

# Public Document Pack

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A meeting of **Planning Committee** will be held in Virtually on **Wednesday 7 October 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

## AGENDA

11 **Agenda Update Sheet** (Pages 1 - 4)

### NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]
5. How applications are referenced:
  - a) First 2 Digits = Parish

- b) Next 2 Digits = Year
- c) Next 5 Digits = Application Number
- d) Final Letters = Application Type

#### Application Type

**ADV** Advert Application  
**AGR** Agricultural Application (following PNO)  
**CMA** County Matter Application (eg Minerals)  
**CAC** Conservation Area Consent  
**COU** Change of Use  
**CPO** Consultation with County Planning (REG3)  
**DEM** Demolition Application  
**DOM** Domestic Application (Householder)  
**ELD** Existing Lawful Development  
**FUL** Full Application  
**GVT** Government Department Application  
**HSC** Hazardous Substance Consent  
**LBC** Listed Building Consent  
**OHL** Overhead Electricity Line  
**OUT** Outline Application  
**PLD** Proposed Lawful Development  
**PNO** Prior Notification (Agr, Dem, Tel)  
**REG3** District Application – Reg 3  
**REG4** District Application – Reg 4  
**REM** Approval of Reserved Matters  
**REN** Renewal (of Temporary Permission)  
**TCA** Tree in Conservation Area  
**TEL** Telecommunication Application (After PNO)  
**TPA** Works to tree subject of a TPO  
**CONACC** Accesses  
**CONADV** Adverts  
**CONAGR** Agricultural  
**CONBC** Breach of Conditions  
**CONCD** Coastal  
**CONCMA** County matters  
**CONCOM** Commercial/Industrial/Business  
**CONDWE** Unauthorised dwellings  
**CONENG** Engineering operations  
**CONHDG** Hedgerows  
**CONHH** Householders  
**CONLB** Listed Buildings  
**CONMHC** Mobile homes / caravans  
**CONREC** Recreation / sports  
**CONSH** Stables / horses  
**CONT** Trees  
**CONTEM** Temporary uses – markets/shooting/motorbikes  
**CONTRV** Travellers  
**CONWST** Wasteland

#### Committee report changes appear in bold text. Application Status

**ALLOW** Appeal Allowed  
**APP** Appeal in Progress  
**APPRET** Invalid Application Returned  
**APPWDN** Appeal Withdrawn  
**BCO** Building Work Complete  
**BST** Building Work Started  
**CLOSED** Case Closed  
**CRCTACT** Court Action Agreed  
**CRTDEC** Hearing Decision Made  
**CSS** Called in by Secretary of State  
**DEC** Decided  
**DECDET** Decline to determine  
**DEFCH** Defer – Chairman  
**DISMIS** Appeal Dismissed  
**HOLD** Application Clock Stopped  
**INV** Application Invalid on Receipt  
**LEG** Defer – Legal Agreement  
**LIC** Licence Issued  
**NFA** No Further Action  
**NODEC** No Decision  
**NONDET** Never to be determined  
**NOOBJ** No Objection  
**NOTICE** Notice Issued  
**NOTPRO** Not to Prepare a Tree Preservation Order  
**OBJ** Objection  
**PCNENF** PCN Served, Enforcement Pending  
**PCO** Pending Consideration  
**PD** Permitted Development  
**PDE** Pending Decision  
**PER** Application Permitted  
**PLNREC** DC Application Submitted  
**PPNR** Planning Permission Required S64  
**PPNREQ** Planning Permission Not Required  
**REC** Application Received  
**REF** Application Refused  
**REVOKE** Permission Revoked  
**S32** Section 32 Notice  
**SPLIT** Split Decision  
**STPSRV** Stop Notice Served  
**STPWTH** Stop Notice Withdrawn  
**VAL** Valid Application Received  
**WDN** Application Withdrawn  
**YESTPO** Prepare a Tree Preservation Order



## Agenda Update Sheet

Planning Committee  
Wednesday 7<sup>th</sup> October 2020

**ITEM: 5**

**APPLICATION NO: CH/20/00412/OUT**

**COMMENT:**

Additional consultation response

A further consultation response was received from Chichester Harbour Conservancy on 01/10/2020, maintaining their objection on the following grounds (*summarised by officer*):

- Harbour water contamination and recreational disturbance.
  - The north Solent coastline is extensive and such matters are about achieving nitrate neutrality across its length. If properly delivered through an obligation and carefully monitored into the future to ensure the land in Hampshire is not put back to growing a crop, Conservancy Planning Officers would broadly support such an approach, although taking cropped land which drained to Chichester Harbour out of production would have been preferred.
  - All surface water drainage eventually makes its way to Chichester Harbour. The Conservancy demands that water quality in the Harbour is not compromised, but notes Southern Water's 24-3-20 response confirms it would be possible for the development to connect to mains sewerage. Connecting is one thing, but does Thornham WwTW actually have the capacity to deal with increased sewerage flows, especially given other recent development close-by in its catchment
- Whilst noting the significant contribution that could come forward in terms of meeting the District's affordable housing needs, the land is designated countryside where development will only be permitted where it requires a countryside location and meets an essential, small scale and local need which cannot be met within the existing settlement. The application is therefore considered to be prejudicial to the proper consideration of the existing and emerging neighbourhood plan.

It is noted that Council Officers consider a claim for costs is possible against the Council if it does contest the Appeal, but Conservancy Officers consider that even if the Council does not accept The Conservancy position, The Conservancy and Chidham and Hambrook Parish Council have a legitimate right to have their concerns considered by the appointed Inspector, especially since The Conservancy has applied for statutory consultee status under the Town and Country Planning (Development Management Procedure) Order 2015. If Localism means anything in Government Policy, this approach must be respected.

