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A meeting of **Planning Committee** will be held in Committee Rooms - East Pallant House on **Wednesday 5 February 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

1 **Chairman's Announcements**

Any apologies for absence which have been received will be noted at this stage.

The Planning Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

2 **Approval of Minutes** (Pages 1 - 11)

The minutes relate to the meeting of the Planning Committee on 8 January 2020.

3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 11 (b).

4 **Declarations of Interests** (Pages 13 - 14)

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies.

Such interests are hereby disclosed by each member in respect of agenda items in the schedule of planning applications where the Council or outside body concerned has been consulted in respect of that particular item or application.

Declarations of disclosable pecuniary interests, personal interests and prejudicial interests are to be made by members of the Planning Committee in respect of matters on the agenda or this meeting.

PLANNING APPLICATIONS - AGENDA ITEMS X TO X INCLUSIVE
Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

- 5 **WW/19/02489/FUL - Thatch End, Seaward Drive, West Wittering, PO20 8LL**
(Pages 15 - 30)
Demolition of existing dwelling. Construction of 2 no. detached dwellings and associated works.
- 6 **SI/19/02417/FUL - Chalk Lane Nursery, Chalk Lane, Sidlesham, PO20 7LW**
(Pages 31 - 44)
Demolition of existing barn and pigsty replaced with 1 no. dwelling.
- 7 **NM/19/00677/FUL - South Mundham Farm, South Mundham Road, South Mundham, PO20 1LU** (Pages 45 - 65)
Change of use of flint barns to 3 no. residential units and replacement of existing agricultural buildings with 3 no. residential units.
- 8 **Schedule of Outstanding Contraventions** (Pages 67 - 93)
The Planning Committee is asked to consider the quarterly schedule for the period up 31 December 2019 which updates the position with regards to planning enforcement matters.
- 9 **Chichester District Council, Schedule of Planning Appeals, Court and Policy Matters, Between 10 December 2019 and 15 January 2020** (Pages 95 - 102)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 10 **South Downs National Park, Schedule of Planning Appeals, Court and Policy Matters, Between 10 December 2019 and 15 January 2020** (Pages 103 - 110)
- 11 **Consideration of any late items as follows:**
The Planning Committee will consider any late items announced by the Chairman at the start of this meeting as follows:
- a) Items added to the agenda papers and made available for public inspection
 - b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting
- 12 **Exclusion of the Press and Public**

There are no restricted items for consideration.

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
CRTACT 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

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Minutes of the meeting of the **Planning Committee** held in Committee Rooms - East Pallant House on Wednesday 8 January 2020 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), 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

Members not present: Mr G Barrett

In attendance by invitation:

Officers present: Miss J Bell (Development Manager (Majors and Business)), Mr M Bleakley (Development Manager (Majors)), Mr O Broadway (Principal Conservation and Design Officer), Mr I Gledhill (Planner - County Highways West Sussex County Council), Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mr D Power (Senior Planning Officer), Mr J Saunders (Development Manager (National Park)) and Mr T Whitty (Divisional Manager for Development Management)

1 **Chairman's Announcements**

The Chairman welcomed everyone to the meeting and read out the emergency evacuation procedure.

Apologies for absence had been received from Councillor Mr Graeme Barrett.

2 **Approval of Minutes**

RESOLVED

That the minutes of the meeting held on 4 December 2019 be approved and signed by the Chairman.

3 **Urgent Items**

There were no urgent items.

4 **Declarations of Interests**

Rev. Bowden declared a personal interest in respect of planning applications CC/02337/FUL, CC19/02446/ADV, CC19/02447/LBC, CC19/02462/ADV CC/19/02609/LBC as a member of Chichester City Council.

Mr Oakley declared a personal interest in respect of planning applications FU/19/02514/FUL as a member of West Sussex County Council and for the Tangmere Masterplan as a member of West Sussex County Council and Tangmere Parish Council.

Mr Potter declared a personal interest in respect of planning application for the Tangmere Masterplan as a member of South Downs National Park Authority.

Mrs Purnel declared a personal interest in respect of planning applications FU/19/02514/FUL as a member of West Sussex County Council.

Mrs Sharp declared a personal interest in respect of planning applications CC/02337/FUL, CC19/02446/ADV, CC19/02447/LBC, CC19/02462/ADV CC/19/02609/LBC as a member of Chichester City Council.

5 **CC/19/02337/FUL - St Pancras Court, Flat 10 St Pancras, Chichester, PO19 7LU**

Miss Bell introduced the application.

Additional information was provided on the agenda update sheet relating to an amended description of the proposal.

The following members of the public addressed the Committee:

Mr Richard Plowman – Parish Council
Miss Tracy Skinner – Applicant

During the discussion Members sought clarification regarding whether a green-roof could be introduced, the colour of the corten steel proposed, if issues would be caused regarding accessing the garages once gates had been installed, concerns as to whether the building was acceptable within the conservation area and if lead drips would prevent staining. Mr Broadway confirmed that corten steel would darken over time. Miss Bell advised that the roof was unlikely to be capable of withstanding the weight of a green-roof, and also reassured members that the orange colour of the steel illustrated by computer representation was from printing the image, rather than an accurate representation. Miss Bell also confirmed that the garages were set-back and there was sufficient room within the court-yard area. The lead-drips were used to prevent staining of the timber cladding, but officers did not consider that they were necessary.

In response to a question regarding whether the gates were for security or aesthetic purposes, Mr Whitty confirmed they were for the provision of security, any inconvenience they caused maneuvering in to provided parking spaces was a matter for the applicant. Further explanation was given with regards to cladding, it was considered that where it might appear incongruous in the middle of a terrace or

more intimate street scene, in this case the building was sufficiently distanced and different in design that an alternative approach was appropriate. Miss Bell advised that within the conservation area there was a view that there was opportunity to improve some of the buildings and this design was considered to achieve that aim.

In response to a question regarding potential glare, Mr Broadway explained that the steel would be delivered having already received oxidization treatment and therefore would have low reflective qualities.

In response to a further question Mr Whitty confirmed that both the cladding and wood burner were a single application and therefore could not be treated separately. Mr Whitty added that there is currently no policy from central government that the use of a wood burning flue was unacceptable in principle, on environmental grounds.

Mr Wilding arrived just prior to the vote taking place and therefore abstained from voting.

Recommendation to **Permit** agreed with amended description of the proposal as set out on the update sheet.

6 **CC/19/02446/ADV & CC/19/02447/LBC - 65 East Street Chichester PO19 1HL**

Miss Bell introduced the application.

Additional information was provided on the agenda update sheet providing further comments from officers regarding the advert application and an additional condition to include the address number of the building within the signage had also been added.

The following member of the public addressed the Committee:

Mr Richard Plowman – Parish Council

In response to a request for clarification regarding the relevant guidance, Mr Whitty confirmed that the proposals were appropriate as painted signage was stated only as a 'preference' and the important element was for the letters not to protrude beyond a given depth. Mr Whitty further advised that it was necessary to consider what had existed previously, and that some variation in the nature of signage in the conservation area was not detrimental in itself.

Members further debated supporting the view of the Parish Council, the general appearance of the shop frontage, the importance of encouraging retail provision and appreciation of the need to limit future maintenance. Mr Whitty iterated that, historically, signage would have originally been painted, which was the reason for the preference, but the proposals were less prominent than what had previously existed and therefore an improvement.

Recommendation to **Permit** both applications agreed with additional condition on the update sheet.

7 CC/19/02462/ADV - 72-73 South Street Chichester PO19 1EE

Miss Bell introduced the application.

Additional information was provided on the agenda update sheet regarding the name of the application which should correctly read 'Charles Clinkard'.

The following member of the public addressed the Committee:

Mr Richard Plowman – Parish Council

Members debated the appearance of the new signage, but did not seek any further clarification from officers.

Recommendation to **Permit** agreed with additional condition on the update sheet.

The Committee took a five minute break.

8 CC/19/02609/LBC - South House, University of Chichester Bishop Otter Campus

Mr Saunders introduced the application.

The following members of the public addressed the Committee:

Mr Alan Green – Supporter (Chairman of Chichester Conservation Area Advisory Committee)

Mr John Kingdon - Applicant

Mr Richard Plowman – CDC Ward Member

During the discussion Members debated the impact of double-glazing for thermal efficiency, poor maintenance of original windows, taking advantage of modern technology, and supporting the university. Members further debated the layout of the site which was crowded with utilitarian buildings which limited views of South House, the importance of conserving the building and allowing continued use. Members sought clarification regarding the buildings listed status, the difference in appearance of single glazing compared to secondary glazing and double-glazing. Members made further comments regarding 'conservation' and 'preservation', that substantial harm would not be caused by the proposals, that the building was not in public view and that thermal efficiency could be gained by other methods. Mr Broadway explained that climate emergency and the conservation of buildings is often seen as a delicate situation with regards to finding an appropriate balance, but in many respects this is a false dilemma as there are a range of measures which could be employed which do not cause harm to a building and achieve thermal efficiency. Mr Whitty added that he appreciated the comments made by Members

during the debate, and that the windows were not publicly visible, but changing the windows would cause a loss of part of the original fabric of the building, which could alternatively be repaired. In relation to comments that supporting the application would not set a precedent, Mr Whitty advised that this may have an impact with regards to future applications and appeals concerning window replacement with double-glazing on other buildings which may be publicly more visible, iterating that thermal efficiency could be gained by other methods.

The Chairman requested that the application was deferred for a correct submission of the plan regarding the outline of the building. Mr Whitty responded that this may result in a further consultation period. Clear reasons would be required as to the reason for permitting, which on balance, was less harm.

Recommendation to **Permit** agreed contrary to office recommendation following deferral for submission of correct site plan and any necessary actions.

Conditions to include section information, to ensure adequate detailing would be achieved.

9 **FU/19/02514/FUL - Greenlands Farm Buildings on Land Adjacent to Greenlands**

Mr Power introduced the application.

Additional information was provided on the agenda update sheet regarding additional comments and a request for a further additional condition regarding the removal of the existing dwelling, from South Downs National Park Authority.

In response to a request for clarification regarding the fencing and whether it could be replaced with hedging, Mr Whitty confirmed that this was outside the control of the application, and that the site already benefited from an extant permission for a dwelling house and therefore hedging could not be a requirement.

During the discussion Members debated the internal and external lighting, and the requirements of SDNPA in relation to lighting and habitat controls, foul water treatment, the number of parking spaces, reserving onto the highway, the addition of bat and bird boxes, and requirement for planting two trees for each for one removed. Mr Whitty responded that the proposed building would not be overly fenestrated, that condition 11 refers to the external lighting and that no comments had been received from SDNPA in relation to light and habitat. With regards to the foul water, officers were content with the plans, and the requirement for separate consent to discharge into the ditch could be added as an informative. Mr Whitty added that there were two designated parking spaces and also sufficient room for further parking, but at this stage it was preferred to limit the hard-standing area. The requirement for bat and bird boxes could be added and also an informative to plant two trees for each one removed. Mr Power confirmed that the roof lights had been removed from the plans and that what was shown were solar panels.

Mr Whitty summarised that condition 12 referred to the demolition of the existing building, condition 8 to the planting requirements, there would be an addition of the

requirement for bat and bird boxes to condition 9, details of foul water treatment to were to be submitted, and an informative added regarding separate watercourse discharge into the ditch.

Recommendation to **Permit** agreed, with an additional condition as cited on the update sheet, and further/amended conditions and an informative to be included in relation to:

- Details of Foul Water Treatment Plant to be submitted and agreed (new condition)
- New informative advising separate watercourse consent is required for discharge into ditch
- Amendment to condition 8 to specify enhancements required by the condition to include any trees removed to be replaced with two further trees (1:2 ratio)
- Additional condition requiring details of the provision of bird and bat boxes

10 **WR/19/02700/DOM and WR/19/02700/DOM - Albion House, Petworth Road, Wisborough Green, RH14 0BH**

Mr Power introduced the application.

Additional information was provided on the agenda update sheet regarding a number of corrections to the report and omissions from the report relating to the conditions and informatives.

The following member of the public addressed the Committee:

Mr Jonathan Stern – applicant

During the discussion Members debated whether blinds should be a requirement, the contemporary design of the extension and if it was contrary to the guidance within the Neighbourhood Plan (NP), the weight apportioned to the NP, and the applicant's commitment to comply with officer advice. Mr Whitty confirmed that cognitive account is always taken of the NP, which provides a broad policy for interpretation citing Policy DS3 which refers to 'Housing Extensions Style and Vernacular'. Mr Boardway advised that at pre-application stage the inspector had provided a clear indication of what was acceptable, and contemporary architecture had the advantage of being able to create smaller structures. Mr Broadway added that the rear view of the building showed some earlier rebuilding, including windows from the 1930s and 1940s, and the location at the rear was the most appropriate for an extension, and the planning inspector did not favour a side extension. The current proposal had reduced the size from the original proposal, and had less visual impact, with a flat roof, of good quality, low profile finish.

Members further debated the importance of CDC working with parish councils to ensure appropriate communication, and sought further clarification regarding the roof and the potential for a green-roof and solar panels. Mr Whitty confirmed the roof would be constructed with zinc and a lantern for which there was a condition for blinds, and that the installation of a green roof would require significant bulk and weight which would not be appropriate. It would also not be reasonable to require solar panels on an extension, which would if installed, also have a negative impact on a listed building. With regard to working with Parish Councils, Mr Whitty

confirmed that Parish Councils had been offered a conversation with the case officer on any application and that officers were keen to foster good working relationships.

Recommendation to **Permit** application WR/19/02700/DOM as set out on the update sheet.

Recommendation to **Permit** application WR/19/02701/LBC with condition 4 to be omitted as set out on the update sheet.

The Committee took a five minute break.

11 **Masterplan for Tangmere proposing a mixed use development comprising up to 1,300 dwellings and supporting development.**

Miss Bell introduced the application.

Additional information was provided on the agenda update sheet regarding an additional consultee response from West Sussex County as the Highways Authority and Chichester Harbour Conservancy, and further representations from a planning consultancy on behalf of one of the land owners of the site. Corrections to the main report and appendix one were also listed.

Members discussed the value of establishing a masterplan, the positive achievements of developers working closely with the Parish Council, how the constraints of the land had been accommodated within the design, the proposal for no through traffic and early provision of spine road onto A27, single location of community facilities, cycle routes, provision of open space, over and above the standards, and school provision.

Members further discussed that from a positive view no through traffic would avoid 'rat-running', the importance of providing facilities suitable for a number of community activities, that the early provision of access to A27 and driving routes to the surgery from all areas was vital, the appropriateness of the density of housing, the necessity of walking and cycling provision to the school, and opportunity to drop children safely at the school by car.

Members sought further clarification regarding archeology, the time period of the bus subsidy, cycling facilities, trialing a through road/no through road, junctions types to minimize hedgerow loss, and introductions of 'twittens' to provide walking routes. Mr Whitty advised that at this stage the masterplan provided a broad approach but it was helpful for the developers to hear Members views. Currently an indicative cycle link was shown, but there would be further paths as the plans were developed. With regards to archeology, significant work had taken place and any further discovery of archeology would not change the current layout, but preservation would be applied where possible. Mr Whitty added that any applications submitted prior to the adoption of the new Local Plan would be based on current policy.

Mr Bleakley confirmed that 1300 houses will be the final number and this would not increase. With regards to the bus services Mr Bleakley advised that the subsidy

would not be limited to one year and believed that there would be engagement with the bus company and the phased occupation taken into consideration to establish what might be required with regards to bus services.

Mr Gledhill advised that with regards to access into the site from Tangmere Road, a roundabout has been indicatively suggested which in his opinion was suitable for a development of the proposed size, and design considerations as established by the outline application.

In response to a further matter of clarification regarding archeology, Mr Whitty confirmed that there had been some very significant archeological finds from the trial trenches, and there could be other finds but the view of the archeological officer was that the most significant finds are likely to have been located.

Miss Bell gave further points of clarification in relation to the primary school and that the developers are aware of the need provide drop-off points and pick-points which may have two different accesses to the school, and further explained that discussions would be taken forward regarding vehicle access to the surgery. On the matter of archeology, over 80 trial trenches had been dug, and the masterplan had been amended as a result of continuous discussion and on-site survey. Archeology of the most significant elements had been retained in-situ and the part of the open area expanded to accommodate these, with detailed recordings across the whole area completed, and the County's archeologist involved at all stages.

Members further discussed the issue of the cycle-route ending at Sainsbury's supermarket rather than the city centre, encouraging people to walk and cycle which may be supported by a no-through road, and the necessity to expand the capacity of the primary school.

That the Committee **endorsed** the Tangmere Masterplan.

The Committee took a 30 minute lunch break.

Mr McAra left the meeting and did not return.

12 **Update on West of Chichester**

Miss Bell introduced the report.

The following member of the public addressed the Committee:

Mr Philip Maber – Objector

During the discussion Members debated the timelines and slippage, the developers' plans for the southern access with dates, and the trigger points. Miss Bell drew Members attention to report which confirmed the timescales that the southern access would be available for construction traffic by the occupation of the 200th dwelling and for all traffic by the occupation of the 250th and this is an informative on the outline planning. Miss Bell added that officers were aware of the interest in this matter, that a quarterly update would be presented at the Planning Committee

meeting, and officers were regularly meeting with the developers, in order to gain updated information.

