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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 15 May 2024** at **9.30 am**

MEMBERS: Mr C Todhunter (Chairman), Mr J Cross (Vice-Chairman), Mr R Bates,

Mr D Betts, Mr R Briscoe, Mr J Brookes-Harmer, Ms B Burkhart,

Mrs H Burton, Mrs D Johnson, Mr S Johnson, Mr H Potter, Ms S Quail

and Mrs S Sharp

SUPPLEMENT TO AGENDA

10 Chichester District Council Schedule of Planning Appeals, Court and Policy Matters - REPORT TO FOLLOW (Pages 1 - 19)

The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.

REPORT TO FOLLOW

11 South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters - REPORT TO FOLLOW (Pages 21 - 30)

The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.

REPORT TO FOLLOW



Chichester District Council Planning Committee

Wednesday 15 May 2024

Report of the Director Of Planning and Environment Services Schedule of Planning Appeals, Court and Policy Matters

between 28-03-2024 - 23-04-2024

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 website.

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).

1. NEW APPEALS (Lodged)

Reference/Procedure	Proposal
23/01750/DOC	
Bosham Parish Case Officer: Alicia Snook	Ham Farm Main Road Bosham Chichester West Sussex PO18 8EH
Other	Discharge of Condition 4 (Surface Water Drainage Scheme) 5 (CEMP) and 6 (SUDs) from planning permission BO/20/01288/FUL
23/00196/FUL	
East Wittering And Bracklesham Parish	1 & 2 Azara Parade Bracklesham Lane Bracklesham West Sussex PO20 8HP
Case Officer: Sascha Haigh Written	Demolition of existing units (A3 and A1 use) and erection of a two storey mixed use building with E(a) use on ground
Representation	floor and 2 no. dwellings on 1st floor.
21/03554/FUL	
Westbourne Parish Case Officer: Martin	Land North Of The Grange Woodmancote Lane Woodmancote Emsworth Hampshire
Mew Written Representation	Retrospective siting of a temporary agricultural workers mobile home (for a period of 3 years) to provide living accommodation for an essential agricultural worker.

^{* =} Committee level decision

2. DECISIONS MADE

Reference/Procedure	Proposal
22/02995/FUL	
East Wittering And Bracklesham Parish Case Officer: Sascha Haigh	Northside The Parade East Wittering Chichester West Sussex PO20 8BL
Written Representation	Redevelopment to provide 2 no. commercial units, 5 no. one-bedroom flats and 2 no. two bedroom flats and 1 no. three-bedroom flats above.
Appeal Decision: APPEAL DISMISSED	

In the absence of a suitable mechanism to secure the necessary financial contribution. This would bring the proposal into conflict with LP Policy 50.... there is a significant degree of variance in the style and height of buildings on the northern side of Cakeham Road. I do not therefore consider this to be a location where new development must adhere to the physical dimensions of other nearby buildings. The increase in ridge height over Tesco Express would be fairly modest particularly when one considers the top floor would be recessed from the front edge of the building. Overall given the proposed building's design credentials, coupled with the negative contribution made by the existing building on the appeal site, I find the development would enhance the character and appearance of the area. It would thus accord with LP Policy 33 and Section 12 of the National Planning Policy Framework (NPPF). I am satisfied that future residents would have good access to local parks and publicly accessible outdoor space. The second reason for refusal relates to the loss of the existing toilet and storage facilities the Appellant has responded by confirming that such facilities would be provided on the ground floor units once end users have been identified. I am therefore satisfied that these matters could be addressed by a suitably worded planning condition. While I note National Highways' support for Policy T1, until such time as the Council's approach has been endorsed through the local plan process, I am not persuaded that the highway contribution would satisfy the relevant tests for planning conditions set out in paragraph 56 of the NPPF. Accordingly, the absence of a planning obligation securing the highway contribution is not a matter that weighs against the appeal.

Reference/Procedure	Proposal
22/00438/FUL	
Hunston Parish Case Officer: Emma Kierans	Grist Farm Pagham Road Roundabout Hunston West Sussex PO20 1JL
Written Representation	Stationing of a mobile home as ancillary accommodation in connection with Grist Farmhouse (part retrospective).
Appeal Decision: APPEAL DISMISSED	

The development proposed is stationing of a mobile home as ancillary accommodation in connection with Grist Farmhouse. The main issues are whether the proposal would meet an essential need for accommodation within the countryside and the effect of the proposed development on the character and appearance of the area. Accordingly, I find, on this issue, that the Appellant has failed to demonstrate that no suitable accommodation exists or could be made available, either by adaptation or extension, and that the retention of the mobile home conflicts with part 2 of policy 37 of the CLP and as such with the aims and objectives of policies 2 and 45 of the CLP, as well as the relevant policies of the Framework. Accordingly, I conclude that the mobile home results in harm to the character and appearance of this countryside area contrary to policies 2, 33, 37 and 45 of the CLP, and the corresponding policies of the Framework. For the reasons given above and having taken all the matters raised into account I conclude that the appeal should be dismissed.