Officer comment:

As part of any appeal, third parties will have the opportunity to make written representations to the Planning Inspectorate, regardless of the Local Planning Authority's decision to contest the appeal or not. The appellant has requested a hearing, although this has yet to be confirmed by the Planning Inspectorate. The 'Guide to taking part in planning and listed building consent appeals proceeding by a hearing – England' published by the Planning Inspectorate July 2020 states:

"9.5 Hearings are open to members of the public, and although you do not have a legal right to speak, the Inspector will normally allow you to do so. If you want to speak at the hearing, you need to think about what you want to say and how you want to say it. Some people prefer to make, or read out, a brief statement giving their views. If there are several people with the same views, it is a good idea for one person to speak on behalf of the others".

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**ITEM: 6**

**APPLICATION NO: EWB/19/00431/AGR**

**COMMENT:**

Updated Reasons for Refusal

1. The proposed development requires or involves the formation, laying out or material widening of a means of access to an existing highway which is a classified road, so as to be likely to cause danger to persons using the highway and therefore by virtue of Article 3(6) of the General Permitted Development Order 2015, the permission granted by schedule 2 thereof does not apply to the proposal.
2. The proposed development would require works to an existing private way which is within 25 metres of a metalled part of a classified road and therefore the development is not permitted under Part 6 Class A of the GPDO by virtue of paragraph A.1(h), and as such the works do not constitute Permitted Development.
3. Notwithstanding the conclusions above that the proposals would not constitute permitted development, insufficient information to demonstrate that the siting of the proposal would not result in a material intensification of use to the access from Tile Barn Lane onto the B2198 in a manner that would create an obstruction to the view of persons using the highway by vehicular traffic, so as to be likely to cause danger to such persons, by virtue of crossing the centre line of the carriageway.

Further Information from the Applicant

*"Please see below images for uploading onto the planning portal. The images show the current level of encroachment of tractors and trailers when travelling northbound onto the opposite carriageway of the B2198 using the Tile Barn Lane Farm exit.*

*This practice has been completed for over 50 years without issue.*

*Further, this use occurred to a significantly greater extent prior to 2016 (before the current applicant's exclusive ownership).*

*The field harvested on 7/9/20 was the last one at Hundresteddle Farm, the preceding fields being completed during the summer holidays. This, coincidentally is over the same time as the heavy tourist traffic usage of the B2198.*

*It has been suggested by objectors that the proposed new development would greatly compromise the safety of users of the B2198. This argument is based upon anticipated encroachment of articulated HGV's into the opposite carriageway of the B2198 when travelling northbound (articulated HGV's being used in the industry to transport sold serials both nationally and internationally as opposed to tractors and trailers which are limited to a 15 mile radius). This is despite the fact that:*

- 1. The proposed barn provides for a more spread out use of any farm related traffic, over a 12 calendar month as opposed to just during harvest, due to the storage facility;*
- 2. The tractors and trailers currently used already, in theory, present sufficient overhang to cause serious traffic incident. Accordingly there is not consider to be any real increase in danger to motorists through the use of articulated HGV's.*
- 3. The overall number of movements are reduced by the development and use of articulated HGV's in comparison to the smaller capacity provided by tractor and trailer.*
- 4. There has never been an incident on this road between a motorist and agricultural equipment / tractor and trailer; and*
- 5. WSCC confirmed to Rachel Strange by email that this section of road has a good safety record (email submitted previously on the portal).*

*The Applicant has never before this application received any complaint from residents of Tile Barn Lane regarding the safety of this entrance / exit.*

*We trust this email provides further clarity on highways issues."*

#### Further Third Party Comments Received:

10 further letters of representation have been received, citing objections which can be summarised as follows:

- Reiterating that their previous objections still stand
- That the access to the site is unsafe
- Articulated tanker cannot complete right turn-in manoeuvre without the existing access being significantly widened. Turning left from Tile Barn Lane would require an articulated tanker to be at a dead-slow speed to avoid the risk of jack-knifing.
- No information on traffic movements from AMS Contracting and AMS Plant Hire.
- A smaller barn on alternative siting would be more suitable
- Questioning the design and intensions for the building
- Barn is too large for the size of the farm
- Would fail to be permitted development
- Swept path tracking for articulated HGV movements have not been provided

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## **APPEAL DECISIONS**

17/00104/CONBC and 18/01685/FUL - Burgau Barn, Plaistow Road, Ifold, Loxwood, Billingshurst, West Sussex, RH14 0TZ

### Appeals Dismissed

"... Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 permits the development but it is not permitted if the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. ... Inspection of the buildings on site and plans show that the building height has been raised by a considerable change in the roof pitch. The plans indicate a pitch of around 15 degrees whereas on site it is about 24 degrees. Even taking into consideration a marginal increase in the building width and the permitted increase to the height of the agricultural building the ridge height has increased considerably and not a notional or de minimis amount. The Council also say that as part of the conversion of the agricultural building it was extended with a single storey extension on the north west elevation at the same time. Photographs are provided that confirm, on the balance of probability, that this is the case. ... I conclude that the size of the building has been materially increased during the process of the change of use and therefore does not accord with permitted development and that there is no provision for retrospective approval. ... The resulting building is not the conversion of an agricultural building, but with the alterations undertaken is tantamount to a new building, and therefore does not come within the terms of conversion of an agricultural building or within LP Policy 46. ... Having residential development in this location does not conserve and enhance the rural character of the area or the quality of the landscape and does not accord with LP Policies 25 and 33 and 48. ... The original building does not have planning permission and therefore the extension for residential use is not feasible."