Members sought further clarification regarding a potential meeting to discuss designs for the southern end of Centurion Way. Miss Bell responded that she had not yet seen plans for this area. Discussions with Bishop Luffa School were in relation to them as land owners, and she would aim obtain further information regarding the timescales for when consultations would be progressed but did not have any further information at this time. Miss Bell added that it would be important for West Sussex County Council to be involved in such discussions.

Members further discussed the necessity for assurances that progress would be made regarding the land negotiations for the southern access. Mr Whitty confirmed that at the current time, with regards to the five year supply, west of Chichester was not yet in the situation which had been experienced at Tangmere. A Compulsory Purchase Order would require significant evidence that progress would not be achieved. Mr Whitty added that further information would be provided in the next quarterly update and if necessary a request would be made for the developers to attend. With regards to the southern access, the reason for the informative and not a legally binding trigger was because the Highways Authority could not in its professional view state that it was necessary for the southern access to be brought forward to enable phase one to be acceptable. The Chairman sought clarification regarding whether as the developers had given assurance that the southern access would be delivered by the end of phase one, could some leverage be employed in terms of permitting phase two. The Chairman also commented that the design discussions would be the responsibility of the Highways Authority and the developers. Mr Whitty responded that the Highways Authority would be relied upon for advice although CDC as the Planning Authority would approve the proposals. Off-site works were entirely the responsibility of West Sussex County Council as the Highways Authority, but CDC still had control over highways within the site. Mr Whitty also confirmed that the developers were not stalling proceedings, CDC was not party to the discussions and therefore could not state the cause of delay but that were several land parties and the developers did not own the site.

Mr Whitty further confirmed that officers would approach the developers to request they met with Mr Grimshaw (designer of Centurion Way).

That the Committee **noted** the report.

13 **CDC Guidance Note on Class Q Prior Approval**

Mr Whitty introduced the report.

Additional information was provided on the agenda update sheet regarding an acknowledgement of a number of typographical errors within the guidance notes and the listing of five amendments.

During the discussion Members debated that parish councils would welcome a guidance note to reduce ambiguity in such matters, and that relevant buildings must

have been in used for agriculture, or agricultural use prior to March 2013, or have been in use for a period of at least ten years, which was confirmed by Mr Whitty as correct.

Members further debated how such buildings are established as residential that they were not liable for Community Infrastructure Levy, and the type of buildings deemed convertible. Mr Whitty confirmed that this would clarify and strengthen the current situation, and that applicants would be required to demonstrate that a building was capable of being 'converted', although applicants would not be required to provide absolute proof and therefore a judgement from officers may be necessary.

Members also sought clarification regarding whether a landowner could improve an existing building to ensure it was capable of structural conversion and sustainability/energy efficient, prior to gaining permission for conversion. Mr Whitty responded with regards to thermal efficiency, there were no requirements, however once a building was in use, there would be the necessity to meeting building control specifications, and therefore an applicant would need to prove a build would meet these requirements without adding structural elements. Regarding pre-structural changes, there was nothing in the legislation that precluded this from taking place, however should there be evidence of such work, this would be investigated and potentially concluded that the building was not structurally sound prior to the addition. Mr Whitty added that consideration of case law may have to be relied upon.

That the Committee **endorsed** the consultation, once officers had incorporated comments made by the Planning Committee.

All changes following consultation to be returned to Committee, for final endorsement.

14 Chichester District Council, Schedule of Planning Appeals, Court and Policy Matters, Between 20 November 2019 and 10 December 2019

Members attention was drawn to the injunction for Birdham, Land North West of Premier Park, which was currently awaiting a hearing date.

15 South Downs National Park, Schedule of Planning Appeals, Court and Policy Matters, Between 20 November 2019 and 10 December 2019

Members of the Committee did not require any further information.

16 Consideration of any late items as follows:

There were no late items.

17 Exclusion of the Press and Public

There was no requirement to exclude the press and public.

18 **Agenda Update Sheet**

The meeting ended at 2.46 pm

CHAIRMAN

Date:

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Chichester District Council

Planning Committee

Wednesday 5 February 2020

Declarations of Interests

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies are set out in the attached agenda report.

The interests therein are disclosed by each member in respect of planning applications or other items in the agenda which require a decision where the council or outside body concerned has been consulted in respect of that particular planning application or item.

Declarations of disclosable pecuniary interests, personal interests, prejudicial interests or predetermination or bias are to be made by members of the Planning Committee or other members who are present in respect of matters on the agenda or this meeting.

Personal Interests - Membership of Parish Councils

The following members of the Planning Committee declare a personal interest by way of their membership of the parish councils stated below in respect of the items on the schedule of planning applications where their respective parish councils have been consulted:

- Mr H C Potter – Boxgrove Parish Council (BG)
- Mrs S M Sharp – Chichester City Council (CC)
- Rev J-H Bowden – Chichester City Council (CC)
- Mr P J H Wilding – Lurgashall Parish Council (LG)
- Mr G V McAra - Midhurst Town Council (MI)
- Mr S J Oakley – Tangmere Parish Council (TG)
- Mrs D F Johnson – Selsey Town Council (ST)
- Mrs L C Purnell – Selsey Town Council (ST)
- Mr R A Briscoe – Westbourne Parish Council (WB)

Personal Interests - Membership of West Sussex County Council

The following members of the Planning Committee declare a personal interest by way of their membership of West Sussex County Council in respect of the items on the schedule of planning applications where that local authority has been consulted:

- Mr S J Oakley - West Sussex County Council Member for the Chichester East Division
- Mrs L C Purnell – West Sussex County Council Member for the Selsey Division

Personal Interests - Chichester District Council Representatives on Outside Organisations and Membership of Public Bodies

The following members of the Planning Committee declare a personal interest as Chichester District Council appointees to the outside organisations or as members of the public bodies below in respect of those items on the schedule of planning applications where such organisations or bodies have been consulted:

- Mr G A F Barrett - Chichester Harbour Conservancy
- Mr H Potter – South Downs National Park Authority

Personal Interests – Chichester City Council Representatives on Outside Organisations and Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a Chichester City Council appointee to the outside organisations stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

NONE

Personal Interests – West Sussex County Council Representatives on Outside Organisations and Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a West Sussex County Council appointee to the outside organisation stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

NONE

Personal Interests – Other Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a member of the outside organisation stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

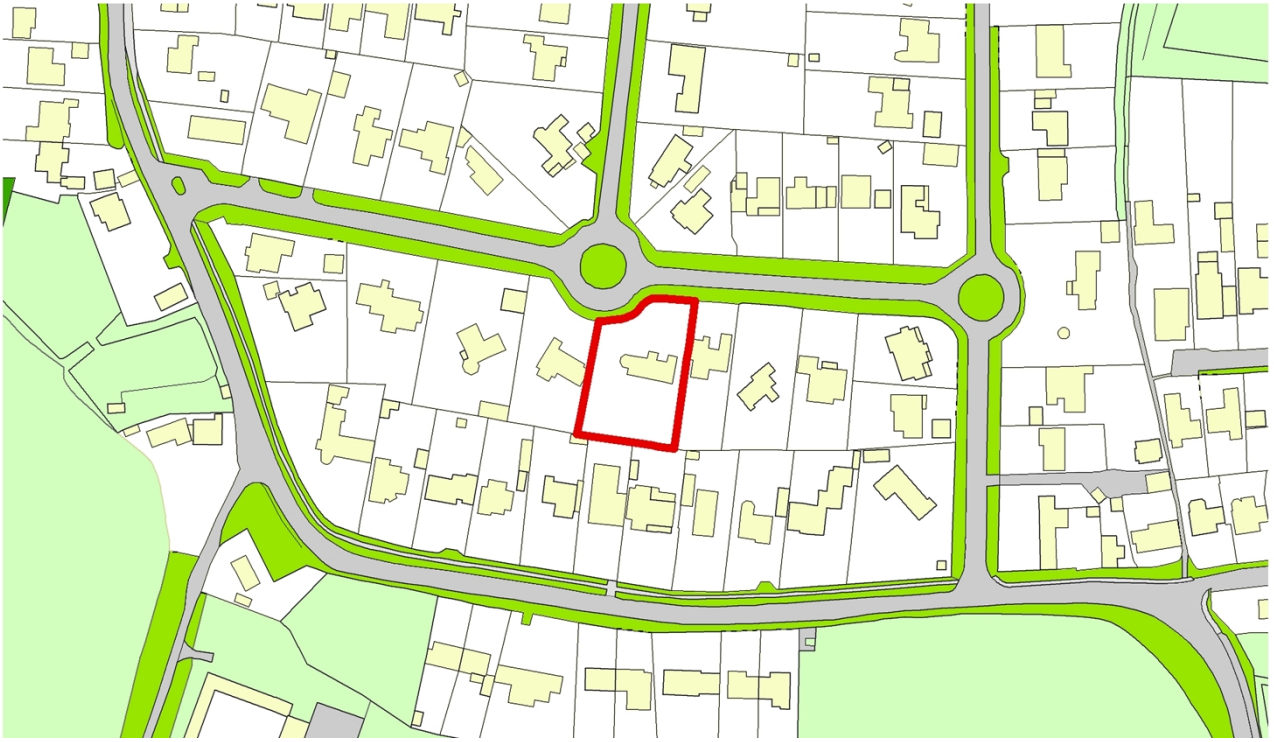

- Mrs L C Purnell – Manhood Peninsula Partnership (Chairman)

Parish: West Wittering	Ward: The Witterings
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WW/19/02489/FUL

Proposal	Demolition of existing dwelling. Construction of 2 no. detached dwellings and associated works.		
Site	Thatch End Seaward Drive West Wittering PO20 8LL		
Map Ref	(E) 478126 (N) 98142		
Applicant	Mr And Mrs R Simmons	Agent	Ben Smith & Partners

RECOMMENDATION TO PERMIT WITH S106

		
	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>

1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located within a residential road in a small private estate characterised by detached properties within a verdant setting. The original dwellings within the estate feature arts and crafts architecture, although some properties have been replaced and extended over time, resulting in a variety of forms and detail to the design.
- 2.2 The front gardens are generally well planted with vegetation and lawns alongside space for driveways, parking and garages. The front boundaries predominantly comprise vegetation and there are mature tree within the estate, all of which contribute to the amenity value of this pleasant residential environment.
- 2.3 The existing property is a 2 storey detached dwelling located to the south of the road and includes parking, to the front of the site, with a driveway and established vegetation. The front boundary treatment includes mature trees and hedges framing the existing vehicular access and extending towards the rear of the site.

3.0 The Proposal

- 3.1 Planning permission ref. WW/16/03858/FUL was granted in February 2017 for the demolition of the existing property and the construction of 2no. detached houses and associated works. The current application seeks planning permission for the previously approved scheme.
- 3.2 Plot A would include a ground floor with open plan kitchen and dining area and a separate lounge, sun room, utility, bathroom and bedroom. The hallway would lead to a first floor that would comprise of; three bedrooms a study and two bathrooms. Plot B would include a ground floor comprising of an open plan kitchen, lounge and dining area with separate; utility, study and bathroom. The hallway would lead to first floor that would include; four bedrooms and three bathrooms. Plot A would have a ridge height of 8m and an eaves height of 4m. Plot B would have a ridge height of 7.6m and an eaves height 4m.

4.0 History

06/00315/OUT	WDN	Proposed residential unit.
06/02603/OUT	REF	Proposed residential unit.
07/01436/DOM	PER	Single storey flat roof rear extension.
15/00575/OUT	PER	Construction of 2 no. dwellings and associated works.
16/00272/REM	WDN	Appearance and landscaping.

16/00945/REM	PER	Approval of reserved matters following outline planning permission WW/15/00575/OUT in respect of appearance and landscaping.
16/03838/FUL	PER	Construction of 2 no. detached houses and associated works (amendments to outline permission 15/00575/OUT and associated reserved matters 16/00945/REM).

5.0 Constraints

Listed Building	No
Conservation Area	No
Settlement Boundary Area	Yes
AONB	No
Tree Preservation Order	No
EA Flood Zone	No
Historic Parks and Gardens	No
Listed Building	No

6.0 Representations and Consultations

6.1 Parish Council

Further comments (09/01/2020)

The Parish Council maintains its objection to this planning application as determined at its Planning Committee meeting of 27th November 2019. Although the Parish Council had not objected to this application in 2017, the Planning Committee, at its meeting on January 8th 2020, considered the changes in circumstances since 2017.

Both the 2017 and 2019 decisions divided the respective Committees with a marginal decision in favour previously to a marginal objection now.

It was agreed by the present Committee that concerns had grown over the last two years that "2 for 1" developments on other estates in the village had triggered other similar developments with a substantial adverse change to the character of the area. This has increased a determination to consider very carefully all applications for such developments.

Also the Committee gave greater weight in its considerations to the number of local objections including the estate company. It was also noted that the VDS had been updated as part of the work done on the Neighbourhood Plan in the last year. The Policy 34 on maintaining the spaces between buildings in Wells Farm Estate remains and has also been given a greater weight.

Original comments (02/12/2019)

Objection on the basis of over development of the site, out of character with the surrounding area and space between the buildings being contrary to the VDS and insufficient parking space for the size of dwelling. .

6.2 WSCC Highways

Summary

West Sussex was consulted previously on Highway Matters under planning applications 16/03838/FUL for construction of 2no. detached dwellings and associated works; and 15/00575/OUT outline planning application for construction for 2 no detached dwellings and associated works. No highway objections were raised and both applications were approved.

This proposal is for demolition of existing dwelling. Construction of 2 no. detached dwellings and associated works. This application is resubmission of 16/03838/FUL with no proposed alterations to the approved plans. It is located and accessed via Seaward Drive which is privately maintained road, subsequently these comments are for your advice only.

Access and Parking

Access will be utilised through the existing access which will serve the both dwellings. The proposed plans do not demonstrate parking provision for the new dwellings. The WSCC Car Parking Calculator would expect 6 parking spaces to be provided for this development. There appears to be sufficient space on site to accommodate this provision. In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Based upon current EV sales rates within West Sussex, active charging points should be provided for a minimum of 20% of all proposed off-street parking spaces. Ducting should be provided to the remaining 80% of parking spaces to provide 'passive' provision for these spaces to be upgraded in future. The applicant is advised that 2 active (1 for each dwelling) and the remaining passive EV parking spaces would be anticipated for this development and should be provided in accordance with the above WSCC guidance and Chichester Local Plan policy.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. The Local Highway Authority (LHA) would advise conditions securing bicycle parking, vehicle parking and turning.

6.3 Third party letters of objection

6 letters of objections have been received concerning:

- a) Overdevelopment
- b) Cramped
- c) Density would be out of character
- d) Only one house per plot is allowed
- e) shared drive would be out of character
- f) awkward arrangement and layout
- g) terracing impact on street scene
- h) PV panels would be necessary for car charging
- i) Does not comply with VDS

6.4 Third party letters of support

2 letters of support have been received concerning:

- a) Duplication of a previous planning permission
- b) Architectural design and layout of the properties proposed are sympathetic, and in keeping with other properties on the Wells Farm Estate.
- c) Deeds, written and drawn, for this existing property, which identify ownership of two separate plots on which the owner is accordingly entitled to build two separate properties.
- d) Proposal is in keeping with the many previous applications that have been given the go-ahead and built in the last 10 years.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for West Wittering at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 8: Transport and Accessibility

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 46: Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside

Policy 47: Heritage and Design

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2020. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2021. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

- 7.4 Government planning policy comprises the National Planning Policy Framework (NPPF), February 2019, and consideration should be given to paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, For decision-taking this means:

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.5 Consideration should also be given to Sections 4 (Decision-Making), 9 (Promoting Sustainable Transport), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment).

7.6 The following documents are material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions
- CDC Waste Storage and Collection Guidance
- West Wittering Village Design Statement (July 2006)

7.7 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of the development
- ii. Impact on visual amenity and the character of the surrounding area
- iii. Impact on amenity of neighbouring properties
- iv. Highway safety and parking
- v. Sustainability
- vi. Recreational disturbance and ecological considerations

Assessment

i. Principle of the development

8.2 The site lies within the designated Settlement Boundary Area of West Wittering which is designated as one of the Service Villages for the District. These are areas within which it would be appropriate to focus new development and facilities outside of Chichester City and the Settlement Hubs. Local Plan policy 2 forms the development strategy and hierarchy for the District and states that; the development strategy identifies the locations where sustainable development, infrastructure and facilities will be accommodated which in terms of scale, function and character support the role of the settlements outlined below.

8.3 This area is therefore identified within the plan as an area that can support new sustainable development and therefore the principle of a development for the replacement of one dwelling with two dwellings is support, by the current development strategy for the District.