Reference/Procedure	Proposal
21/03448/OUT	
North Mundham Parish Case Officer: Alicia Snook	Land At Streamside Farm North West Of Tumble Cottage Lagness Road Runcton West Sussex PO20 1LD
Informal Hearings	Outline application (with all matters reserved accept Access) for the development of up to 30 dwellings; provision of public open space/play area; landscaping; and modification of existing access.
Appeal Decision: APPEAL DISMISSED	

Since the appeal was lodged a revised version of the National Planning Policy Framework (the Framework) has been published. The parties have had the opportunity to submit comments on the Framework and it was discussed at the hearing. The appeal has been considered in light of the Framework. Even so, the site lies between an open field and stream to the east and playing fields beyond the belt of trees to the west. Therefore, it is in a recognisable open gap between Runcton and North Mundham and to the north of Lagness Road. This land is not recognised as being of landscape value but it has an intrinsic character and beauty that is distinct from the built up extents of the villages and the large glasshouses and agricultural businesses in the wider area. The appeal site makes a significant contribution to the rural aspects of the locality. The introduction of up to 30 dwellings with associated infrastructure, lighting and domestic activities would result in a marked change in the appearance and character of the site. The replacement of the barns and paddocks by housing would undermine the rural nature of the land. The plans show the dwellings would be located towards the western part of the site and so behind the line of trees along the roadside. However, these trees are not within the appeal site and so the appellant is not in a position to secure their retention. In any event, vegetation cannot be relied upon to screen the houses indefinitely. The introduction of the houses and associated infrastructure would be perceived as an encroachment of built development into the countryside. The development would abut open land on either side and so it would not visually or physically integrate with either North Mundham or Runcton. Consequently, the housing would not be perceived as a logical expansion of either of the villages and so, in these regards, it would be incongruous. For these reasons, I conclude the development would harm the character and appearance of the area. In these regards, it would be contrary to LP policies 33, 47 and 48. Amongst other things, these look to ensure development recognises and respects local character. I note the point that any new housing is likely to affect the appearance of a site and its surroundings. However, the identified harm attracts significant weight given the permanent loss of part of the countryside and subsequent detriment to its intrinsic character and beauty... The site is outside of any settlement boundaries as defined in the LP. Under LP policies 2 and 45, development within such areas is restricted to that which requires a countryside location, meets an essential rural need or supports rural diversification. The proposed development would not comply with any of these identified exceptions and so it would be contrary to the LP policies. For the above reasons, I conclude the development would be in an unsuitable location having regard to the development strategy set out in LP policies 2 and 45. However, the harm caused by this conflict with LP policies is tempered by the proposal's compliance with the Framework's provisions on the location of rural housing and sustainable transport. Therefore, I find no direct conflict with these policies... The Environment Agency (EA) flood map for planning submitted at the hearing shows the appeal site is entirely in flood zone 1 and so has a low probability of flooding. However, this relates only to flooding from rivers and the sea. Furthermore, a consultation response from West Sussex County Council as Lead Local Flood Authority indicates the appeal site is at high risk of

Groundwater flooding. No evidence is before me that contradicts this advice. I am unable to conclude that the ST has been met. As such, there is uncertainty as to whether the development would avoid buildings on land subject to flooding. I conclude the proposal would be unacceptable having regard to flood risk and it would be contrary to paragraph 168 of the Framework in these regards. The appellant refers to 3 recent appeal decisions to support their case. The local planning policy context relating to highway infrastructure contributions has not changed since the issuing of these decisions. Each of the Inspectors highlight that ELP policy T1 and the draft SPD have not been tested under formal examination and they have not been adopted. As such, to use these as a basis for calculating the required highway contribution would go against the PPG advice that policies for planning obligations should be set out in plans and examined in public. I find no reason to disagree with the previous Inspectors' views and comments on this issue. Within this context, I find the appropriate level of contribution towards A27 enhancement works is as set out in the adopted SPD. As such, the circumstances at paragraph 11(d)(i) exist and so the presumption in favor of granting planning permission at 11(d) of the Framework is not engaged. The appeal development would have several benefits that attract significant weight overall. However, the proposal would be contrary to the LP policies that relate to the first 2 main issues and also it would be at odds with the provisions of the Framework on flood risk. The collective harm that would be caused in these regards is the overriding factor. The benefits of the development even when considered together would be of insufficient weight to justify granting planning permission contrary to the LP and the Framework.

Reference/Procedure	Proposal
23/00188/FUL	
Oving Parish Case Officer: Jeremy Bushell	Land Off Longacre Way Chichester West Sussex PO20 2EJ
Written Representation	Erection of apartment building (87 units), including Class E floor space, with associated car parking, bike stores, landscaping and utilising existing access.
Appeal Decision: APPEAL DISMISSED	

The main issues are: the effect of the proposal on the character and appearance of the area; whether the proposal would make an appropriate contribution toward highway improvements, including a travel plan; and whether the proposal would provide adequate public amenity space and equipped play space. Character and appearance - the surrounding area is characterised by a mix of uses and buildings of varied scale and design. Whilst the appeal site is quite constrained in size, it provides a transition between the denser development of the urban centre and the suburban character of the predominantly residential development. Furthermore, the site fronts onto Longacre Way where the prevailing pattern of development creates a sense of enclosure but backs onto a verdant, spacious area surrounding a lake. The appeal site is characterised by the transition between different areas of the wider Shopwyke development. The proposed Ushaped building with the proliferation of parking spaces toward the centre of the site fails to address Longacre Way in a similar manner to surrounding development. Large sections of the building would be set further back from the road than neighbouring development which would disrupt the sense of enclosure. The proposed set back would be much larger than the adjacent apartment complex. Also, the proposed parking area, sited in the space between the building and the road, would be a semi-private space, unlike the public space in front of the commercial units. Moreover, large surface car parks are not a common feature within the street scene along Longacre Way. For these reasons, the proposed building would appear incongruous. The form of the building would appear as a visual barrier restricting views across the site to and from the verdant open space around the lake to the rear of the site. Furthermore, the design alongside the scale, massing, and siting of the proposed building in proximity to the open space would disrupt the spacious character of that area due to the siting of the proposed building, the blank façade on the side of the neighbouring apartment block would be prominent in mid-distance views along Longacre Way. The façade would appear stark and have a harmful effect on the character of the area. Additionally, the proposed class E use would be sited away from nearby commercial, and community uses and closer to neighbouring houses, this would confuse the legibility of the area. These aspects of the design, alone and in combination, demonstrate how the proposal fails to respect the character of the surrounding area. Overall, the proposal would have an unacceptably harmful effect on the character and appearance of the area. As such, it would be contrary to Policy 33 of the Local Plan which indicates that permission will be granted where it can be demonstrated that proposals meet the highest standards of design, and they respect and, where possible, enhance the character of the area. The proposal would also be contrary to paragraph 131 and 135 of the NPPF. These paragraphs indicate that the creation of beautiful places is fundamental to what the planning process should achieve and that decisions should ensure that developments are sympathetic to local character. The proposal would also be contrary to paragraphs 41, 43, 53, and 66 of the National Design Guide [which] indicate that welldesigned new development responds positively to the features of the surrounding context beyond the site boundary; is integrated into its wider surroundings; and is influenced by the characteristics of the existing built form; built form is determined by good urban design principles that combine layout, form, and scale. Highway improvements - a contribution which is more than the level set out in the 2066PD is not in my view justified.

