) Cease to use the land for residential purposes and remove all caravans, equipment, furniture and moveable items by 31 December 2020
- 2) Remove all hard core, cabling, gates, stables, rubble etc. and restore the land to its agricultural use by 31 January 2021
- 3) The defendants shall not bring any more caravans without this LPA's approval or carry out or permit any development without planning permission
- 4) We have been awarded our costs to be paid by all defendants but the amount of costs will need to be assessed at a separate hearing (within 3 months of the Order).

The defendants could apply to the court to have the order varied but there must be significant and evidenced reason for doing so.

A breach of the Injunction Order is contempt of court; which is punishable with a fine and or imprisonment.