- 8.4 Furthermore, and material to the consideration of this case, is that an identical application for the exact same two houses and access on this site was permitted previously. The 2017 scheme is currently extant and therefore significant weight should be given to the fall-back position.
- ii. Impact on visual amenity and character of the surrounding area
- 8.5 The application does not involve any changes to the architectural approach, design, form or the size of the previously approved scheme. Each house would be designed with an individual approach to the materials and finishes incorporating examples of local vernacular such as tile-hanging, flint and brick work and the use of solid oak and painted timber to contribute interest and character to the streetscape. As such the material palette for the two houses would be different with Plot A finished in white painted brickwork, which is typical to the area, with a clay tiled roof with bonnet hips and painted timber windows. Plot B would be finished in a natural timber weatherboarding at the upper level with rendered lower level and clay tiled roof with painted timber windows.
- 8.6 There is no Neighbourhood Plan for West Wittering at this time that can be given weight in the planning considerations for this case. However, the West Wittering Village Design Statement (VDS) is a material consideration, and it is the same VDS that was considered when planning permission was granted for the development in 2017. The VDS provides local planning and design guidelines for development in the parish of West Wittering. Seaward Drive is located within character area 2 - South West. The VDS identifies that this area is made up of private estates and that the general design and scale is eclectic giving it much interest and distinction. The VDS recognises that development dates from 1920 through to the present day and that there are a variety of architectural styles and building materials used. It also identifies that gaps between properties and landscape treatment and boundaries are important features which should be respected and where possible retained.
- 8.7 The proposed residential development is guided by the character and appearance of the immediate houses on the private estate as well as the wider character area. It is considered that by virtue of the retention of the boundary landscape, including the shared access drive set behind the existing front hedge and post and rail fence, and the relatively modest scale of the houses in order to maintain spacious gaps between properties, the architectural detailing of the individual houses to use different materials would ensure that the new houses fit in with the established residential estate in compliance with the design guidelines of the West Wittering VDS. The shared access and the front garden arrangement are shown as previously approved; both plots continue to benefit from adequate parking and the established verdant front boundary is to be retained, which is considered to positively contribute to the streetscape. It is therefore considered that the proposal would not result in a visually harmful form of development.
- 8.8 The previously approved site layout, that is replicated here, is considered to have been specifically designed to maintain a spacious layout and low density in keeping with the prevailing character and appearance of the private estate as well as the linear pattern of development of the properties directly to the south of the site on Cakeham Road. The current application does not make any changes to the approved layout, and as such would maintain a well-balanced and well-proportioned scheme capable of providing one additional dwelling comfortably within the site. The proposed plots would compare favourably with other nearby properties and would achieve rear garden depths of 18

metres on Plot A and 20 metres on Plot B whilst maintaining landscape gardens to the front with suitable onsite parking and turning. Specifically, Plot B would be positioned to follow the building line of the existing house to maintain a similar relationship with the neighbouring property, Les Saules, to the east. Plot A would be stepped back to sit between Plot B and the neighbouring property, Jasmine Cottage, which would also benefit from a 7 metre separation gap at first floor level and a 4.5 metre gap a ground floor level between the side elevation of Plot A and the small flat roof extension on the eastern side of Jasmine Cottage. The existing boundary treatment offers good screening between properties and it is proposed to reinforce this with additional planting.

- 8.9 The scale of the proposed dwellings would reflect the existing roof profile and ridge heights of the neighbouring properties. The roofs feature bonnet hips and low eaves to create a soft transition between the existing chalet house, Les Saules to the east, and the two storey house, Jasmine Cottage, to the west. The design of the dwellings would minimise the overall bulk and mass, ensuring they would integrate into the built environment without detracting from the site or its surroundings. The current application does not involve any changes to the previously approved design, form or scale.
- 8.10 The site benefits from well landscaped boundaries with shrubs, ornamental trees and fruit trees contained to small clusters in the rear and front gardens. The landscape proposals have been specifically designed to retain and reinforce boundary planting and the surface materials for the access drive and parking areas would be gravel in keeping with the existing arrangement which is typical to the estate.
- 8.11 In conclusion, the proposal by reason of its size, design and appearance would be appropriate having regard to the existing property and would not cause significant harm or detriment to the wider area and therefore would accord with local and national development plan policies. Therefore, it is considered that the development would comply with NPPF section 12 and Local Plan Policies 2, 33, 47 and 48, and the West Wittering VDS.

iii. Impact on amenity of neighbouring properties

- 8.12 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the Local Plan include requirements to protect the amenities of neighbouring properties.
- 8.13 A good degree of separation would be retained between the built form and the side boundaries which is an important characteristic of this estate and also important in terms of the additional impact on the properties on both sides. A rear to rear separation distance between the neighbours to the south would be in excess of 25 metres from plot A and 30 metres from plot B, thereby ensuring there would be no interlocking and would not give rise to any additional overlooking from Thatch End.
- 8.14 The first floor fenestration to the side elevations would be controlled by condition to ensure they would be obscure glazed in order to ensure the development does not result in a harmful level of overlooking to private amenities between the new properties and the neighbours on each side. To the rear, the separation is sufficient to accommodate the proposed first floor fenestration without resulting in a harmful level of overlooking.

8.15 It is considered that the proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook and privacy. Therefore it is considered that the development complies with policy 33 of the Local Plan and the requirements of the NPPF.

iv. Highway safety and parking

8.16 The Local Highway Authority at WSCC have been consulted and have not raised an objection stating that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109). The Local Highway Authority has advised conditions securing bicycle parking, vehicle parking and turning and these are included within this recommendation.

8.17 The existing vehicular access would be retained and sufficient space for parking and turning one site would be provided. Therefore, the proposal would be in accord with policies, 8 and 39 of the CLP which seeks to ensure that new development has acceptable parking levels, and access and egress to the highway.

v. Sustainability

8.18 Policy 40 of the Chichester Local Plan states that proposal should minimise the impact of the development upon climate change. It is recommended to attach a condition requiring a strategy outlining details of the sustainable design and construction to be submitted to ensure that the requirements of policy 40 are met. Also in accordance with the WSCC Parking Guidelines electric car charging points have been requested, and a condition is recommended requiring car charging points within the sustainability strategy.

vi. Recreational Disturbance and ecological considerations

8.19 The site is located within the zone of influence for the Chichester and Langstone Harbours Special Protection Area (SPA), and therefore in accordance with Local Plan Policy 50 and the Planning and Affordable Housing SPD applies in this case. One dwelling would be demolished and replaced with two no. 3 bedroom dwellings. Therefore, mitigation has been calculated on the net gain of one three bedroom property. A contribution has been paid towards the Solent Bird Aware mitigation project to mitigate the impacts of the proposed development. Therefore, the proposal would accord with the Local Plan in this respect. The proposed plans indicate that the existing mature planting and hedges to the boundaries would be retained, and the new boundary treatment between the rear garden of the plots would also be hedgerow, which is likely to have ecological benefits. A condition is recommended to ensure that the proposed hedgerow would be a native species, and also that a scheme detailing ecological enhancements is provided and implemented prior to first occupation of the proposed dwellings. This will ensure that appropriate measures are undertaken, such as the provision of bird and bat boxes.

Conclusion

8.20 The principle of replacing the existing dwelling with 2no. detached houses has been established under recent planning permission ref. WW/16/03858/FUL. This planning permission WW/16/03858/FUL expires in February 2020 and the current application seeks planning permission for the previously approved plans and drawings and does not propose any changes. There have been no significant changes in planning policy relevant to the small scale residential development at Thatch End, Seward Drive, West Wittering and as such the proposals continue to comply with the current Development Plan and there are no material considerations that would outweigh this position.

Human Rights

8.21 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT WITH S106 subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

3) **No development shall commence** until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon climate change. These details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

4) **No development shall commence**, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including prohibiting burning.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

5) No development shall commence on site, including demolition, until protective fencing has been erected around all trees, shrubs, hedges and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

6) **No development shall commence** until details of the proposed overall site-wide surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

7) Notwithstanding the information submitted regarding materials within the approved plans and application details; no development, in respect of the construction of the external walls and roof of the proposed dwellinghouses shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls, roofs, window, doors, soffits and fascia of the main houses and integral garages hereby permitted have been submitted to and approved by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and to ensure a building of visual quality that respect the character of the locality.

8) No works shall be carried out above slab level until a scheme for ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be fully implemented in accordance with the approved details prior to first occupation of the dwellings hereby permitted.

Reason: to ensure suitable biodiversity enhancements are achieved in the interest of conservation of the natural environment.

9) All planting, seeding or turfing comprised in the approved details of landscaping (approved plan 0830/DPA303/REV02) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development.

10) Notwithstanding any indication shown on the approved plans, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) hereby approved, **the dwelling shall not be first occupied until** the first floor window(s) in the east and west elevations of the development hereby permitted shall be permanently;

- (i) glazed with obscure glass with a glass panel which has been rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer), and
- (ii) non-opening below 1.7 metres from the finished floor level of the room in which the window is installed.

Reason: To protect the privacy of the occupants of the adjoining residential property/ies.

11) **No part of the development hereby permitted shall be first occupied** until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

12) Notwithstanding the details provided, **no part of the development hereby permitted shall be first occupied** until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

13) Notwithstanding the information provided, **no part of the development hereby permitted shall be occupied** until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

14) The existing boundary hedges shall be retained in accordance with the details shown on drawing number 0830/DPA303 REV 02, prior to first occupation of the dwellings hereby permitted the new boundary hedge separating the approved dwellings as shown on drawing no. 0830/DPA303 REV 02 shall be formed by a native hedge in two staggered rows at 5 plants per metre and retained as such in perpetuity. Any boundary hedge that, dies or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of native, species, size and number, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the amenity of neighbours and biodiversity conservation.

15) The dwellings hereby permitted shall not be occupied unless and car charging points have been provided and are operational in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the car charging points shall be maintained and remain operational in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of encouraging the use of sustainable modes of transport.

16) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

17) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Classes A and B of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding area.

18) The proposed hard surface/s hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

19) The existing hedge along the northern boundary shall be retained and any part of the hedge which is removed without consent or die or become seriously damaged or defective during a period of five years from the date of the completion of the development, shall be replaced as soon as is reasonably practicable or the next planting season, whichever is the earlier, with others of a similar species and size unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of preserving the visual amenities of the area.

20) The trees as shown for retention as per plan no. 0830/DPA303 REV 02 shall be retained and any tree which is removed without consent or die or become seriously damaged or defective during a period of five years from the date of the completion of the development, shall be replaced as soon as is reasonably practicable or the next planting season, whichever is the earlier, with others of a similar species and size unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of preserving the visual amenities of the area.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - Plot A Proposed Floor Plans and Elevations (A3)	0830/DPA304	01		Approved
PLAN - Plot B Proposed Floor Plans and Elevations (A3)	0830/DPA305	02		Approved
PLAN - Proposed Block Plan (A3)	0830/DPA302	02		Approved
PLAN - Proposed Site Plan (A3)	0830/DPA303	02		Approved
PLAN - Location Plan (A3)	0830/DPA301	01		Approved
PLAN - Proposed Front Elevations and Material Palette (A3)	0830/DPA06	01		Approved

For further information on this application please contact Maria Tomlinson on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PYMU5LERIFH00>

Parish: Sidlesham	Ward: Sidlesham With Selsey North
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SI/19/02417/FUL

Proposal	Demolition of existing barn and pigsty replaced with 1 no. dwelling.		
Site	Chalk Lane Nursery Chalk Lane Sidlesham PO20 7LW		
Map Ref	(E) 485149 (N) 96953		
Applicant	Mr & Mrs Hunter	Agent	Mr Stephen Jupp

RECOMMENDATION TO



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

1.1 Parish Objection – Officer recommends Permit.

2.0 The Site and Surroundings

2.1 The application site is located within the rural parish of Sidlesham and formed part of an original Land Settlement Association (LSA) smallholding. The building subject to this application comprises a timber framed agricultural building located to the east of the site. The building is clad in timber, with metal sheeting for the roof. Access to the building is from a private drive leading from Chalk Lane.

3.0 The Proposal

3.1 The application seeks planning permission for the demolition of existing barn and pigsty and the construction of a single storey detached dwelling. The proposed dwelling would be constructed with brick for the walls and slate for the roof with a footprint the same as the existing building.

4.0 History

93/02032/OUT	REF	1 dwelling.
94/01612/OUT	PER	1 no. dwelling on nursery site.
94/02196/REM	PER	One dwelling on nursery site.
99/02665/FUL	PER	Retention of existing building at entrance for storage use only, retention of existing building to rear of dwelling and new building as dog kennels.
04/04123/DOM	PER	Two storey side extension forming 3 no. bedrooms.
16/02255/PA3Q	YESPAR	Prior Approval - Change of use of agricultural building to 1 no. dwelling (C3 Use Class).
16/03371/PA3Q	YESPAP	Part 3 Class Q application for prior approval. Change of use of agricultural building from agriculture to 1 no. dwelling (C3 use class).
16/04105/FUL	PER106	Change of use from agriculture to 1 no. dwelling (C3 use class) and erection of pitched roofs over flat roof parts of building - alternative to Part 3, Class Q Prior Approval - SI/16/03371/PA3Q.
17/03417/FUL	PER106	Erection of 1 no. 3 bed self-build dwelling - alternative to SI/16/04105/FUL for change of use of building to dwelling and erection of pitched roofs over flat roof parts of building.

18/01016/DOC	DOCDEC	Discharge of condition 3 from planning permission SI/17/03417/FUL.
18/01112/FUL	PER106	Variation of Condition 3 of planning permission SI/17/03417/FUL - To allow minor changes to the design of the permitted dwelling including changes to fenestration and insertion of flue for wood burning stove.
19/01601/PA3Q	YESPAP	Class Q(b) Application for Prior Approval - Change of Use of Agricultural Building from Agriculture to 1 no. Dwelling (C3 Use Class).
SI/00038/88	REF	New house and demolish existing glasshouse.
94/00028/REF	APPWDN	Development Appeal

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

The Parish Council objects to this Planning Application. The barn and pigsty will not be converted, they will be demolished and a new building erected on a different area of the land.

6.2 WSCC Highways

Proposal Summary:

The proposal is for the demolition of the existing barn and pigsty, then the construction of 1 no. 2 bed dwelling. The application site is located on Chalk Lane an established private road. The nearest publicly maintained is Keynor Lane a C classified road subject to a National speed limit.

History:

SI/19/01601/PA3Q – Permitted, in which the principle of SI/19/02417 has been determined – The prior approval for the change of use of barn to residential dwelling. No highways concerns were raised.

Access:

In principle the existing barn and pigsty could generate vehicular trips of a similar quantity to that of the proposed 2 bed dwelling. It is therefore accepted that the proposed will not result in a material intensification of use of the existing private road or access point onto the maintained highway network at Keynor Lane. As part of the private road is also Public Right of Way (PRoW) Bridleway no. 66_1 the applicant should also note the following:

Developers/landowners should ensure that public use of the PRoW takes precedence over private vehicular traffic. It is a criminal offence to damage the surface of a PROW and the consent of the County Council must be sought for the route to be resurfaced even if the surface is to be improved. The applicant would be liable for any damage to the surface arising from their exercise of private access rights. The applicant may wish to consult WSCC Public Rights of Way Team, to see if there are any underlying issue that may arise. Please contact the Team on 01243 777620.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site. Therefore there is no evidence to suggest that the existing access point onto Keynor Lane is currently operating unsafely.

Vehicle Parking and Cycle Parking:

The applicant has demonstrated two parking areas either side of the dwelling large enough to accommodate 2 cars. These details meet the requirements set out by WSCC parking demand calculator for a dwelling of this size and location.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for new homes. Based upon current EV sales rates within West Sussex, active charging points should be provided for a minimum of 20% of all proposed parking spaces. Ducting should be provided to the remaining 80% of parking spaces to provide 'passive' provision for these spaces to be upgraded in future. Due to the small scale nature of this proposal, the anticipated provision of active EV spaces for this development would be 1 space and should be provided in accordance with the above WSCC guidance and Chichester Local Plan policy.

The applicant has not demonstrated any details pertaining to cycle storage. For such a provision to meet WSCC Sustainability policy we wish to see this implemented in the form of lockable covered storage demonstrated on a scaled plan.

Conclusion:

Whilst there are no overriding highway safety or capacity concerns with the proposal before me now, the applicant would be advised to modify the proposed with cycle parking, as detailed above.

We would be minded that such an amendment could be secured via planning condition, with accommodating plans to be submitted to and approved by the local planning authority. However given recent changes to the National Planning Policy Framework (NPPF) ideally this matter should be fully resolved by the applicant prior to determination.