Furthermore, this proposed contribution would fail to meet the Regulation 122 tests, and would not be in accordance with paragraph 57 of the Framework, as it would not be fairly and reasonably related in scale and kind to the development the proposed contribution of £227,505 set out in the UU is not in accordance with the 2016 SPD. The proposed contribution would also fail to meet the Regulation 122 tests and would not be in accordance with paragraph 57 of the Framework, for the same reasons as the proposed \$106 contribution... it would be contrary to LP Policy 9. Open space and equipped play space - Overall, given the substantial provision of both public amenity space and equipped play space in the surrounding area, I conclude that the proposal would provide adequate public amenity space and, in this instance a lack of provision of equipped play space is acceptable. Conclusion - The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

Reference/Procedure	Proposal
21/01697/PA3Q	
Plaistow And Ifold Parish Case Officer: Rebecca Perris	Premier Treecare & Conservation Ltd Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ
Written Representation	Prior notification for the change of use of agricultural buildings to 1 no. dwelling (C3 Use Class) with alterations to fenestration.

Appeal Decision: APPEAL DISMISSED

The appeal is dismissed. Whether the building would satisfy the requirements of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)(the GPDO); and the effect on the Arun Valley SPA, SAC and RAMSAR with particular regards to water neutrality. Class Q permits a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3(dwellinghouses) of the Schedule to the Use Classes Order. For the purposes of Part 3, "agricultural building" means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and "agricultural use" refers to such uses. Development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit (i) on 20th March 2013, in the case of a building which was in use before that date but was not in use on that date, when it was last in use in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins. The main thrust of the appellant's case is that there has been no change of use of the building and it remains agricultural. The building was being used to store various items, such as hay, wood, a fridge freezer, tools, and an oven . Section 336 of the Town and Country Planning Act 1990 "agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly. While the photographs show a building was present prior to 2013, it is not possible to determine from the aerial photographs how the building and associated land was being used at that time. It is not clear when the CHP was applied for, or the livestock that have been located at the site. Furthermore, there is no detail regarding the hay which has been produced. It is therefore not clear whether the land and building were used for the purposes of a trade or business. A statutory declaration, signed by the previous owner of the site, states throughout their ownership of the property, it has been used for agricultural and agricultural storage purposes and since around 2013. Statutory declaration, signed by the owner of a business located opposite the appeal site, states they have engaged the aforementioned agricultural contractor from his, then, yard which was at the appeal property and that the appeal building was used solely for the running of the agricultural contractor's agricultural business in 2013. Evidence points towards the appeal site having been used as an agricultural contractor's yard on 20 March 2013. Agricultural contractor will usually visit other landholdings and carry out specialised, seasonal or temporary services to farmers. Such activities do not constitute an agricultural use, nor can these activities be considered as ordinarily and reasonably incidental to agriculture, since the storage activities are likely to be carried out on a different planning unit to the agricultural activities. Council advises a Planning Contravention Notice was completed for the site on 15 February 2021 Page 8

Premier Tree Care and Conservation own the site and have done since November 2019. A number of interested parties also suggest the appeal site has been used as a forestry business and for tree surgery work. The storage of machinery and other items used in association with a tree surgery business would not constitute an agricultural use so permitted development rights under Class Q would not apply. The appellant has not explained in sufficient detail the nature of the activities which have been carried out at the site. From the evidence provided, it seems unlikely the appeal building was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013. Ambiguity as to how the building has been used since that time. Consequently, it has not been shown that the proposed development is development which would be permitted by Class Q of the GPDO. However, I do not have full details of the schemes referred to and, while they may be physically similar to the appeal building, it is not clear whether the circumstances surrounding their use are comparable. Water Neutrality A Regulation 77 application may be submitted and approved after prior approval is given for the development. However, the appellant has applied for a determination as to whether prior approval is required, not under Regulation 77 of the CHSR. While the requirements of both the prior approval process and Regulation 77 must be met before the development can be lawfully begun, it does not follow that the prior approval must be dismissed. Nevertheless, for the reasons given above, I find the proposed development does not meet the limitations set out within Schedule 2, Part 3, Class Q of the GPDO and so the appeal must fail. For the reasons given above the appeal should be dismissed.