6.3 CDC Environmental Strategy Officer

For this application we are satisfied that the only HRA issue is recreational disturbance and as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no neighbourhood plan for Slidlesham at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 3: The Economy and Employment Provision

Policy 4: Housing Provision

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 45: Development in the Countryside

Policy 48: Natural Environment

Policy 49: Biodiversity

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2020. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2021. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, For decision-taking this means:

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.5 Consideration should also be given to Sections 2 (Achieving Sustainable Development), Section 4 (Decision-Making), Section 5 (Delivering a Sufficient Supply of Homes, Section 9 (Promoting Sustainable Transport), Section 11 (Making Effective Use of Land), Section 12 (Achieving Well-Designed Places), Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change, Section 15 (Conserving and Enhancing the Natural Environment),

7.6 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main considerations are as follows:

- i) Principle of new residential development
- ii) Design, scale and impact upon the character of the surrounding countryside
- iii) Impact upon amenity of neighbouring properties and future occupiers
- iv) Highways and parking
- v) Biodiversity and Sustainability
- vi) Impact on the Chichester and Langstone Harbours and the Pagham Harbours SPA
- vii) Drainage and flood risk
- viii) Other matters and material considerations

Assessment

i. Principle of new residential development

8.2 The application site is located outside of any settlement boundary and is therefore within the countryside where new dwellings are not normally permitted. However, the permitted prior approval application (19/01601/PA3Q) provides a fall-back position for residential use of the site, and this is a material consideration. The submitted Planning Statement identifies a number of improvements that can be made to the scheme, both visually and environmentally, over and above what the prior approval permitted, and this forms part of the justification for the proposed new dwelling.

8.3 It is considered that the prior approval application can be considered as a fall-back position that carries significant weight because it appears the prior approval scheme is capable of being implemented. Given this, the principle of residential development has been established and, providing the replacement dwelling is within the parameters of the scale of the existing building, can be considered acceptable in principle; subject to assessment of other criteria and material considerations such as design, amenity and countryside impact.

ii. Design, scale and impact upon the, character of the surrounding countryside

8.4 Policy 33 of the LP refers to new residential development and sets out that proposals must meet the highest standards of design and a high quality living environment in keeping with the character to the surrounding area and its setting in the landscape; in addition that its scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site.

8.5 The proposed dwelling would have a similar footprint to the permitted prior approval and it would be located in broadly in the same position, albeit 2.4 metres to the east of the existing building. The proposed building would have a ridge line 0.6 metres higher than the existing, with similar eaves. The existing roof slope is shallow, therefore the increase in the ridge is due to a 30 degree roof pitch, and it is considered that this minor increase would not result in a significantly greater visual impact than the prior approval scheme. The garden area for the proposed dwelling would remain the same as permitted under the prior approval and it is therefore considered the garden area would not result in any additional harmful to the openness of the countryside.

8.6 The proposal is considered as being within the existing scale parameters as it would not be materially larger or, as a result, have a materially different impact on the surrounding countryside that the approved prior approval scheme. The design and scale of the proposed building is similar to a permitted scheme to the south of the application site. Furthermore, the proposal would provide a building of improved appearance in comparison to the existing. The proposal is therefore deemed to be acceptable in terms of scale, form and design, and would be in-keeping with the surrounding area and countryside; therefore complying with Local Plan Policies 33, 45, 47 and 48.

iii. Impact upon amenity of neighbouring properties and future occupiers

8.7 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.

8.8 The proposed dwelling would be located to the north of existing properties, the closest being 7 metres. The application would move the building further away from the permitted prior approval, which would reduce the impact to the dwelling to the south. Given the distance to neighbouring properties and the scale of the proposed dwelling it is not considered the proposal would have a harmful impact to neighbouring amenity in the form of overlooking or overbearing.

8.9 In terms of providing an adequate level of amenity for future occupiers of the site, the proposal would have an acceptable level of private amenity space. A condition can be attached in relation to unexpected contamination; to ensure that appropriate remediation measures are put into place should it be found the land is contaminated during the construction process.

iv. Highways and parking

8.10 The application proposes to utilise the existing access to the site and would provide internal parking provision for at least two cars in addition to adequate turning arrangements; allowing cars to both enter and leave the site in a forward gear. The provision of electric car charging can also be secured by condition. The County Highways Authority has been consulted and raised no objections subject to conditions. The proposal therefore accords with Local Plan Policy 39 and is acceptable in terms of highway safety and parking provision.

v. Biodiversity and Sustainability

8.11 The applicant has commissioned and submitted a Bat Survey which concluded that the barn had negligible potential; to support roosting bats and therefore bat should not be impacted by the proposed development and no further survey for bats would be required. Nevertheless, the Ecological Report suggests mitigation and enhancement measures such as provision of a bat/bird boxes to provide biodiversity enhancements on site and can be secured by condition; in-line with Local Plan Policy 49. A condition is also recommended to ensure fencing allows for small mammals to cross the site. It can therefore be reasonably concluded that the proposal would not harm protected species and would enhance biodiversity across the site subject to the recommended condition requiring the proposed mitigation and enhancements to be implemented.

8.12 The construction of a new dwelling rather than the conversion of the existing would allow for an improvement of the sustainability of the building. Policy 40 of the Chichester Local Plan states that proposal should minimise the impact of the development upon climate change. It is recommended to attach a condition requiring a strategy outlining details of the sustainable design and construction to be submitted to ensure that the requirements of policy 40 are met.

vi. Impact on the Chichester and Langstone Harbours and the Pagham Harbours SPA

8.13 The site lies within 5.6km of the Chichester and Langstone Harbours Special Protection Area (SPA) and the Pagham Harbours 3.5km zone of influence, where new residential development is likely to have significant environmental impacts on this internationally important designation. Local Plan Policy 50 relates to development and disturbance of birds within this internationally designated Special Protection Area. Effective mitigation, against potential recreational impact arising from new residential properties, needs to be provided. In accordance with Policy 50, the Recreational Disturbance of Birds in SPAs Guidance 2019, and as recommended by Natural England, a financial contribution to the established joint mitigation scheme is appropriate in this instance.

8.14 The most up-to-date fees are set-out within the Council's Recreational Disturbance of Birds in SPAs Guidance 2019. For residential development within the the Chichester and Langstone Harbours Special Protection Area (SPA) and the Pagham Harbours 3.5km Zone of Influence buffer zones, fees are based on the higher of the two mitigation payment. In this case the fee is based on a two-bedroom house, in addition to the flat rate £100 monitoring fee; totalling £993. The applicant has paid the fee and signed a Unilateral Undertaking. The proposal is therefore considered to provide appropriate mitigation against impacts on the SPA, and therefore would not be detrimental to the SPA in accordance with Local Plan Policy 50 and local and national guidance. An appropriate assessment has been carried out and the mitigation proposed is acceptable.

vii) Drainage and flood risk

8.15 Policy 42 of the Chichester Local Plan seeks to ensure that new development is not at risk of flooding and it would not result in a net increase of surface water runoff. The application site is located within flood zone 1 and proposes to discharge to mains sewer for foul sewage and to an existing water course for surface water. The application would therefore not result in a net increase in surface water and as such accords with policy 42 of the Chichester Local Plan.

Conclusion

8.16 Based on the above it is considered the proposal would be of an appropriate design that not detract from the rural character of the surrounding area, would not have a significant adverse impact upon the amenities of neighbours and would be acceptable in all other respect. The proposal therefore complies with the relevant local and national development plan policies and guidance and, accordingly, the application is recommended for approval, subset to conditions.

Human rights

8.17 In reaching this conclusion, the Human Rights of the applicants and nearby occupiers have been taken into account and it is deemed that the recommendation to permit is justified and proportionate.

RECOMMENDATION

Permit subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) Notwithstanding any details submitted no works shall be carried out above slab level until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality.

- 4) No development or demolition shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The measures approved within the CMS shall thereafter be fully adhered to during the demolition and construction process. The CMS should provide for the following:

- a) hours of construction (including demolition) and delivery
- b) details and method of demolition
- c) provision for parking of vehicles
- d) provision for storing of equipment, materials and waste
- e) details for the erection and maintenance of any security hoarding
- f) measures to control emission of dust and noise
- g) provision of road sweepers and/or wheel washing facilities
- h) details of proposed external lighting to be used during construction, which should be restricted
- i) waste management and litter control, including prohibiting burning of materials/waste
- k) details of the disposal of waste including measures to prevent litter, encourage recycling and prevent bonfires on the site.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

- 5) No part of the development hereby permitted shall be occupied until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

- 6) No development shall commence until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon climate change. These details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

- 7) No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

- 8) The dwelling hereby permitted shall not be occupied unless and a car charging point has been provided and is operational in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the car charging point shall be maintained and remain operational in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of encouraging the use of sustainable modes of transport.

- 9) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 10) All planting, seeding or turfing hereby approved shall be carried out in accordance with the submitted Landscape Proposals and the Soft Landscape Specification. A phasing plan, including a timetable for implementation and a programme of maintenance of the open space area, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development and any trees or plants, including any existing trees or hedgerows indicated as being retained in the approved scheme, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, the removal of any trees shall be replaced by a 1:2 ratio, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development.

- 11) Prior to first occupation of the dwellings hereby permitted boundary treatments shall be provided in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;
- (a) a scaled site plan showing the location and lengths of the boundary treatments and scaled elevations,
 - (b) details of the materials and finishes, and
 - (c) gaps at the bottom of the fences to allow movement of small mammals across the site.

Thereafter the boundary treatments shall be maintained as approved in perpetuity.

Reason: In the interests of protecting the amenity of neighbouring properties and protecting biodiversity.

- 12) Prior to the occupation of the dwellings hereby permitted the proposed hardstanding and driveway shall be constructed of porous materials and shall be retained in that condition in perpetuity.

Reason: To protect the environment, restrict the amount of additional run off water and to reduce the risk of surface water flooding.

13) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. The development shall not be first occupied until:

i) an investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and

ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and

iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with local and national planning policy.

14) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Classes A and E; of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of the surrounding area and countryside, and to prevent overdevelopment of the site.

15) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended, there shall be no external illumination on the development hereby permitted other than in accordance with a lighting scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the proposed location, design, level of luminance and any measures to avoid light spillage. The lighting scheme shall thereafter be maintained in accordance with the approved details in perpetuity.

Reason: In the interests of protecting the environment and local residents from light pollution and in the interests of preserving the nature conservation interests of the area.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - Location Plan (A4)	1		20.09.2019	Approved
PLAN - Block Plan (A4)	2		20.09.2019	Approved
PLAN - Proposed Site Plan (A4)	3		20.09.2019	Approved
PLAN - Existing Elevations and Floor Plan (A3)	4		06.11.2019	Approved
PLAN - Proposed Floor Plans and Elevations (A1)	5A		20.09.2019	Approved

For further information on this application please contact Daniel Power on 01243 534734

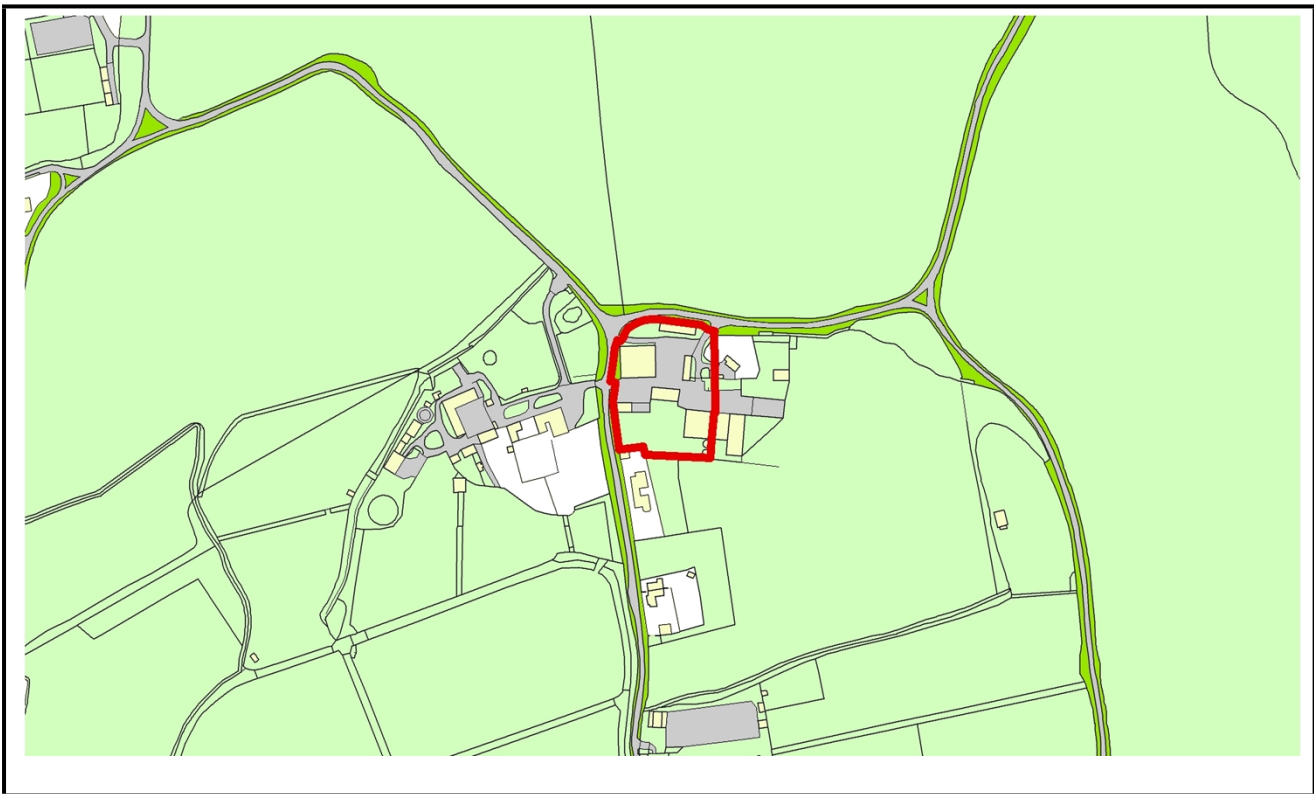
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PY4L94ERI2Z00>

Parish: North Mundham	Ward: North Mundham and Tangemere
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NM/19/00677/FUL

Proposal	Change of use of flint barns to 3 no. residential units and replacement of existing agricultural buildings with 3 no. residential units.		
Site	South Mundham Farm South Mundham Road South Mundham PO20 1LU		
Map Ref	(E) 487847 (N) 100741		
Applicant	Mr I Griffiths	Agent	Genesis Town Planning

RECOMMENDATION TO PERMIT WITH S106



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

1.1 Parish Objection – Officer recommends Permit.

2.0 The Site and Surroundings

2.1 The application site is situated outside of any built up area boundary and is therefore within the rural area. The site is within the Parish of North Mundham and forms part of a redundant farm complex at South Mundam Farm. The application buildings comprise two flint barns and four agricultural sheds of varying size set within a traditional farm yard arrangement. The yard is accessed at two points; from the north off Punches Lane and from the west along Manor Lane.

3.0 The Proposal

- 3.1 The application has been amended since its submission to address a number of concerns expressed by officers. The amended proposal seeks planning permission to redevelop the site consisting of the demolition of four modern agricultural buildings, while retaining two traditional flint barns. The two retained flint barns would be converted to form three dwellings while to the south and west new building would be erected to provide a further three new units.
- 3.2 The retained flint barn to the north (plot 1 and 2) would be converted into 2 no. 2 bedroom dwellings, each with separate garden and parking areas served via their own access. The flint barn to the east (plot 3) would be converted into a two bedroom dwelling, with its own garden area and shared access from the west.
- 3.3 Plot 4 would comprise a new building located to the west of the application site; an 'L' shaped building of similar design and scale to the existing flint barns. This would be provide a 2 bedroom dwelling, again with a private garden and shared access from the west.
- 3.4 The further two units to the south of the site (plot 5 and 6) would also be of similar design and scale to the rest of the development and would be linked via a car port. These two plots would each provide a two bedroom dwelling with private amenity space. The walls of the new buildings would be constructed from brick and flint with clay tiles roof, timber frames windows and conservation style roof lights. The scale of the dwellings are broadly similar with ridge heights of 6 metres and eaves of 2.2 metres.

4.0 History

02/02623/TPO	REF	Felling 2 no. Oak trees.
16/01144/PA3Q	NOPA	Part 3, Class PA3Q: Change of use of agricultural building to 2 no. dwellings (C3 Use Class).

18/00802/FUL	WDN	Demolition of existing farm buildings, the conversion of 2 no. existing barns into 3 no. dwellings, and the construction of 4 no. dwellings.
18/02629/PA3Q	YESPAR	Prior Approval for a Proposed Change of Use of Agricultural Building to Dwelling House (Class C3) with external alterations.
18/02732/PA3Q	YESPAP	Prior Approval for a Proposed Change of Use of Agricultural Building to Dwelling House (Class C3) with external alterations.
19/01714/PA3Q	YESPAP	Notification for Prior Approval for a Proposed Change of Use Agricultural Building to 3 no. Dwelling houses (Class C3) and for Associated Operational Development.
19/01715/PA3Q	YESPAP	Notification for Prior Approval for a Proposed Change of Use Agricultural Building to 3 no. Dwelling houses (Class C3) and for Associated Operational Development.
19/01716/PA3Q	WDN	Notification for Prior Approval for a Proposed Change of Use Agricultural Building to 2 no. Dwelling houses (Class C3) and for Associated Operational Development.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

Further comments (11/11/2019)

North Mundham Parish Council has considered the additional information provided in support of this application and resolved to maintain its objection.

Although the latest proposals have provided some additional landscaping they do not counter our objection on the grounds that the application represents an unacceptable over-development of the site, which is in a key location at the approach to South Mundham, and close to a significant listed building - South Mundham House (Grade 2). Our objection on the grounds of the number of vehicles associated with the development also remains unanswered.

To provide for the number of dwellings proposed, the application form confirms that a total of 16 new parking spaces are planned. No garaging is proposed. This gives us concern on two grounds:

The Planning Statement contends that the conversion of the flint barns would ensure the preservation of good examples of traditional farm buildings and significantly enhance their landscape setting. The replacement of the Atcost Shed with a high standard of architecture sensitive to the defining characteristics of the local area and more importantly to the history of the original farmstead (as explained in the accompanying Design and Access Statement) would further enhance the immediate setting. We fail to see how the presence of 16 vehicles parked in the open would support the enhancement of the immediate setting. The agent has noted that no such concerns in relation to parking have been raised previously either by officers or the highway authority. However, this Council raised these concerns in our first response. The Highway Authority would only be concerned with the provision of sufficient parking space, and would not necessarily have considered the visual impact of the parked vehicles. In this regard we would note that car ports might be preferable to garages, since car ports are more likely to be used as such to mitigate the visual impact of parked vehicles whereas, where garages are provided, they are often used for miscellaneous storage with cars left in the open.

Access to the site is by one of two narrow country lanes, and there is no public transport. The provision of parking for an additional 16 vehicles does not support the contention that this is a sustainable development.

The application argues that the prior approval granted for the change of use of the main large agricultural building (Atcost Shed) to 3 no. dwellings firmly establishes the principle of dwellings on the site. However exactly the same principle could have been established by seeking prior approval for the retention and conversion of the two traditional flint barns alone, with no further development on the site, and it is on this basis that we argue that this proposal represents an over-development. We therefore ask that this application be refused.

Further comments (17/07/2019)

The Parish acknowledged that the Landscape Design Strategy has been supplied by the planning agent. However, the Committee were disappointed with its contents which will do little to ameliorate the suburban nature of the proposed development therefore the Parish Council objection to this application stands.

Original comments (30/04/2019)

No evidence has been provided to show details of any landscaping associated with the site and how the proposal is intended to fit into its surroundings. The site is in a key location at the approach to South Mundham, and close to a significant listed building - South Mundham House (Grade 2). Although the Planning Statement makes passing reference to a Design and Access Statement, no such detail has been provided.

The application form reveals that a total of 16 new parking spaces are planned, and no garaging is proposed. This gives us concern on two grounds:

- The presence of 16 vehicles parked in the open would be detrimental to the visual impact of a development. We fail to see how this would support the contention that: "The conversion of the flint barns would ensure the preservation of good examples of traditional farm buildings and significantly enhance their landscape setting. "

- Access to the site is by one of two narrow country lanes, and there is no public transport. The provision of parking for an additional 16 vehicles does not support the contention that this is a sustainable development.

We note that the application argues that the provision of three residences on the site by the conversion of redundant agricultural buildings has already been established. However, this principle would apply equally to the conversion of the existing brick and flint barns designated for conversion in this application, rather than the conversion of the unattractive Atcost shed which is the basis of the existing Prior Approval.

6.2 WSSC Highways

The site benefits from prior approval/permitted development for the conversion of the Atcost Shed into 3 residential dwellings, this is a material planning consideration. The current proposal is for 6 dwellings on the site, with 3 access points all of which are existing. Two on Manor Lane and one on Punches Lane. The access on Punches Lane and the one on the corner of the junction of Manor lane and Punches Lane will serve one dwelling each.

For the purpose of a highways assessment we would purely look at the trip generation that would result from these dwellings, the suitability of the access points and parking/turning. In terms of trip generation the dwellings combined would not give rise to any significant level of trips that could be considered to have a severe impact on the highway network.

All the access points are existing and the current permitted development fall back on the site is Agricultural, which could attract a far greater amount of trips than 6 residential units as proposed. The LHA would raise no concern to the access points, although the access point on the junction is not ideal it will only serve one dwelling and the roads are lightly trafficked, it is also an existing access with no recorded accident history.

In terms of parking and turning it is clear that adequate parking and turning can be provided on each plot, there is ample space. Cycle storage has also been provided. It is assumed that refuse collection will take place from the roadside instead of refuse vehicles entering the site. Refuse collection arrangements should be discussed with the Local Planning Authority.

The site is not in a sustainable location to allow sustainable travel options, there would be a heavy reliance on the private motor vehicle. It is noted that an electric car charging station is proposed on the site.

The Local Highway Authority does not consider that the proposal for 6 dwellings would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. The recommended conditions and informative note should be added to any grant of planning consent.

6.3 Natural England

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

6.4 Coast Protection & Land Drainage Officer

Flood risk- the site is within flood zone 1, we therefore have no objections to the proposed scale or location of development.

Surface water drainage- attenuated discharge is proposed based on the fact that groundwater was encountered at 1.5m depth. We do not require 1m clearance between infiltrating structures and groundwater levels. Therefore, this is insufficient justification for precluding the use of infiltration.

Please can the applicant supply infiltration test results.

If it is found that infiltration isn't viable attenuated discharge to watercourse will be accepted. The proposed discharge rate will need to be agreed with us. The drainage strategy submitted states that a discharge rate of 10l/s will be used as this is betterment over the existing rate, yet no further justification was provided regarding this statement.

If you are minded to approve the application please apply the following condition to ensure the development is adequately drained and does not increase flood risk elsewhere.

"Development shall not commence until the full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details."

"Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the SuDS System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual."

"The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (CDC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values."

"The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted to and approved in writing by the Local Planning Authority. No construction is permitted which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site."

6.5 Third party comments

4 letters of objection have been received on the following grounds:

- a) Number of dwelling proposed in a rural area
- b) The proposal would result in an increase in the amount of traffic, especially as there is no public transport.
- c) The proposal could result increased in noise levels.
- d) In adequate garaging and storage has been proposed.
- e) The proposal would be an overdevelopment of the site.
- f) The development is suburban in its character out of keeping with the area.
- g) Would harm the setting of the nearby Grade II listed building.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no neighbourhood plan for North Mundham at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 4: Housing Provision
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 45: Development in the Countryside
Policy 47: Heritage and Design
Policy 48: Natural Environment
Policy 49: Biodiversity

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2020. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2021. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

- 7.4 Government planning policy now comprises the National Planning Policy Framework, February 2019 (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development,
For decision-taking this means:

a) approving development proposals that accord with an up-to-date development plan without delay; or

- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.5 Consideration should also be given to Sections 2 (Achieving Sustainable Development), Section 4 (Decision-Making), Section 5 (Delivering a Sufficient Supply of Homes, Section 9 (Promoting Sustainable Transport), Section 11 (Making Effective Use of Land), Section 12 (Achieving Well-Designed Places), Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change, Section 15 (Conserving and Enhancing the Natural Environment),

7.6 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main considerations are as follows:

- i) Principle of the development
- ii) Design, scale and impact upon the character of the surrounding countryside
- iii) Impact on the setting of the listed building
- iv) Impact upon amenity of neighbouring properties and future occupiers
- v) Highways and parking
- vi) Biodiversity and Sustainability
- vii) Impact on the Chichester & Langstone Harbours Special Protecting Area (SPA)
- viii) Other matters and material considerations

i) Principle of the development

8.2 The application site is located outside of any settlement boundary and is therefore within the countryside where new dwellings are not normally permitted. Since 2016 there have been a number of prior approvals under Class Q of the GDPO for the conversion of the existing building to dwellings. The most recent and extant prior approvals (19/01715/PA3Q and 18/02732/PA3Q), permitted the conversion of the two larger agricultural buildings into 3 dwellings in each total 6 units on the site. However, class Q of the GDPO limits the number of small dwellings to 5 units. Therefore, both prior approvals could not be implemented and as such the site has a fall-back position of 3 dwellings on the site.

- 8.3 Policy 46 of the Chichester Local Plan states that proposal for the conversion or reuse of a building in the countryside, outside settlement boundaries will be granted where it can be demonstrated that all the criteria set out within the policy have been met. The application proposes to convert two existing flint barns to three dwellings. The fall-back position of the conversion one of large agricultural buildings to create 3 dwellings on the site is a material consideration in the determination of this application, together with the conversion of the two existing buildings the principle of residential development on the site is considered acceptable.
- ii) Design, scale and impact upon the, character of the surrounding countryside
- 8.4 Policy 33 of the LP refers to new residential development and sets out that proposals must meet the highest standards of design and a high quality living environment in keeping with the character to the surrounding area and its setting in the landscape; in addition that its scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site.
- 8.5 The application site is located on the corner of Manor Lane and Punches Lane with a small number of residential dwellings to the west, south and east. The site comprises two large and two small modern agricultural buildings, with a further two small traditional flint built barns. The buildings would have form part of the farming complex for South Mundham Farm, for which the main dwelling remains to the east. The existing buildings on the site range in scale with ridge heights from 2 metres to 6.7 metres. The more modern buildings are constructed from sheet metal, some with brick or blockwork walls.
- 8.6 During the course of the application the scheme has been amended to create a courtyard style development, this in part reflects the history of the site, as prior to the modern building there where flint barns in a similar location and layout. The proposed layout creates a central court yard, accessed from Manor Lane to the west, which four of the dwellings would use. The layout has been amended to reduce the amount of hardstanding within the centre of the site and to break up the parking areas to reduce the visual impact. Furthermore, there is has been reduction in the amount of hardstand across the proposal in comparison to the fall-back position and a condition can be imposed to secure details of this.
- 8.7 The proposed new dwellings have also been amended during the process of the application to reflect the existing character of the flint barns and to ensure the development is cohesive in its character. The buildings would be of a traditional barn style, with half hipped roofs and gable detailing. The walls of the dwellings would be brick and flint with clay tiles roof, timber framed windows and conservation style roof lights. The scale of the dwellings are broadly similar with ridge heights of 6 metres and eaves of 2.2 metres. To ensure the materials are in keeping with the existing barns and the countryside location, it is recommended a condition is imposed for samples of the materials prior to construction.
- 8.8 With regard to landscaping, a plan was submitted with the original layout detail the intended scheme. The landscaping scheme detail native trees and hedgerow and permeable paving. Given the changes to the scheme, it is recommended a condition is imposed detail a landscaping scheme to be submitted, which also includes enhanced tree planting on the site.

8.9 In comparison to the fall-back position of converting the existing two large buildings, there would be a significant reduction in the scale of the development, particularly to the North West corner, which is prominent from public view. This would result in a visual improvement to the site, in comparison to the fall-back position, which is important in this prominent countryside location. While the proposed dwellings are not located on the same footprint as the previous prior approval, the relocation of the dwellings and redevelopment of the site, would have visual benefits and would allow for a cohesive redevelopment of the site. Notwithstanding the fall-back position, the scale, design and form of the development is considered acceptable.

8.10 Policy 46 of the Chichester Local Plan states that proposal for the conversion or reuse of a building in the countryside, outside settlement boundaries will be granted where it can be demonstrated that all the criteria set out within the policy have been meet. The policy requires capable of conversion and the form, bulk and general design of the building is in keeping with its surroundings and the proposal and any associated development will not harm its landscape character and setting. The application proposes to convert two existing flint barns to three dwellings. A structural survey has been submitted with the application that demonstrates the buildings can be converted without significant alterations. The buildings existing flint building have a number of modern alteration to them, both have sheet metal roofs. The application proposes the majority of the alterations to elevation that have already have modern alterations, remain the vast majority of the existing flint. It is considered the proposal retains there character while improving their appearance.

8.11 Having regard to the fall-back position and the design, scale and form of the proposal it is considered the would achieve a high quality design that would respect its countryside location. The proposal is therefore deemed to be acceptable in terms of scale, form and design, and would be in-keeping with the surrounding area and countryside; therefore complying with Local Plan Policies 33, 45, 47 and 48.

iii) Impact on the setting of the listed building

8.12 Policy 47 of the Chichester Local Plan seeks to conserve and enhance the special interest and setting of designated and non-designated heritage assets. South Mundham House to the west of the application site, on the opposite side of Manor Road, is a Grade II* listed building. The proposal would reduce the massing and scale of the built form on the site in comparison to the existing. Furthermore, the proposal would move the built form further away from the western boundary of the site. Therefore, given the reduction in scale over the existing and design and character of the proposal, it is considered the proposal would make a positive contribution to the setting of the listed building. The proposal would therefore accord with policy 47 of the Chichester Local Plan.

iv) Impact upon amenity of neighbouring properties and future occupiers

8.13 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.

- 8.14 The closest properties to the site are Carmic Cottage to the east which is owned by the applicant and is approximately 15 metres from the boundary of the site. The Old Cottage to the south is 16 metres to the south of the application site. To the west is South Mundham House, which is located on the opposite side of Manor Road. Given the distance to neighbouring properties and the intervening public realm, it is not considered the proposal would have a harmful impact to neighbouring amenity. The proposal therefore accords with policy 33 of the Chichester Local Plan.
- 8.15 In terms of providing an adequate level of amenity for future occupiers of the site, the proposal would improve the layout of the development in comparison to the prior approval application in terms of neighbouring impact. Furthermore, the dwellings would be in accordance with the National Space Standards and provide a good standard of outside private space. A condition is recommended in relation to unexpected contamination; to ensure that appropriate remediation measures are put into place should it be found the land is contaminated during the construction process.
- v) Impact on the Chichester and Langstone Harbours and the Pagham Harbours SPA
- 8.16 The site lies within 5.6km of the Chichester and Langstone Harbours Special Protection Area (SPA) and the Pagham Harbours 3.5km Zone of Influence, where new residential development is likely to have significant environmental impacts on this internationally important designation. Local Plan Policy 50 relates to development and disturbance of birds within this internationally designated Special Protection Area. Effective mitigation, against potential recreational impact arising from new residential properties, needs to be provided. In accordance with Policy 50, the Recreational Disturbance of Birds in SPAs Guidance 2019, and as recommended by Natural England, a financial contribution to the established joint mitigation scheme is appropriate in this instance.
- 8.17 The most up-to-date fees are set-out within the Council's Recreational Disturbance of Birds in SPAs Guidance 2019. For residential development within the Chichester and Langstone Harbours Special Protection Area (SPA) and the Pagham Harbours 3.5km Zone of Influence buffer zones, fees are based on the higher of the two mitigation payment. The applicant has paid the fee and signed a Unilateral Undertaking. The proposal is therefore considered to provide appropriate mitigation against impacts on the SPA, and therefore would not be detrimental to the SPA in accordance with Local Plan Policy 50 and local and national guidance. An appropriate assessment has been carried out and the mitigation proposed is acceptable.
- vi) Impact upon highway safety
- 8.18 Policy 39 of the Chichester Local Plan seeks to ensure that new developments do not result in residual cumulative impacts which are severe and ensure a safe and adequate means of access for all modes of transport.
- 8.19 WSCC Highways have been consulted and have not raised a highway safety objection. Conditions have been suggested which have been integrated into this recommendation. The original layout detailed electric charging point with the centre of the site. As the layout as change it is recommended that the charging points are secured via condition.

8.20 Therefore, the proposal would accord with policies, 8 and 39 of the CLP which seeks to ensure that new development has acceptable parking levels, and access and egress to the highway.

vii) Drainage and flood risk

8.21 Policy 42 of the Chichester Local Plan seeks to ensure that new development is not at risk of flooding and it would not result in a net increase of surface water runoff. The application site is located within flood zone 1 and proposes to use a package treatment plant for foul sewage and a soakaway for surface water. Due to the rural location of the site, and the lack of mains drainage it is considered that the use of a package treatment plan is acceptable. A condition is recommended requiring full details of the plant, and an informative alerts the applicant to the need to contact Environment Agency for any discharge into watercourses. The Coastal and Drainage Engineer has considered the application and had no objections subject to a condition requiring a surface water drainage scheme to be submitted. Subject to this condition it is considered the proposal would not result in a net increase of surface water runoff. The application therefore accords with policy 42 of the Chichester Local Plan.

viii) Biodiversity and Sustainability

8.22 The applicant has commissioned and submitted a Bat Survey which concluded that the barn had negligible potential; to support roosting bats and therefore bat should not be impacted by the proposed development and no further survey for bats would be required. Nevertheless, the Ecological Report suggests mitigation and enhancement measures such as provision of a bat/bird boxes to provide biodiversity enhancements on site; in-line with Local Plan Policy 49. It can therefore be reasonably concluded that the proposal would not harm protected species and would enhance biodiversity across the site subject to the recommended condition requiring the proposed mitigation and enhancements to be implemented.

8.23 The construction of a new dwelling rather than the conversion of the existing would allow for an improvement of the sustainability of the building. Policy 40 of the Chichester Local Plan states that proposal should minimise the impact of the development upon climate change. It is recommended to attach a condition requiring a strategy outlining details of the sustainable design and construction to be submitted to ensure that the requirements of policy 40 are met.

Conclusion

8.24 Based on the above it is considered the proposal would be of an appropriate design that not detract from the rural character of the surrounding area, would not have a significant adverse impact upon the amenities of neighbours and would be acceptable in all other respect. The proposal therefore complies with the relevant local and national development plan policies and guidance and, accordingly, the application is recommended for approval, subset to conditions.