Reference/Procedure	Proposal
23/01114/FUL	•
Selsey Parish Case Officer: Calum Thomas	Cranleigh 36 Park Lane Selsey Chichester West Sussex PO20 0HE
Written Representation	Demolition of existing and erection of 1 no. replacement dwelling.
Appeal Decision: APPEAL ALLOWED	

The appeal is allowed and planning permission is granted for the demolition of existing and erection of 1 no. replacement dwelling at 36 Park Lane, Selsey, PO20 0HE. The appeal property is located on the northern side of Park Lane on the outskirts of Selsey. The Council's Officer's Report states that a replacement dwelling, can be considered acceptable in principle, as it does not result in an increase in the number of dwellings in the countryside. Compliance with Policy 45 therefore turns on whether the appeal proposal is for a replacement dwelling...As is made clear in the Officer's Report, the Council's concerns were based entirely upon the design of the dwelling. The first overarching point is that the plans do not show that two dwellings are to be formed and. in that sense, they support the description of development. Nonetheless, I share some of the Council's concerns particularly in relation to the two front entrances. This strikes me as a particularly unusual design feature. Although no medical details have been provided, one would have thought a shared entrance would make more sense for someone with a disability. It is also difficult to understand why two WCs are required within the western wing if that area is intended for the Appellants' son. I concur with the Council that it would be relatively easy to convert the house into two separate units but that does not mean it would happen or is even likely to happen. I appreciate the Council was not helped by the Applicant. The application as submitted made no reference to the personal circumstances of the Appellants set out above. That was a curious omission and to some extent the Appellants have used the appeal process to evolve the scheme with new information that was not before the Council when it made its decision. Overall, I can understand perfectly well how the Council came to the view it did based on the submitted details. However, despite my uneasiness over elements of the proposed layout, I cannot say with any degree of certainty whether it was or remains the Appellants' intention to split the property...Accordingly, it would not conflict with the aims and objectives of LP Policy 45. According to the Appellants, the proposed asymmetrical pitched roof is designed to maximise solar energy capture. However, that explanation is somewhat counter-intuitive when one considers the elongated roof slope would be north rather than south-facing. Nonetheless, the asymmetrical nature of the roof would not be apparent in public views of the building from Park Lane. I find the Council's concerns about the fenestration, facing/roofing materials and detailing to be overplayed. The house would undoubtedly appear different to its neighbours, however, it would simply add to the already eclectic mix of building styles in the area. Finally, in terms of its proportions, I do not agree that the roof or dwelling would span the majority of the plot's width. I am satisfied that any harm to bats, should they be found to be present, would be satisfactorily mitigated by condition 4.

3. IN PROGRESS

Reference/Procedure	Proposal
22/01918/FUL	
Birdham Parish Case Officer: Sascha Haigh	Birdham Straight House Main Road Birdham West Sussex PO20 7HS
Written Representation	Removal of single storey sunroom to existing house and construction of 5 no. two storey houses together with garages, parking and revised access arrangements.
22/02502/FUL	
Bosham Parish Case Officer: Sascha Haigh	Land North Of Southfield House Delling Lane Bosham West Sussex PO18 8NN
Written Representation	Change of use of poultry buildings to form 1 no. new dwelling, including partial demolition of existing garage, landscaping and associated works.
22/03202/FUL	
Chichester Parish Case Officer: Rebecca Perris	2 The Gardens College Lane Chichester West Sussex PO19 6PF
Written Representation	Construction of building for student accommodation.
23/00555/DOM	
Chichester Parish Case Officer: Eleanor Midlane-Ward	28 Cavendish Street Chichester West Sussex PO19 3BS
Fast Track Appeal	Partial demolition of existing ground floor rear extension and erection of additional ground floor rear extension, with various alterations including replacement of cement render with lime based render and associated roof works. Alterations to boundary treatment and replacement of bifold gate with sliding gate.
23/01914/ADV	
Chichester Parish Case Officer: Eleanor Midlane-Ward	Land South Of Halfords Unit A3 Barnfield Drive Chichester West Sussex PO19 7AG
Fast Track Appeal	Erection of 1 no. digital advertisement display hoarding (D-Poster), internally illuminated.
21/00323/CONMHC	
Chidham & Hambrook Parish Case Officer: Andrew George	Churchers Copse Barn Hambrook Hill South Hambrook Chidham Chichester West Sussex PO18 8UJ
Informal Hearings 17-Sep-2024	Appeal against CH/59
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Reference/Procedure	Proposal
23/00209/OPEDEV	
Chidham & Hambrook Parish Case Officer: Andrew George	Churchers Copse Barn Hambrook Hill South Hambrook Chidham Chichester West Sussex PO18 8UJ
Informal Hearings 17-Sep-2024	Appeal against CH/60
00/0000/FLD	
23/00089/ELD	
Earnley Parish Case Officer: Emma Kierans	Batchmere Lodge 95 First Avenue Almodington Earnley West Sussex PO20 7LQ
Written Representation	Existing lawful development certificate for the change of use of building to dwelling.
<u>23/00117/FUL</u>	
Earnley Parish Case Officer: Emma Kierans	Cheraw Nursery 134 Almodington Lane Almodington Earnley West Sussex PO20 7JR
Written Representation	Demolision of 2 no. outbuildings and existing stables and erection of 1 no. dwelling.
00/00700/ELU	
23/00788/FUL	
Earnley Parish Case Officer: Emma Kierans	Outbuilding South Of 101 First Avenue First Avenue Almodington Batchmere West Sussex
Written Representation	Construction of detached workshop building along with associated hard standing, fence and landscaping.
23/01373/FUL	
Earnley Parish	Land Rear Of 114 Second Avenue Batchmere Chichester
Case Officer: Eleanor Midlane-Ward	West Sussex PO20 7LF
Written Representation	Retrospective application for 1 no. tennis court and associated fencing.
23/02147/DOM	
23/02147/DOM Earnley Parish Case Officer: Emma Kierans	Tykes Farm Barn Somerley Lane Earnley East Wittering Chichester West Sussex PO20 7JB