Human rights

8.25 In reaching this conclusion, the Human Rights of the applicants and nearby occupiers have been taken into account and it is deemed that the recommendation to permit is justified and proportionate.

RECOMMENDATION

Permit subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) Notwithstanding any details submitted no works shall be carried out above slab level until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control

- 4) No development or demolition shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The measures approved within the CMS shall thereafter be fully adhered to during the demolition and construction process. The CMS should provide for the following:

- a) hours of construction (including demolition) and delivery
- b) details and method of demolition
- c) provision for parking of vehicles
- d) provision for storing of equipment, materials and waste
- e) details for the erection and maintenance of any security hoarding
- f) measures to control emission of dust and noise
- g) provision of road sweepers and/or wheel washing facilities
- h) details of proposed external lighting to be used during construction, which should be restricted

- i) waste management and litter control, including prohibiting burning of materials/waste
- k) details of the disposal of waste including measures to prevent litter, encourage recycling and prevent bonfires on the site.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

- 5) No part of the development hereby permitted shall be occupied until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

- 6) No development shall commence until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon climate change. These details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

- 7) **No development shall commence** until full details of the package treatment plant and a scheme for the maintenance and management of the system has been submitted to and approved in writing by the Local Planning Authority. Upon completed construction of the package treatment plant the scheme shall be strictly adhered to in perpetuity.

Reason: The details are required to ensure the foul drainage system is designed appropriately and properly maintained and managed as soon as it is installed to ensure long-term effectiveness.

8) Development shall not commence until the full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Reason: To ensure adequate provision for drainage

9) Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the SuDS System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure adequate provision for drainage

10) No works shall be carried out above slab level until a scheme for ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be fully implemented in accordance with the approved details prior to first occupation of the dwellings hereby permitted.

Reason: to ensure suitable biodiversity enhancements are achieved in the interest of conservation of the natural environment.

11) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

12) No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

- 13) The dwellings hereby permitted shall not be occupied unless and car charging points have been provided and are operational in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the car charging points shall be maintained and remain operational in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of encouraging the use of sustainable modes of transport.

- 14) The development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicles and pedestrian access and circulation areas; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

Reason: In the interests of amenity and of the environment of the development.

- 15) Prior to first occupation of the dwellings hereby permitted boundary treatments shall be provided in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;
- (a) a scaled site plan showing the location and lengths of the boundary treatments and scaled elevations,
 - (b) details of the materials and finishes, and
 - (c) gaps at the bottom of the fences to allow movement of small mammals across the site.

Thereafter the boundary treatments shall be maintained as approved in perpetuity.

Reason: In the interests of protecting the amenity of neighbouring properties and protecting biodiversity.

- 16) Prior to the occupation of the dwellings hereby permitted the proposed hardstanding and driveway shall be constructed of porous materials and shall be retained in that condition in perpetuity.

Reason: To protect the environment, restrict the amount of additional run off water and to reduce the risk of surface water flooding.

- 17) The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSCC) or its agent (CDC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason: To ensure adequate provision for drainage

- 18) The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted to and approved in writing by the Local Planning Authority. No construction is permitted which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure adequate provision for drainage

- 19) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. The development shall not be first occupied until:

- i) an investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and
- ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and
- iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with local and national planning policy.

- 20) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Classes A and E; of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of the surrounding area and countryside, and to prevent overdevelopment of the site.

- 21) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no gates, fences, walls permitted by Classes A; of Part 2 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of the surrounding area and countryside, and to prevent overdevelopment of the site.

- 22) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended, there shall be no external illumination on the development hereby permitted other than in accordance with a lighting scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the proposed location, design, level of luminance and any measures to avoid light spillage. The lighting scheme shall thereafter be maintained in accordance with the approved details in perpetuity.

Reason: In the interests of protecting the environment and local residents from light pollution and in the interests of preserving the nature conservation interests of the area.

INFORMATIVE

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover any off-site highway works to the access points. The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

INFORMATIVE

The applicant is reminded that the prior written consent of the Environment Agency, West Sussex County Council as Lead Local Flood Authority and other external organisations may be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 may be required in respect of water and foul discharge off site.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - Proposed Barn 5 - Plan and Section (A3)	10079_DPA_018	REV A	24.06.2019	Approved
PLAN - Proposed Barn - Elevations (A3)	10079_DPA_019	REV A	24.06.2019	Approved
PLAN - Existing Site Plan (A3)	10079_DPA_02		01.04.2019	Approved
PLAN - Proposed Barn 6 - Plan and Section (A3)	10079_DPA_020	REV A	24.06.2019	Approved
PLAN - Proposed Barn 6 - Elevations (A3)	10079_DPA_021	REV A	24.06.2019	Approved
PLAN - Existing Cart Shed Plans and Elevations (A3)	10079_DPA_04		01.04.2019	Approved
PLAN - Existing Atcost Shed Plan and Elevations (A3)	10079_DPA_05		01.04.2019	Approved
PLAN - Existing Flint Barn 1 Plan, Section and Elevations (A3)	10079_DPA_06		01.04.2019	Approved
PLAN - Existing Shed 1 Plan, Section and Elevations (A3)	10079_DPA_07		01.04.2019	Approved
PLAN - Existing Shed 2 Elevations (A3)	10079_DPA_08		01.04.2019	Approved
PLAN - Proposed Shed 2 Plans and Elevations (A3)	10079_DPA_22		01.04.2019	Approved
PLAN - Existing Shed 2 - Plan and Section (A3)	10079_DPA_009		25.03.2019	Approved
PLAN - Existing Location Plan (A3)	10079_DPA_01		25.03.2019	Approved
PLAN - SUBSTITUTE PLAN 22/11/19 PROPOSED CAR PORTS - BARNS 5 AND 6 (A3)	10079-DPA-025		10.01.2020	Approved

PLAN - SUBSTITUTE PLAN 22/11/19 PROPOSED BARN 1 AND 2 FLOOR PLANS WITH SECTION (A3)	10079-DPA- 012	REV B	10.01.2020	Approved
PLAN - SUBSTITUTE PLAN 22/11/19 PROPOSED BARN 3 - FLOOR PLANS WITH SECTION (A3)	10079-DPA- 014	REV B	10.01.2020	Approved
PLAN - SUBSTITUTE PLAN 22/11/19 PROPOSED BARN 3 - ELEVATIONS (A3)	10079-DPA- 015	REV B	10.01.2020	Approved
PLAN - SUBSTITUTE PLAN 22/11/19 PROPOSED BARN 4 - FLOOR PLAN WITH SECTION (A3)	10079-DPA- 016	REV C	10.01.2020	Approved
PLAN - SUBSTITUTE PLAN 22/11/19 PROPOSED BARN 4 - ELEVATIONS (A3)	10079-DPA- 017	REV C	10.01.2020	Approved
PLAN - SUBSTITUTE PLAN 22/11/19 PROPOSED SITE PLAN (A3)	10079-DPA-03	REV D	10.01.2020	Approved
PLAN - SUBSTITUTE PLAN 25/10/19 - ILLUSTRATIVE MASTERPLAN (A1)	LLD1724-LAN- DWG-010	REV 02	01.11.2019	Approved

For further information on this application please contact Daniel Power on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PNWIOYERIAQ00>

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**PLANNING COMMITTEE
(Wednesday 5th February 2020)
SCHEDULE OF OUTSTANDING CONTRAVENTIONS**

1. This report presents the Schedule of Outstanding Planning Enforcement Contraventions. The report provides an update on the position of contraventions included in the previous schedule and includes cases that have since been authorised.

2. Statistics as at 31st December 2019

Case Numbers:	CDC	SDNP	Total
On hand as at last report:	259	107	366
Cases received since last report:	69	43	112
Cases closed since last report:	99	37	136
Current number of cases on hand:	229	113	342
The number of "On hand" cases awaiting compliance with either an EN or the outcome of an appeal/application	163	89	252

One SDNP case remains on the CDC system - ES/11/00636/EWSTNP - Buriton Barn, Buriton Farm. This site has a long and complex planning history. It is anticipated that the outcome of a public inquiry held on 7.1.2020 will enable this file to be closed.

3. Performance Indicators are for CDC area only as this information is not available for cases within the South Downs National Park:

a. Time taken to initial visit from date of complaint:

Low within 20 days (235 Cases)	100%
Medium within 10 days (61 Cases)	100%
High with 2 days (8 Cases)	100%

b. Time taken to notify complainants of action decided from date of complaint:

Low within 35 days (247 Cases)	100%
Medium within 20 days (68 Cases)	100%
High within 9 days (10 Cases)	100%

4. Notices Served.

Notices Served:	1 Oct - Dec 2019		Total in FY 2019/20	
	CDC	SDNP	CDC	SDNP
Enforcement Notices	4		11	3
Breach of Condition Notices	1		4	1
Stop Notices			2	
Temporary Stop Notices	2		2	
Section 215 Notices			2	
Section 225A Notices				
High Hedge Remedial Notices			1	
Tree Replacement Notice				
Total	7		22	4

If Members have any specific questions on individual cases, these should be directed to the contact officer:

Shona Archer, Enforcement Manager (01243 534547)

OUTSTANDING CONTRAVENTIONS – SOUTH DOWNS NATIONAL PARK

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BURY/SDNP/ 17/00096/ SEC215 (Sue Payne)	Sydenham Cottage West Burton Road West Burton Pulborough	Untidy land	19.03.18	S215 Notice S215/29/BY/24 issued. Compliance date 30.07.18 04.10.18 – Notice not complied with 12.12.18 – letter before prosecution action sent 08.02.19 – following meeting – additional information for works and application to be received by 12.04.19 28.06.19 – as no additional information or application received prosecution papers have been forwarded to Legal Services. 19.07.19 – supplementary statement and exhibits produced 20.09.19 – notice not complied with 18.09.19 – Crawley Magistrates Court awarded costs against the owner who did not attend. The total fine is £660, the victim's surcharge is £66 and the costs of £1769.39. The courts imposed a Collection Order. 28.10.19 – further site visit to be carried out to confirm compliance with the notice 22.11.19 – further prosecution papers submitted for non-compliance with the notice 03.01.20 – further updated statement required for prosecution
BURY/SDNP/ 17/00585/ GENER (Sue Payne)	Flint Acre Farm Bignor Park Road Bury RH20 1EZ	Without planning permission, change of use of the Building to use as a single dwelling	13.06.18	EN BY/25 issued Appeal lodged – Written Representations Appeal dismissed – compliance increased to 8 months New compliance date 20.01.20

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BURY/SDNP/ 16/00691/COU (Shona Archer)	Foxbury Farm West Burton Lane West Burton	Without planning permission construction of a concrete hardstanding	02.07.18	EN BY/26 issued Appeal dismissed New compliance date 14.08 2019 04.10.19 – letter before prosecution sent as the requirements of the notice have not been carried out 15.10.19 – hard standing due to be removed by 18.10.19. Compliance check carried out. Failure to comply with the requirements of the EN is to be prosecuted. 10.01.20 – Owner has confirmed that the hard standing has now been removed. Compliance check required.
BURY/SDNP/ 17/00839/ GENER (Sue Payne)	Land east of Flint Acre Farm Bignor Park Road Bury	Without planning permission, the construction of a vehicular means of access by removal of the hedgerow and embedding a pipe, material deposit and forming a crossover	24.09.19	EN BY/28 issue Compliance date 04.02.20
COMP/SDNP/ 15/00210/COU (Shona Archer)	Cowdown Farm Cowdown Lane Compton	Without planning permission, change of use of the building for the stationing of a caravan for the purposes of human habitation	27.06.18	EN CP/7 issued 03.01.19 - Appeal dismissed with variation New compliance date 03.07.20

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
COMP/SDNP/ 15/00209/COU (Shona Archer)	Cowdown Farm Cowdown Lane Compton	Without planning permission, the construction of a gable end wall in the west elevation of the building	04.07.18	EN CP/9 issued 03.01.19 - Appeal dismissed with variation New compliance date 03.04.20
FERN/18/ 00082/GENER (Emma Kierans)	Land at Coombe House Marley Heights Fernhurst	Without planning permission, change of use of the Land to use as garden land in association with the dwelling house	28.08.19	EN FH/27 authority given to issued Compliance date 09.01.20 Appeal lodged – awaiting start date
FIT/SDNP/17/ 00755/COU (Shona Archer)	Lithersgate Common Bedham Lane Fittleworth	Without planning permission change of use of the Land to a BMX cycle track	28.11.18	EN FT/10 issued Appeal lodged – Written Representation Appeal statements submitted – awaiting date from PINs for site visit.
FUNT/SDNP/ 16/00676/COU (Shona Archer)	New Barn Farm Common Road Funtington	Without Planning permission change of use of the land to B8 commercial storage	04.01.18	EN FU/66 issued 04.03.19 – appeal dismissed with variation New compliance date 06.12.19 Owners are in discussion with DM regarding the future of the site. Securing compliance has been withheld to enable these discussions to be completed.

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
HART/SDNP/ 18/00587/TPO (Tara Lang)	Three Cornered Piece Hollow Road East Harting	Breach of condition - occupation	19.06.19	BCN HT/28 issued Compliance due 19.09.19 15.10.19 - BCN considered not to have been complied with. 24.10.19 – site visit to assess whether current occupancy constitutes an offence. No evidence is available to demonstrate that the notice has not been complied with. Case to be closed.
HART/SDNP/ 18/00587/TPO (Tara Lang)	Three Cornered Piece Hollow Road East Harting	Without planning permission, the erection of brick pillars and gates	01.07.19	EN HT/29 issued Compliance date 12.11.19 Works of compliance have not been carried out. The offence of failing to comply with the enforcement notice will be prosecuted.
HEY/SDNP/18/ 00087/GENER (Emma Kierans)	Land at Northend House Polecats Heyshott Midhurst	Without planning permission the erection of iron gates, brick pillars, bollards and kerb lighting, hardstanding and retaining strip	31.01.19	EN HY/3 issued Compliance date 14.06.19 Appeal lodged – awaiting start letter
LUR/SDNP/ 17/00447/ GENER (Emma Kierans)	Land at Jays Farm Jays Lane Lurgashall	Without planning permission the creation of an access track and hardstanding	29.07.19	EN LG/16 issued Compliance date 10.12.19 Appeal lodged – awaiting start letter

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
ML/SDNP/ 16/00110/COU (Steven Pattie)	Land West of the Junction to Dangstein Road	Without planning permission change of use to mixed use of camping, education and training, manufacture of wood products	19.06.18	EN ML/25 issued Appeal lodged - Hearing 14.01.20 – Appeal dismissed New compliance date 14.04.20
ROG/SDNP/15/ 00492/COU (Steven Pattie)	Land northwest of Laundry Cottage Dangstein Woods, Rogate	Without planning permission, change of use of the land to a mixed use for leisure, education and training purposes and for the production of timber products	26.02.18	EN RG/36 issued Appeal lodged – Public Inquiry 18.11.19 – notice upheld with correction Compliance date 18.02.20

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
SN/SDNP/15/ 00301/ BRECON (Shona Archer)	1 Sutton Hollow The Street Sutton Cont'd over	Without planning permission the erection of a dwellinghouse	18.08.16	EN SN/3 issued Appeal ongoing – Written Representations Exchanged statements and awaiting date for PINS site visit SDNP/17/00294/FUL – refused and appeal lodged SDNP/17/00295/LB – refused and appeal lodged 20.09.17 – s174 appeal conjoined with s78 appeal 28.02.18 – Appeal dismissed, enforcement notice upheld. 11.09.18 – Meeting on site. Owners have until 28.10.18 to comply/confirm their intentions 21.12.18 – application SDNP/18/05458/HOUS pending consideration 04.02.19 – application withdrawn. 11.04.19 – meeting with SDNPA on way forward. 21.05.19 – application SDNP/19/02414/HOUS pending consideration 28.06.19 – application remains pending consideration 11.10.19 – application refused 24.10.19 – Meeting with owners to discuss the enforcement of the case/next steps December 2019 the owners have stated their intention to carry out works of compliance to revert the building to its approved form.
TILL/SDNP/18/ 00733/COU (Emma Kierans)	Land South East of Beggars Corner Halfway Bridge Lodsworth	Without planning permission the erection of a timber field shelter	08.01.20	EN LD/16 issued Compliance date 19.05.20

Chichester District Cases:

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
AP/18/00393/ CONHH (Emma Kierans)	Ferndale 133 Birdham Road Appledram	Without planning permission the erection of a fence and gates in excess of 1 metre in height adjacent to a highway	06.11.19	EN AP/5 issued Compliance date 18.03.20 Appeal lodged – awaiting start letter
BI/15/00194/ CONTRV (Shona Archer)	Land North West of Birdham Farm, Birdham Road, Chichester	Without planning permission the stationing of a mobile home for the purposes of human habitation	06.05.15	EN BI/23 and BI/24 issued The Appeal decision was published on 2 August 2017. The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations Compliance date: 2 August 2018 04.10.18 – letter issued stating Councils intention to seek Mandatory Court Order 12.4.19 – meeting with legal services to advance Injunction An application has been made to the Courts for a Mandatory Injunction to achieve compliance. A court date is now awaited.
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road Chichester	Without planning permission erection of a stable building	10.08.15	EN BI/29 issued with compliance date of 21.12.15 Following the outcome of the Inquiry, compliance to remove the stables is considered to be 2 August 2018 As Above

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BI/15/00139/ CONSH (Shona Archer)	Access track and hardstanding -land North West of Premier Business Park, Birdham Rd	Without planning permission excavation, deposit of hardcore and erection of gates and fences	21.09.15	EN BI/30 issued The Appeal decision on the above matters was published on 2 August 2017 The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations Compliance date: 2 November 2018 12.4.19 – meeting with legal services to advance Injunction proceedings As serial BI/15/00194/CONTRV
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road	Without planning permission, change of use of the land to a mixed use as a residential caravan site, for the storage of caravans and the keeping of horses	03.03.16	EN BI/31 issued The Appeal decision on the above matters was published on 2 August 2017 The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations Compliance date: 2 August 2018 12.4.19 – meeting with legal services to advance Injunction proceedings As serial BI/15/00194/CONTRV
BI/17/00356/ CONMHC (Shona Archer)	Plot 12 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/44 issued Compliance date 03.07.19 Appeal lodged – awaiting start letter

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BI/17/00361/ CONMHC (Shona Archer)	Plot 13 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/41 issued Compliance date 03.07.19 Appeal lodged – awaiting start letter
BI/17/00362/ CONMHC (Shona Archer)	Plot 14 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/42 issued Compliance date 03.07.19 Appeal lodged – awaiting start letter
BI/17/00357/ CONMHC (Shona Archer)	Plot 15 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to a mixed use of agriculture, a residential caravan site and animal boarding and rescue centre	22.11.18	EN BI/43 issued Compliance date 03.07.19 17.08.19 – notice not complied with. Contravener to be invited for interview 24.09.19 – interview postponed 10.10.19 – interview postponed 14.10.19 – prosecution papers now to be prepared 24.10.19 – owner has stated that the land has been sold. Monitoring of case ongoing 10.01.20 - The owner has stated that the site has been sold and that they will soon vacate the land; to be monitored.
BI/17/00061/ CONENG (Emma Kierans)	Oak Farm Land North of Cowdry Nursery Sidlesham Lane Birdham	Without planning permission the erection of a building	13.08.18	EN BI/40 issued Appeal logged – Written Representations

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BI/18/00240/ CONCOU (Shona Archer)	Land east of Birdham Farm Birdham Road Birdham	Without planning permission, change of use of the land to a general storage use including the storage of motor vehicles, parts, metal, wood, ladders, plastic, trailers and windows	23.01.19	EN BI/45 issued Compliance date 06.06.19 Observations of the land indicate that full compliance has not been achieved 27.6.19 - Site visit to be undertaken to assess the land – then letter before action sent to the owner if required 10.10.19 – Site visit found that the land continued to be used for the storage of building materials, the parking of a lorry and the disposal of household items 17.10.19 – Meeting on site with the landowner. He would like to make an application to use the land as storage place which he considers has taken place for a number of years. He is aware that failure to clear the land now results in an offence. 8.1.2020 – no application has been made and it is noted that the use of land is continuing. The owner considers that the LPA wrongly issued the notice. A prosecution of the offence of failing to comply with the notice will now be considered.
BI/19/00046/ CONCOU (Steven Pattie)	Kellys Farm Bell Lane Birdham	WPP the material change of use of land to use as a car wash business	31.07.19	EN BI/46 issued Appeal lodged – Written Representations Decision awaited.
CC/15/00064/ CONLB (Sue Payne)	13 Parchment Street Chichester	Without Listed Building Consent the installation and fitting of 3 no. upvc double glazed windows	18.10.17	LBEN CC/138 issued Appeal lodged – Public Inquiry on 30.10.18 at City Council 26.02.19 – Appeal dismissed with variation. Costs awarded to the Council and repayment plan agreed. Compliance date 26.02.2020

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CC/15/00018/ CONBC (Shona Archer)	Wildwood 30 Southgate Chichester	Breach of condition – use of rear of premises	16.08.18	BCNEN CC/143 issued Appeal lodged – Written Representations 12.08.19 – appeal succeeds on variation of period of compliance to 6 months and the enforcement notice is upheld as varied New compliance date 12.02.20
CC/18/00181/ CONLB (Sue Payne)	24 Washington Street Chichester	Without planning permission the installation of upvc double glazed windows to the upper and first floor rear elevation	11.12.19	LBEN CC/149 issued Compliance date 22.07.20
CC/19/00112/ CONBC (Sue Payne)	21 Lavant Road Chichester	Breach of condition – balustrade	15.01.20	BCN CC/150 issued Compliance date 16.04.20
CH/18/00010/ CONMHC (Shona Archer)	Land East of Hambrook Meadows Broad Road Hambrook Chidham	Without planning permission, change of use of the land to a mixed of equestrian and storage of a caravan, shipping container, flat-bed pick- up truck, dumper truck, cement mixer, panels, ladder, vintage tractor, SUV vehicle, flat bed metal-sided trailer, fairground equipment and a box trailer.	13.08.18	EN CH/56 issued Appeal lodged – Public Inquiry

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D/17/00374/ CONCOM (Emma Kierans)	Southend Farm Selsey Road Donnington	Without planning permission, change of use of the land to a mixed use for agriculture and the storage of modular buildings, portable structures and metal storage containers	26.09.18	EN D/8 issued Appeal lodged – Written Representations Appeal dismissed with variation to compliance period New compliance date of 19.06.20
D/17/00371/ CONCOM (Tara Lang)	Donnington Manor Farm Selsey Road Donnington	Without planning permission the change of use of the agricultural land to B8 storage and the stationing of storage containers on the land	28.03.19	EN D/9 issued Compliance date 08.11.19 Appeal lodged – awaiting start letter
D/18/00372/ CONBC (Emma Kierans)	Land at Windmill Bungalow Donnington	Breach of condition – erection of fencing and non-implementation of landscaping	15.08.19	BCN D/10 issued Compliance date 16.11.19 12.11.19 – notice complied with. Remove from next list
E/17/00391/ CONDWE (Emma Kierans)	Dragon Nursery Third Avenue Batchmere	Without planning permission, the construction of outer walls of a building	14.06.18	EN E/31 issued Appeal lodged. 19.06.19 – Appeal withdrawn 04.07.19 – letter sent to owner stating new compliance date of 19.12.19 08.01.20 – Liaising with land owner regarding steps for compliance, have agreed an extension of time for a month

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
E/16/00320/ CONCOU (Steven Pattie)	Witsend Nursery Third Avenue Batchmere	Without planning permission, change of use of land for the storage of caravans, motorhomes, boats and boat trailers	06.06.19	EN E/32 issued Compliance date 18.10.19 Appeal lodged – awaiting start letter
E/18/00340/ CONENF (Emma Kierans)	Medmerry View Drove Lane Earnley	Without planning permission change of use of the land to recreational amenity land.	09.01.20	EN E/33 issued Compliance date 20.05.20
E/17/00285/ CONBC (Emma Kierans)	Medmerry View Drove Lane Earnley	Breach of condition - Landscaping	09.01.20	BCN E/35 issued Compliance date 10.03.20
EWB/18/00027/ CONBC (Emma Kierans)	42 Middleton Close Bracklesham Chichester	Without planning permission, the use as domestic garden land in connection with the dwelling	10.07.18	EN EW/44 issued Compliance date 21.11.18 17.12.18 held in abeyance review on 39 Middleton Close. 31.03.19 – DMDM to carry out a site visit to assess 14.06.19 - Divisional Manager to advise on next steps 17.10.19 – awaiting further review 22.11.19 – No further action report agreed and notice withdrawn. Remove from next list

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
EWB/18/00139/ CONBC (Emma Kierans)	Land north east of Beech Avenue Bracklesham Bay Chichester	Breach of condition – Landscaping	04.02.19	BCN EW/46 issued Compliance date 05.04.19 14.06.19 – most works carried out, still two steps pending – full compliance is yet to be achieved, monitoring 17.10.19 – working with the developer to ensure full compliance 08.01.20 – the developer has confirmed a timetable for some works, waiting to hear confirmation for outstanding matters
FB/17/00376/ CONWST (Steven Pattie)	The Old Thatched House Mill Lane Fishbourne	Untidy land and building	31.10.18	S215 Notice issued Compliance date 12.03.19 10.4.19 – officers monitoring site pending the sale of the property 15.10.19 – Stride and Sons are actively marketing the property and they have an offer from a cash buyer although at present the offer is lower than the asking price and will need to sell another property to raise the offer higher. Owner's father is in contact with Stride and Sons regularly. Agent suggested that they are hoping to make progress this week. 10.01.20 – Stride and Sons discussed the property. A third party have instructed an agent to submit a Listed Building Consent application by the end of January 2020. Not expedient to pursue a prosecution at this time.
FU/17/00310/ CONCOU (Shona Archer)	Cutmill Depot Newells Lane West Ashling	Without planning permission, change of use of land to use as a residential caravan site	27.09.18	EN FU/67 issued Compliance date 08.05.19 Appeal lodged – awaiting start letter

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FU/18/00323/ CONHI (Sue Payne)	Land south of West Stoke Farm West Stoke Funtington	High Hedge Remedial Notice	15.05.19	HHRN HH/22 issued Appeal lodged – Written Representation
FU/17/00011/ CONBC (Tara Lang)	Land south of The Stables Newells Lane West Ashling	Without planning permission, the erection of stone pillars and walls	27.06.19	EN FU/70 issued Compliance date 07.11.19 Appeal lodged – awaiting start letter
FU/17/00011/ CONBC (Tara Lang)	Land south of Scant Road East Hambrook West Ashling	WPP the construction of two wooden chalet buildings on raised breeze block foundations.	12.09.19	EN FU/71 issued Compliance date 24.01.20
FU/17/00011/ CONBC (Tara Lang)	Land south of Scant Road East Hambrook West Ashling	Cease all the activity involved in the construction of the wooden chalet buildings	12.09.19	SN FU/72 issued Takes effect on 17.09.19
FU/19/00231/ CONBC (Tara Lang)	3 West Ashling Road Hambrook Funtington	Breach of condition – number of caravans exceeding permission	26.09.19	BCN FU/73 issued Compliance date 26.12.19 Planning application (19/02662/FUL) for additional caravans refused. Site visit required to check on numbers. If no reduction, consideration to be given to prosecution proceedings.

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
NM/16/00325/ CONCOM (Shona Archer)	Land at 6 Oakdene Gardens North Mudham Chichester	Without planning permission storage of metal containers and other items	10.01.19	EN NM/28 issued Compliance date 21.05.19 Appeal lodged – awaiting decision
NM/18/00187/ CONMHC (Tara Lang)	Fisher Granary Fisher Lane South Mundham	Without planning permission, change of use of the land to use for the stationing of a mobile home for human habitation	06.08.19	EN NM/29 issued Appeal lodged – Written Representations PINs site visit 07.01.20 – awaiting decision
O/17/00074/ CONENF (Shona Archer)	Land North West of Decoy Farm House Decoy Lane Oving	Without planning permission the change of use of land to general storage use	14.06.17	EN O/27 issued Appeal dismissed. New compliance date 01.10.18 02.10.18 – site visit showed site continues to be used for storage. Letter sent requiring full access to site Dec 18 - Case put on hold following a family bereavement 12.04.19 – site viewed – goods seen on the land in breach of the notice. 21.6.19 – letter sent to owner to inform them that officers will carry out a site inspection on 18 July 2019 24.10.19 – July site visit postponed due to summer temperature. Letter sent to owner stating that officers will visit on 14 November 2019 11.12.19 – site visit undertaken – no compliance with the notice. Prosecution papers to be raised.

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O/17/00074/ CONENF (Shona Archer)	Land North West of Decoy Farm House Decoy Lane Oving	Without planning permission the erection of a wooden building on raised concrete blocks	14.06.17	EN O/28 issued Appeal dismissed. New compliance date 01.10.18 As above.
O/15/00202/ CONAGR (Shona Archer)	Oakham Farm Church Lane Oving	Without planning permission change of use to a mixed use for agriculture and the storage of caravans, motorhomes/ caravanettes, motor vehicles and shipping containers.	03.02.17	EN O/26 issued Appeal dismissed – new compliance date 05.04.18 06.04.18 – partial compliance achieved as storage use continues to be reduced. Further site visit to be carried out 16.07.18 – partial compliance – further site visit 01.10.18 02.10.18 – site is non-compliant. Letter before action sent Nov 18 – site visit with owner, gradual site clearance taking place. Site to be monitored and further site visit in 01/19 10.04.19 – contact made with agent to confirm final compliance with the notice. Use reduced but still ongoing 21.6.19 – owner informed that prosecution proceedings will commence 15.10.19 - Site visit to be undertaken to check compliance with the Enforcement Notice. It is understood from the owner's agent that most of the vehicles and caravans have now been removed from the land. 20.12.2019 – Confirmation received from agent that compliance is nearing completion with only a limited number of vehicles remaining. A new application will be submitted for a limited storage use on site.

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PS/13/00015/ CONAGR (Shona Archer)	Crouchland Farm, Rickmans Lane, Plaistow	Without planning permission, change of use of the land from agriculture to a commercial biogas plant	15.07.15	EN PS/54 issued Appeal lodged – Public Inquiry originally scheduled for APP/P3800/15/3137735. Appeal part allowed/part dismissed 21.11.17 – Appeal dismissed. Enforcement Notice upheld, 21.12.17 for Step (i) - “cease use including the cessation of importation and processing of feedstock” Compliance date of 23.05.19 for all other steps; 04.12.17 – EA confirmed compliance with Step (i); 17.10.18 – Planning Committee authorised extension to compliance until 21.05.21 21.6.19 – engagement with site owners ongoing 24.10.19 – planning enforcement is maintaining contact with the landowner of Lagoon 3 to impress upon them the need for compliance and to highlight the reducing time scale in which to achieve this.- Ongoing
PS/13/00015/ CONAGR (Shona Archer)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the installation, construction, engineering operations and deposit of earth in connection with a commercial biogas plant	15.07.15	EN PS/55 issued As Above 24.10.19 – as previous serial

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PS/18/00088/ CONAGR (Shona Archer)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the erection of a steel framed lean-to building	01.11.18	EN PS/65 issued Appeal lodged – Written Representations 10.01.20 – appeal dismissed with variation to the compliance period. New compliance date 10.05.21
PS/18/00088/ CONAGR (Shona Archer)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the erection of a separator tower building	01.11.18	EN PS/66 issued Appeal lodged – Written Representations 10.01.20 – appeal upheld and the notice is quashed. Remove from next list
PS/18/00088/ CONAGR (Shona Archer)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the construction of a slurry lagoon, earth bund and fencing	01.11.18	EN PS/67 issued Appeal lodged – Written Representations 10.01.20 – appeal decision varied the notice finding that the slurry lagoon and earth bunds were immune from enforcement action. The removal of the fencing was upheld and the compliance period amended. New compliance date 10.05.21
PS/17/00104/ CONBC (Sue Payne)	Burgau Barn Plaistow Road Ifold	Without planning permission, the erection of a dwellinghouse		EN PS/68 issue Compliance date 22.10.20 Appeal lodged – awaiting start letter
PS/19/00397/ CONHH (Sue Payne)	Thane The Drive Ifold Loxwood	Importation of caravans and mobile homes on the land	20.12.19	TSN/60 issued Notice ceases to have effect on 17.01.20

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SB/18/00389/ CONCOU (Steven Pattie)	Land at 1 Green Acre Inlands Road Southbourne	Without planning permission, change of use of land to use as a building site compound and the stationing of a catering van.	12.06.19	EN SB/117 issued Appeal lodged –Written Representations PINs site visit 07.01.20 – awaiting decision
SB/18/00389/ CONCOU (Steven Pattie)	Land at 1 Green Acre Inlands Road Southbourne	The use of the access track by construction traffic	12.06.19	Stop Notice SB/118 issued with EN SB/117 Takes effect 18.06.19
SB/18/00389/ CONCOU (Steven Pattie)	Land at 1 Green Acre Inlands Road Southbourne	Without planning permission, change of use of the building to use as a dwellinghouse	12.06.19	EN SB/119 issued Compliance date 24.01.20 Compliance achieved. Remove from next list
SI/18/00005/ CONAGR (Sue Payne)	Highleigh Nurseries High leigh Road Sidlesham	Without planning permission the change of use of the land for the storage and distribution of frozen food products	01.07.19	EN SI/70 issued Appeal lodged – Written Representations PINs site visit 07.01.20 – awaiting decision
SI/16/00026/ CONMHC (Steven Pattie)	Zsaras Yard Highleigh Road Sidlesham	Without planning permission the change of use of the land for the stationing of a caravan for the purpose of human habitation	06.11.19	EN SI/71 issued Compliance date 18.05.20 Appeal lodged –Awaiting start letter

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SI/18/00088/ CONHH (Sue Payne)	Land rear of Red Barn Selsey Road Sidlesham	Without planning permission the erection of a building in a ancient woodland	18.12.19	EN SI/73 issued Compliance date 29.03.19
SI/18/00329/ CONCOU (Sue Payne)	Purchase Farm Easton Lane Sidlesham	Without planning permission the change of use of the land to a motor vehicle storage and parking area	09.01.20	EN SI/74 issued Compliance date 20.06.20
SY/15/00177/ CONHH (Steven Pattie)	Portsoy 16 Bonnar Road Selsey Chichester PO20 9AT	Without planning permission the erection of an extension	14.12.15	EN SY/63 issued - Compliance date 25.07.16 22.03.19 – court proceedings – the owner pleaded guilty, fined £721, £700 costs and £32 victim surcharge 31.03.19 - Letter sent in regard to compliance with the notice 18.6.19 – site visit showed extension remains – owner to be informed that further prosecution proceedings to be instigated 27.11.19 – owner failed to attend interview 06.12.19 – Letter sent to the owner setting out the Authorities intention to commence further prosecution proceedings. Officers have been in contact with owner and a further interview under caution is to be arranged.