Reference/Procedure	Proposal
22/00304/CONHH	
Earnley Parish Case Officer: Mr Michael Coates-Evans	Tykes Farm Barn Somerley Lane Earnley East Wittering Chichester West Sussex PO20 7JB
Written Representation	Appeal against E/37
* 22/02214/FULEIA	
East Wittering And Bracklesham Parish Case Officer: Jane Thatcher	Stubcroft Farm Stubcroft Lane East Wittering Chichester West Sussex PO20 8PJ r
Public Inquiry	Erection of 280 no. residential dwellings (including affordable housing), associated highway and landscape works, open space and flexible retail and community floorspace (Use Classes E and F).
* 22/02235/OUTEIA	
East Wittering And Bracklesham Parish Case Officer: Jane Thatcher	Land At Stubcroft Farm Stubcroft Lane East Wittering Chichester West Sussex PO20 8PJ
	Outline application (with all matters reserved except for Access) for the construction of sheltered living accommodation.
22/02444/FUL	
East Wittering And Bracklesham Parish Case Officer: Emma Kierans	1 Field Maple South Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex
Informal Hearings	Use of land as a single private travelling showperson's site.
23/01064/FUL	
East Wittering And Bracklesham Parish Case Officer: Emma Kierans	Land South Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex PO20 7JE
Informal Hearings	Change of use of land as a travellers caravan site consisting of 3 no. pitches and associated development.
22/04/504/51!!	
23/01504/FUL East Wittering And Bracklesham Parish Case Officer: Emma	Land South Of 1 Field Maple Bracklesham Lane Chicheste Bracklesham PO20 7JE
Kierans	

East Wittering And Bracklesham Parish Case Officer: Andrew George Informal Hearings Appeal against EW/53 Appeal against EW/53 Appeal against EW/53 Casa Officer: Mr Michael Coates-Evans Written Representation Written Representation Written Representation The development of 4 no. new dwellings (3 no. 3-beds and 1 no. 2 beds) including the provision of a new vehicular access onto Blackboy Lane, a new pedestrian crossing or Blackboy Lane, a new pedestrian crossing or Blackboy Lane, and associated works. 20/00005/CONMHC Hunston Parish Case Officer: Sue Payne Written Representation Mritten Representation Grist Farm Hunston Chichester West Sussex PO20 1JL Appeal against HN/31 Moores Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS Erection of a detached dwelling following demolition of fre standing garage. Loxwood Parish Case Officer: Sascha Haigh Written Representation Loxwood Parish Case Officer: Sascha Haigh Written Representation Loxwood Parish Case Officer: Sascha Haigh Written Representation Loxwood Hall Guildford Road Loxwood West Sussex RH14 0QP Erection of dwelling with associated parking, landscaping	Reference/Procedure	Proposal
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Loxwood Parish Case Officer: Sascha Haigh Written Representation Loxwood Hall Guildford Road Loxwood West Sussex RH14 0QP Erection of dwelling with associated parking, landscaping	Written Representation	
Case Officer: Sascha Haigh RH14 0QP Written Representation Erection of dwelling with associated parking, landscaping	22/01216/FUL	
and anomary structures.	Written Representation	Erection of dwelling with associated parking, landscaping and ancillary structures.

Reference/Procedure	Proposal
	гороза
22/01565/ELD	I
Loxwood Parish Case Officer: Emma Kierans	Loxwood Farm Brewhurst Lane Loxwood West Sussex RH14 0RJ
Informal Hearings 12-Sep-2024	Existing lawful development use of land as garden curtilage.
22/02372/FUL	
Loxwood Parish Case Officer: Sascha Haigh	Old School House Vicarage Hill Loxwood West Sussex RH14 0RG
Written Representation	Demolition of the Old School House. Construction of 3 no. dwellings with car parking and alterations to vehicle access.
23/00815/FUL	
Loxwood Parish Case Officer: Vicki Baker	Land At Loxwood Hall West Guildford Road Loxwood Billingshurst West Sussex RH14 0QP
Written Representation	Erection of a detached dwelling.
22/00198/CONCOU	
Loxwood Parish Case Officer: Sue Payne	Loxwood Farm Brewhurst Lane Loxwood Billingshurst West Sussex RH14 0RJ
Informal Hearings 12-Sep-2024 CDC East Pallant House 1 East Pallant, Chichester, PO19 1TY	Appeal against LX/23
22/00185/CONENG	
North Mundham Parish Case Officer: Sue Payne	Land Adjacent To The Spinney Pagham Road Runcton West Sussex
Informal Hearings	Appeal against NM/30
22/02194/ELD	
Plaistow And Ifold Parish Case Officer: Sascha Haigh	The Coach House Oak Lane Shillinglee Plaistow West Sussex GU8 4SQ
Written Representation	Existing lawful development certificate for the change of use of agricultural land to mixed use of business activities and private amenity land applicable for sui generis status.
22/02314/FUL	
Plaistow And Ifold Parish Case Officer: Sascha Haigh	Shamba The Ride Ifold Loxwood RH14 0TQ
Written Representation	Demolition of existing bungalow and redevelopment of 2 no. residential units. Page 15

Reference/Procedure	Proposal
23/02682/ELD	1100000
Plaistow And Ifold Parish	Land To The North Of Coach House Oak Lane Shillinglee
Case Officer: Freya Divey	Plaistow Godalming West Sussex GU8 4SQ
Written Representation	Existing lawful development - use of land for private
	amenity, storage and business use.
23/02691/ELD	
Plaistow And Ifold Parish	Land North Of The Coach House Oak Lane Shillinglee
Case Officer: Sascha Haigh	Plaistow Godalming West Sussex GU8 4SQ
Written Representation	Existing lawful development certificate for the erection of a building.
23/02738/PLD	I
Plaistow And Ifold Parish Case Officer: Freya Divey	Land To The North Of The Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ
Written Representation	Replacement shed.
22/02871/FUL	I
Selsey Parish Case Officer: Sascha Haigh	107 East Beach Road Selsey Chichester West Sussex PO20 0EZ
Written Representation	Demolition of existing 1 no. dwelling and replacement with
•	1 no. new dwelling.
23/00456/FUL	
Sidlesham Parish Case Officer: Emma	Willow & Deanhome Nursery 41-42 Keynor Lane Sidlesham Chichester West Sussex PO20 7NL
Kierans	Sidlesham Chichester West Sussex F 020 7NL
Written Representation	Change of use of land to mixed storage use comprising of
-	general storage (Use Class B8) and storage of builders
	materials/scaffolding (Sui Generis) within fenced compounds (part retrospective).
]
23/00978/FUL	
Sidlesham Parish	Land Northeast Of The Honey House Chalder Lane
Case Officer: Rebecca Perris	Sidlesham West Sussex
Written Representation	Erection of 1 no. additional dwelling.
22/04005/5111	
22/01005/FUL	The Success Prowers 26 Main Dood Southhourne West
Southbourne Parish Case Officer: Freya Divey	The Sussex Brewery 36 Main Road Southbourne West Sussex PO10 8AU
Written Representation	Partial demolition, conversion, and alterations of the
	detached outbuilding adjacent to the public house to create a 3-bedroom chalet bungalow with associated parking and
	landscaping
	Päge 16

Reference/Procedure	Proposal	
22/01477/FUL	1 -	
Southbourne Parish Case Officer: Martin Mew	Gatehouse Inlands Road Nutbourne West Sussex PO18 8RJ	
Written Representation	Demolition of existing dwelling, replace with 5 no. flats, new access, parking, landscaping and associated works.	
23/00207/CONHI		
Southbourne Parish Case Officer: Sue Payne	Kia Ora Main Road Nutbourne Chichester West Sussex PO18 8RT	
Written Representation	Appeal against the Council's decision not to issue a remedial notice	
23/00732/DOM		
West Itchenor Parish Case Officer: Vicki Baker	Oldfield House Itchenor Road West Itchenor Chichester West Sussex PO20 7AB	
Fast Track Appeal	Single storey rear extension to existing garage/annexe.	
22/00154/CONHI		
West Itchenor Parish Case Officer: Sue Payne Written Representation	Russett Cottage Itchenor Road West Itchenor Chichester West Sussex PO20 7DD Appeal against the Council's decision not to issue a remedial notice	
22/02390/FUL		
Westbourne Parish Case Officer: Emma Kierans	Jubilee Wood Hambrook Hill North Hambrook Westbourne West Sussex PO18 8UL	
Written Representation	Change of use of land from agricultural to Class B8 for the storage of caravans and motor homes.	
23/00076/CONCOU	1-	
Westbourne Parish Case Officer: Andrew George	Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ	
Written Representation	Appeal against WE/60	
23/00076/CONCOU		
Westbourne Parish	Southleigh Park Estate The Woodlands Marlpit Lane	
Case Officer: Andrew George	Hambrook Westbourne Emsworth West Sussex PO10 8EQ	
Written Representation	Appeal against WE/61	
22/02281/COU		
Westhampnett Parish	Pampas Cottage Claypit Lane Westhampnett West	
Case Officer: Vicki Baker Written Representation	Sussex PO18 0NU Change use of garage and workshop to guest/letting house.	
	Page 17	
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4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Site

Reference	Proposal	Stage
6. COURT AND OTHER MA	TTERS	
Injunctions		

Breach

		L
Court Hearings		
Site	Matter	Stage

Stage

Prosecutions		
Site	Breach	Stage
Land South of the Stables, Hambrook	Enforcement Notice	29 April: Pre-Trial Hearing at Portsmouth Crown Court (as Defendant elected trial at crown court). Defendant confirmed Not Guilty plea. Trial fixed for 29 August 2024 at Portsmouth Crown Court for 1 day.
Land at Long Acres, Chidham	Enforcement Notice	First hearing at Worthing Magistrates' Court on 13 May.
Land West of Farmfield Nurseries, Hunston	Of Enforcement Notice	Trial at Worthing Magistrates' Court on 22 May
82A Fletchers Lane, Sidlesham	Of Enforcement Notice Page 18	Trial at Worthing Magistrates' Court on 27 June

Crouchlands – Lagoon 3, Loxwood		Defendant found guilty previously. He appealed conviction and sentence of the magistrates' court. Waiting for a date at the crown court.
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7. POLICY MATTERS



South Downs National Park

Planning Committee

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Date between 28-03-2024 and 23-04-2024

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 siteTo 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).

* - Committee level decision.

1. NEW APPEALS

SDNP/23/04624/HOUS Funtington Parish Council Parish	Freshfields Sandy Lane East Ashling West Sussex PO18 9AT - Conversion of existing tennis court to padel court including associated fencing and path.
Case Officer: Khaleda Kamali	
Householder Appeal	
SDNP/23/03950/FUL Milland Parish Council Parish	Stocksfield Borden Lane Borden Milland West Sussex GU30 7JZ - Replacement dwelling with associated works.
Case Officer: Charlotte Cranmer	
Written Representation	

2. DECIDED

SDNP/23/00115/FUL Lodsworth Parish Council Parish Land North of North Court Gills Lane Petworth Lodsworth GU28 9BY - Erection of boundary fence with 1 no. double gate.

Case Officer: Lauren Cripps

Written Representation

Appeal Decision: APPEAL DISMISSED

The main issues are whether the proposal would preserve a Grade II listed building, Lodsworth House, and any of the features of special architectural or historic interest that it possesses; and the effect on biodiversity and geodiversity.

Whilst the style of post and rail fence proposed is not uncharacteristic of the area, the arbitrary subdivision of the original gardens and parkland would detract from its former open nature and association with the house. Indeed, the Local Planning Authority has imposed an Article 4 direction specifically to avoid such harm.

The harm arising would be less than substantial in the terms of the National Planning Policy Framework, but great weight should be attached to conservation of the heritage asset. I have considered the purported public benefits of the scheme, but it is unclear what wildlife or ecological benefits would arise from the scheme that could not be achieved without the proposed fence.

On balance, the proposal would fail to preserve the special historic interest derived from the setting of the Grade II listed building.

	41 Elmleigh Midhurst West Sussex GU29 9EZ - Rear first	
Midhurst Town Council Parish	floor roof dormer extension, 3 no. rooflights to front elevation	
Case Officer: Louise Kent		
Householder Appeal		
Appeal Decision: APPEAL ALLOWED		

No increase to 30% floorspace. The elevated mass and box-like shape of the proposed dormer would markedly change the appearance of the appeal property's roof. However, it would be well contained within the extent of the existing roof slope, and it would be broadly comparable in scale and form to the existing rear roof dormers at Numbers 38a and 40. Seen in the context of those existing dormers, the proposed dormer would not be a visually incongruous addition to the appeal property or the wider roofscape, and it would not be visually overbearing in views from nearby properties. The small front rooflight would not be visually harmful and would be in-keeping with others in the cul-de-sac...

SDNP/21/04270/FUL

Fittleworth Parish Council Parish

Case Officer: Derek Price

Written Representation

Amen Wood Yard Fitzleroi Lane Fittleworth RH20 1JN - Erection of workshop, office and associated parking.

Appeal Decision: APPEAL DISMISSED

The appeal site is a vacant wood yard, with a sawmill building towards the centre of the site with former workshop buildings nearer the access. The appeal relates to a proposed workshop which would occupy part of the site currently vacant of structures, increasing ground coverage of buildings at the property. Whilst boundary trees would be retained on the site, the inspector considered that due to the position close to the access the proposed workshop would be seen from the road through the gateway this would result in the loss of openness. The Inspector also concluded that the building would spoil views from the road of trees towards the rear of the site, this would detract from the natural qualities of the northern part of the appeal property when seen from the road. Whilst the appellant contends that the proposed workshop would be located in the most practical position on the site, it was considered that there was no substantive reason why the proposed building could not be accommodated in a less obvious part of the woodyard. It was considered that the workshop would be appropriate in terms of appearance and scale due to the rural wood yard context and would not affect the tranquility of the area provided it was utilised in association with the current wood yard. However, it was considered that the development would be harmful to the character and appearance of the site and the area and was contrary to policies SD1, SD4 and SD39 of the Local Plan and would fail to conserve and enhance the landscape and natural beauty of the National Park.

Water neutrality was also considered, and the proposal is likely to increase water usage, however there was no need to consider this matter further as the Inspector was minded to dismiss the appeal for other reasons.

SDNP/22/03021/FUL

Lavant Parish Council Parish

Land at Lavant Pumping Station Lavant Down Road Mid Lavant Chichester West Sussex - Installation of solar panels.

Case Officer: Derek Price

Written Representation

Appeal Decision: APPEAL DISMISSED

The appeal relates to the installation of solar panels sited in a field between Lavant Pumping Station and residential development in Mid Lavant. The inspector considered that the field provides an important break between the pumping station and houses. The site forms part of the wider tranquil setting. The siting of additional built development would visually reduce the gap between the pumping station and Mid Lavant, this would harm the openness of the area and the tranquil setting of the river. Despite planting, given the height and scale of the proposed solar panels, they would be prominent in views from both PROW's. Due to their industrial and utilitarian appearance they would appear incongruous within the verdant area. The proposed woodland planting would further harm the openness of the site and would appear at odds with the prevailing character. The proposal would have a harmful effect on the character and appearance of the area and would fail to conserve the natural beauty of the SDNP.

In some views from the New Lipchis Way towards the Trundle (a scheduled ancient monument) the proposal would be prominent. These views are largely free of development, the proposal through the introduction of tall built development would compete with the visual prominence of the Schedule Ancient Monument and therefore harm its setting and consequently its significance. The Inspector ascribes less than substantial weight to the harm caused to the significance of the scheduled ancient monument. Paragraph 205 of the Framework indicates that irrespective of the level of harm to the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 208 of the Framework indicates that when a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. The Inspector ascribes moderate weight to the public benefits, as the solar panels would only serve Lavant Pumping Station and not the wider area. Accordingly, the public benefits do not outweigh the harm and would have a harmful effect on the significance of the Trundle. The appeal was therefore dismissed.

3. CURRENT APPEALS

Laying of permeable hardstanding to facilitate access, turning and parking associated with existing private stal building (retrospective). Section	CORRENT APPEALS	
Case Officer: Louise Kent Written Representation SDNP/19/00375/BRECON Stedham With Iping Parish Council Parish Case Officer: Michael Coates- Evans Written Representation SDNP/21/00311/GENER Lurgashall Parish Council Parish Case Officer: Andy George Written Representation SDNP/21/00311/GENER Lurgashall Parish Council Parish Case Officer: Andy George Written Representation SDNP/21/00311/GENER Lurgashall Parish Council Parish Case Officer: Andy George Written Representation SDNP/21/00526/GENER Lodsworth Parish Council Parish Case Officer: Michael Coates- Evans Written Representation Wispers Titty Hill Milland Midhurst West Sussex GU29 - Appeal against ML/26 Woodcraft Park Farm Dial Green Lane Lurgashall Petworth West Sussex GU28 9EU - Appeal against LG Petworth West Sussex GU28 9EU - Appeal	•	turning and parking associated with existing private stable
SDNP/19/00375/BRECON Stedham With Iping Parish Council Parish Case Officer: Michael Coates- Evans Written Representation SDNP/21/00311/GENER Lurgashall Parish Council Parish Case Officer: Andy George Written Representation SDNP/21/00311/GENER Lurgashall Parish Council Parish Case Officer: Andy George Written Representation SDNP/21/00311/GENER Lurgashall Parish Council Parish Case Officer: Andy George Written Representation SDNP/21/00526/GENER Lodsworth Parish Council Parish Case Officer: Michael Coates- Evans Written Representation Wispers Titty Hill Milland Midhurst West Sussex GU29 - Appeal against ML/26 Woodcraft Park Farm Dial Green Lane Lurgashall Petworth West Sussex GU28 9EU - Appeal against LG Petworth West Sussex GU28	Case Officer: Louise Kent	building (retrospective).
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Lurgashall Parish Council Parish Case Officer: Andy George Written Representation SDNP/21/00526/GENER Lodsworth Parish Council Parish Case Officer: Michael Coates-Evans Written Representation Petworth West Sussex GU28 9EU - Appeal against LG Erickers The Street Lodsworth Petworth West Sussex GU28 9BZ - Appeal against LD/17 Parish Written Representation	Written Representation	
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Evans Written Representation	Lodsworth Parish Council	
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SDNP/22/04387/CND Copyhold Copyhold Lane Fernhurst West Sussex GU2	Written Representation	
Fernhurst Parish Council Parish demolition of detached dwelling. Construction of replacement annex. (Variation of condition 2 of	Fernhurst Parish Council Parish	demolition of detached dwelling. Construction of
Case Officer: Jenna Shore permission SDNP/21/04805/HOUS - introduction of a solid roof lantern light).	Case Officer: Jenna Shore	permission SDNP/21/04805/HOUS - introduction of a
Householder Appeal	Householder Appeal	

SDNP/23/00001/UNCM Bury Parish Council Parish	Roman Mile Farm Bignor Park Road Bignor Pulborough West Sussex RH20 1HQ - Appeal against BG/6
Case Officer: Sue Payne	
Written Representation	
SDNP/21/00062/UNCM Compton Parish Council Parish	Cowdown Farm Cowdown Lane Compton Chichester West Sussex PO18 9NW - Appeal against CP/11
Case Officer: Shona Archer	
Written Representation	
SDNP/20/00510/GENER Lurgashall Parish Council Parish	Dickhurst Lodge Petworth Road Lurgashall Haslemere West Sussex GU27 3BG - Appeal against LG/23
Case Officer: Michael Coates- Evans	
Written Representation	
SDNP/23/04624/HOUS Funtington Parish Council Parish	Freshfields Sandy Lane East Ashling West Sussex PO18 9AT - Conversion of existing tennis court to padel court including associated fencing and path.
Case Officer: Khaleda Kamali	
Householder Appeal	
SDNP/20/00622/GENER Stoughton Parish Council Parish	Green Lanes Farm Back Lane Forestside Stoughton West Sussex PO9 6EB - Appeal against SO/15
Case Officer: Sue Payne	
Written Representation	
SDNP/21/00367/COU Compton Parish Council Parish	Land East of Noredown Way West Marden West Sussex - Appeal against CP/10
Case Officer: Michael Coates- Evans	
Written Representation	

SDNP/21/00367/COU Compton Parish Council Parish Land East of Noredown Way West Marden West Sussex Appeal against CP/10	-
Failsii	
Case Officer: Michael Coates- Evans	
Written Representation	
SDNP/23/02896/LDE Bury Parish Council Parish Sussex RH20 1HQ - Existing lawful development certification for the use of a caravan as a dwelling.	
Case Officer: Derek Price	
Written Representation	
SDNP/23/00540/LDE Lodsworth Parish Council Parish Land adjacent to Hazelnut Cottage The Street Lodsworth West Sussex GU28 9BZ - Existing lawful development certificate for the use of paddock north-east of Hazelnut	.a.
Case Officer: Lauren Cripps Cottage as garden land in connection with Hazelnut Cottage as garden land in con	ige
Written Representation	
SDNP/22/00156/GENER Duncton Parish Council Parish Rose Cottage High Street Duncton Petworth West Sussest GU28 0LB - Appeal against DN/6	X
Case Officer: Sue Payne	
Written Representation	
SDNP/22/00340/COU Northchapel Parish Council Parish Willow Spring Farm Hillgrove Lane Northchapel Petworth West Sussex GU28 9EN - Appeal against NC/17	
Case Officer: Andy George	
Written Representation	
SDNP/23/01045/FUL Heyshott Parish Council Parish Hoyle Lane Stables Hoyle Lane Heyshott West Sussex GU29 0DX - Conversion and alteration of equestrian stab to create to 2 self-contained dwelling units for holiday let u	
Case Officer: Lauren Cripps	
Written Representation	

SDNP/23/01616/FUL Lurgashall Parish Council Parish	Park Farm Dial Green Lane Lurgashall West Sussex GU28 9EU - Stationing of 1 no. mobile home within existing agricultural building.
Case Officer: Derek Price	
Written Representation	
SDNP/23/01156/HOUS Graffham Parish Council Parish	The Folly Graffham Common Road Graffham West Sussex GU28 0PT - Replacement of existing attached garage and erection of 2 storey extensions together with veranda and
Case Officer: Jemma Frankland	balconies.
Householder Appeal	
SDNP/23/01157/HOUS Graffham Parish Council Parish	The Folly Graffham Common Road Graffham West Sussex GU28 0PT - Erection of detached garage/workshop.
Case Officer: Jemma Frankland	
Householder Appeal	
SDNP/23/03950/FUL Milland Parish Council Parish	Stocksfield Borden Lane Borden Milland West Sussex GU30 7JZ - Replacement dwelling with associated works.
Case Officer: Charlotte Cranmer	
Written Representation	
SDNP/23/04113/HOUS Fernhurst Parish Council Parish	Fridays Hill Cottage Copyhold Lane Fernhurst West Sussex GU27 3DZ - Erection of a two-storey side extension.
Case Officer: Louise Kent	
Householder Appeal	

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-INAPPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER	RMATTERS		
Injunctions			
Site	Breach	Stage	
Court Hearings			
Site	Matter	Stage	
Prosecutions			
Site	Breach	Stage	

7. POLICY MATTERS