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SY/18/00164/ CONHH (Sue Payne)	21 Park Crescent Selsey	Without planning permission the erection of a building	10.09.19	EN SY/70 issued Compliance date 22.12.19 10.01.20 – An agreement was made with the owners that the building could be reduced to comply with permitted development rights provided that the works commenced prior to the compliance date. A site visit has confirmed that work has started to reduce the scale of the building.
TG/19/00069/ CONSRV (Sue Payne)	17 Nettleton Avenue Tangmere	Breach of condition - retention of amenity land	09.01.20	BCN TG/21 issued Compliance date 10.04.20
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to use as a civil engineering contractor's yard	10.04.18	EN WE/40 issued Compliance date 22.09.18 Appeal lodged – awaiting start letter
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to use for the storage of portable site office cabins, container cabins, portable toilet blocks and commercial vehicles	10.04.18	EN WE/41 issued Compliance date 22.09.18 Appeal lodged – awaiting start letter

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WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use for the storage of metal skips, building materials, scaffolding equipment, lifting platforms, storage racks, engine parts, commercial vehicles, HGV's, redundant vehicles and truck bodies	10.04.18	EN WE/42 issued Compliance date 22.09.18 Appeal lodged – awaiting start letter
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to a mix use of a civil engineering contractor's yard, for the storage and use of the building for vehicle repair and servicing	10.04.18	EN WE/43 issued Compliance date 22.09.18 Appeal lodged – awaiting start letter
WE/16/00191/ CONCOU (Shona Archer)	Unit 2 Land north of Cemetery Lane Woodmancote	Without planning permission material change of use of the land to a mixed for open storage of vehicles and use as a HGV Operating Centre	24.07.17	EN WE/39 issued Appeal ongoing – Written Representations 19.06.18 – PINs sit visit New compliance date 02.01.2020 7.1.2020 – it is reported that the use is continuing. To be checked on site and prosecution proceedings taken if confirmed.

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WE/17/00333/ CONMHC (Tara Lang)	Land at Home Paddock Stables Hambrook Hill North Hambrook	Without planning permission, change of use of the land to a mixed us comprising equine and the stationing of a shepherd's hut	27.06.18	WE/44 issued Appeal lodged - Hearing 14.01.20 – Appeal dismissed with variation to compliance period to 12 months New compliance date 14.01.21
WE/17/00403/ CONENG (Shona Archer)	Land South West of Racton View Marlpit Lane Hambrook	Without planning permission, the erection of fencing and entrance gates, wing walls and piers and raised gravel banks containing wooden sleepers	06.08.18	EN WE/46 issued Appeal lodged – Written Representations 13.08.19 – appeal dismissed and the notice is upheld New compliance date 13.11.19 10.01.2020 – Works to remove the walls, gates and pillars has commenced. Additional works due to be completed within the next few weeks.
WE/19/00217/ CONCOU (Steven Pattie)	4 The Paddocks Common Road Hambrook	Engineering operations, importation and spreading of hard core, hardstanding, excavation and the bringing onto the land of caravans	01.11.19	TSN TSN/57 The notice will ceased to have effect on 29.11.19 Remove from next list
WE/19/00117/ CONMHC (Steven Pattie)	Land North of The Grange Woodmancote Lane Woodmancote	Without planning permission, change of use of the land to the stationing of two mobile homes for the purpose of human habitation	15.01.20	EN WE/47 issued Compliance date 26.08.20

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WH/19/00096/ CONBC (Emma Kierans)	Land North of Stane Street Madgwick Lane Westhampnett	Breach of condition – hours of operation	15.08.19	BCN WH/4 issued Date to comply by 13.09.19 18.10.19 – monitoring of site continues 08.01.20 – continue to monitor the site
WI/18/00100/ CONCOU (Steven Pattie)	Land at Itchenor Park Itchenor Chichester	Without planning permission, change of use of land to the storage of boats, boat hulls, moulds, frames, boat trailers, wooden pallets, metal cages, boxes, magazines and packaging	29.07.19	EN WI/16 issued Compliance date 09.03.20 Appeal lodged – awaiting start letter
WW/16/00251/ CONCOU (Steven Pattie)	Land East of Brook House Pound Road West Wittering	Without planning permission the use of a wooden building for the purpose of human habitation.	14.01.20	EN WW/49 issued Compliance date 20.06.20

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Chichester District Council

Planning Committee

Wednesday 05 February 2020

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters Between

10-Dec-2019 and 15-Jan-2020

This report updates Planning Committee members on current appeals and other matters. It would be of assistance if specific questions on individual cases could be directed to officers in advance of the meeting.

Note for public viewing via Chichester District Council web site To read each file in detail, including the full appeal decision when it is issued, click on the reference number (NB certain enforcement cases are not open for public inspection, but you will be able to see the key papers via the automatic link to the Planning Inspectorate).

* - Committee level decision.

1. NEW APPEALS (Lodged)

Reference/Procedure	Proposal
<u>18/00393/CONHH</u> Appledram Parish Case Officer: Emma Kierans Written Representation	Ferndale 133 Birdham Road Appledram Chichester West Sussex PO20 7DY - Appeal against Enforcement Notice AP/5

2. DECISIONS MADE

Reference/Procedure	Proposal
<p>18/00088/CONAGR Plaistow And Ifold Parish</p> <p>Case Officer: Shona Archer</p> <p>Written Representation</p>	<p>Crouchlands Farm Rickmans Lane Plaistow Billingshurst West Sussex RH14 0LE - Appeal against PS/67</p>
<p>Appeal Decision: APPEAL PART ALLOWED, PART DISMISSED</p>	
<p>“Appeal A: APP/L3815/C/18/3218436 Appeal B: APP/L3815/C/18/3218437 • The breach of planning control as alleged in the notice is: Without planning permission, the construction of a slurry lagoon, with surrounding earth bund and fencing in the approximate position shown on the Plan. Appeal C: APP/L3815/C/18/3218438 Appeal D: APP/L3815/C/18/3218439 • The breach of planning control as alleged in the notice is: Without planning permission, the erection of a steel framed lean-to building. Appeal E: APP/L3815/C/18/3218440 Appeal F: APP/L3815/C/18/3218441 • The breach of planning control as alleged in the notice is: Without planning permission, the erection of a separator tower building. Summary of Decisions The enforcement notices specified the time for compliance as ‘By 21st May 2021’. This is however not a “period” for the purposes of s173(9) of the Act. Notwithstanding this,by calculating the period between that date and the date by which the notices would have taken effect if appeals had not been lodged,translates into a period for compliance of 29 months. I shall therefore correct the enforcement notices ... Based on the available evidence the claim for lawfulness in respect of the fence cannot be successful and so the notice is upheld in respect of that development. I conclude on the balance of probabilities that the operations, namely the slurry lagoon and earth bunds, took place more than 4 years prior to the issue of the enforcement notice, and that the time for issue of the enforcement notice set out in section 171B(1) of the 1990 Act as amended has therefore expired in respect of these developments. ... The steel framed lean-to building is affixed to the rear of a substantial agricultural building. ... there is no other evidence before me to persuade me that it was substantially completed by the relevant date. ... I conclude that consequently the appeal on ground (d) must fail and the notice is upheld. ... evidence dated June 2014, states that the separator tower building was constructed in 1985. ... a photograph from Facebook posted on 6 August 2014 then shows the structure more clearly, I conclude on the balance of probabilities that the operations, namely the separator tower building, took place more than 4 years prior to the issue of the enforcement notice, and that the time for issue of the enforcement notice set out in section 171B(1) of the 1990 Act as amended has therefore expired. ...”</p>	

Appeal Decision: APPEAL PART ALLOWED, PART DISMISSED - Cont

17/00333/CONMHC
Westbourne Parish

Home Paddock Stables Hambrook Hill North Hambrook
West Sussex - Appeal against WE/44

Case Officer: Tara Lang

Informal Hearing

Appeal Decision: APPEAL DISMISSED

The residential component of the mixed use has encroached into an area of open paddock land. ...the residential use is confined to a small area of the Land occupied by the stable block and courtyard and served by an established access from Hambrook Hill North. The shepherd's hut is a small scale structure that is sited in the courtyard of L shaped stable block close to the existing building..... there is the scope for the residential component of the mixed use to expand within the land parcel through the introduction of domestic paraphernalia, garden planting and so on. The shepherd's hut, adapted for human habitation, falls within the statutory definition of a caravan, could be replaced by a larger structure such as a twin unit mobile home or even more than one caravan. The information provided by the appellant at the hearing confirmed that the car is the preferred form of transport. The very close proximity of habitable space to the stables and yard is not a juxtaposition that would be encouraged or typically would be designed into a residential layout.

The appeal site is close to the dwellings that front West Ashling Road However, the dwelling is not located in a settlement The dwelling is not in a preferred location for new residential use in the rural area. The planning objections to the development and the uncertainties are such that a temporary planning permission is not justified as a way forward. It is necessary and proportionate to refuse planning permission....
the appeal is dismissed and the enforcement notice is upheld subject to the period of compliance being extended to twelve months. ...”

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p>17/00061/CONENG Birdham Parish</p> <p>Case Officer: Emma Kierans</p> <p>Written Representation</p>	<p>Land North Of Cowdry Nursery Sidlesham Lane Birdham West Sussex - Appeal against BI/40</p>
<p>19/00046/CONCOU Birdham Parish</p> <p>Case Officer: Steven Pattie</p> <p>Written Representation</p>	<p>Kellys Farm Bell Lane Birdham Chichester West Sussex PO20 7HY - Appeal against BI/46</p>
<p>19/00845/FUL Birdham Parish</p> <p>Case Officer: Daniel Power</p> <p>Written Representation</p>	<p>Common Piece Main Road Birdham West Sussex - Use of land for the stationing of a static caravan.</p>
<p>19/01352/DOM Bosham Parish</p> <p>Case Officer: Oliver Naish</p> <p>Householder Appeal</p>	<p>The Old Town Hall Bosham Lane Bosham PO18 8HY - Construction of an outdoor swimming pool.</p>
<p>18/00010/CONMHC Chidham & Hambrook Parish</p> <p>Case Officer: Tara Lang</p> <p>Public Inquiry 17/06/2020 10:00</p> <p>Chichester District Council</p>	<p>Land Rear Of Hambrook Meadows Broad Road Hambrook Chidham Chichester West Sussex PO18 8RF - Appeal against Enforcement Notice CH/56 for the creation of a hard standing and stationing of a mobile home.</p>

Reference/Procedure	Proposal
<p>19/00350/LBC Donnington Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Hardings Farm Selsey Road Donnington Chichester West Sussex PO20 7PU - Replacement of 8 no. windows to North, East and South Elevations (like for like).</p>
<p>19/02407/PA3Q Earnley Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Land South Of 102A First Avenue Almodington Batchmere Chichester West Sussex PO20 7LQ - Notification for Prior Approval for a proposed change of use of agricultural buildings to 4no. dwellinghouses (Class C3).</p>
<p>19/00731/DOM East Wittering And Bracklesham Parish</p> <p>Case Officer: Calum Thomas</p> <p>Householder Appeal</p>	<p>5 Charlmead East Wittering PO20 8DN - Creation of habitable space at first floor level.</p>
<p>19/02039/DOM East Wittering And Bracklesham Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Householder Appeal</p>	<p>Meadows Cottage 10 Meadows Road East Wittering Chichester West Sussex PO20 8NW - Demolition of existing single storey extension, to south elevation. Erection of two storey side extension and front porch.</p>
<p>18/00323/CONHI Funtington Parish</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p>	<p>West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ - Appeal against HH/22</p>

Reference/Procedure	Proposal
<p data-bbox="197 230 427 297">19/01400/FUL Loxwood Parish</p> <p data-bbox="197 365 580 398">Case Officer: William Price</p> <p data-bbox="197 461 552 495">Written Representation</p>	<p data-bbox="635 230 1417 376">Moore's Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS - Erection of a detached dwelling following demolition of free-standing garage.</p>
<p data-bbox="197 560 529 627">16/00325/CONCOM North Mundham Parish</p> <p data-bbox="197 694 592 728">Case Officer: Shona Archer</p> <p data-bbox="197 790 552 824">Written Representation</p>	<p data-bbox="635 560 1414 627">6 Oakdene Gardens North Mundham Chichester West Sussex PO20 1AQ - Appeal against NM/28</p>
<p data-bbox="197 889 529 956">18/00187/CONMHC North Mundham Parish</p> <p data-bbox="197 1023 544 1057">Case Officer: Tara Lang</p> <p data-bbox="197 1120 552 1153">Written Representation</p>	<p data-bbox="635 889 1441 990">Fisher Granary Fisher Lane South Mundham Chichester West Sussex PO20 1ND - Appeal against NM/29 Linked with Linked with 19/00405/FUL</p>
<p data-bbox="197 1218 529 1285">19/00405/FUL North Mundham Parish</p> <p data-bbox="197 1352 544 1386">Case Officer: Tara Lang</p> <p data-bbox="197 1449 552 1482">Written Representation</p>	<p data-bbox="635 1218 1461 1344">Fisher Granary Fisher Lane South Mundham PO20 1ND - Use of land for the stationing of a caravan for use as a holiday let. Linked with 18/00187/CONMHC</p>
<p data-bbox="197 1547 400 1615">19/00269/FUL Oving Parish</p> <p data-bbox="197 1682 475 1749">Case Officer: Maria Tomlinson</p> <p data-bbox="197 1812 552 1845">Written Representation</p>	<p data-bbox="635 1547 1461 1673">Merston Drier Barn Marsh Lane Merston Oving West Sussex - Change of use from agriculture to a mixed use comprising of agricultural storage and the storage of up to 10 vintage cars.</p>

Reference/Procedure	Proposal
<p><u>18/00005/CONAGR</u> Sidlesham Parish</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p>	<p>Greenwood Group Highleigh Nurseries Highleigh Road Sidlesham Chichester West Sussex PO20 7NR - Appeal against SI/70</p>
<p><u>18/00389/CONCOU</u> Southbourne Parish</p> <p>Case Officer: Steven Pattie</p> <p>Written Representation</p>	<p>1 Green Acre Inlands Road Nutbourne Chichester West Sussex PO18 8RJ - Appeal against SB/117</p>
<p><u>18/03145/OUT</u> Southbourne Parish</p> <p>Case Officer: Jeremy Bushell</p> <p>Public Inquiry Awaiting Decision</p>	<p>Land North Of Cooks Lane Southbourne Hampshire - Outline application with all matters reserved except Access for the erection of 199 dwellings and associated development.</p>
<p><u>18/03428/FUL</u> Southbourne Parish</p> <p>Case Officer: Daniel Power</p> <p>Informal Hearing 18/02/2020 Chichester District Council East Pallant House PO19 1TY</p>	<p>Field South Of 230 Main Road Southbourne Hampshire - Material change of use of the land for stationing of caravans for residential occupation for single pitch Gypsy site with facilitating development (hard standing and utility building).</p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

None.

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Birdham Site, Chichester	Breach of two Enforcement Notices	All papers for an application for injunction lodged with the High Court before Christmas. Waiting for a court date. I have contacted the court again today to speed matters. Waiting for a response. Bundles ready to be served on all 27 Defendants once we receive the hearing date.

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

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 10/12/2019 and 15/01/2020

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.

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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.

2. DECIDED

<p>SDNP/18/03665/HOUS Sutton & Barlavington Parish Council Parish</p> <p>Case Officer: Claire Coles</p> <p>Written Representation</p>	<p>Farm Cottage Barlavington Lane Sutton RH20 1PN - Single storey side and rear extension with external conservation repairs.</p> <p>Linked to SDNP/18/03666/LIS</p>
Appeal Decision: APPEAL DISMISSED	
<p>"... The main issues are:</p> <ul style="list-style-type: none"> • whether the proposal would preserve the listed building or its setting, or any features of special architectural or historic interest which it possesses²; • whether the proposal would preserve or enhance the character or appearance of the Sutton Conservation Area³; and • the effect of the proposal on the character and appearance of the area with particular regard to whether it would conserve and enhance the natural beauty, wildlife and cultural heritage of the South Downs National Park. ... The Council's decision notices cite the mass, bulk and design of the extension as being overly dominant to the cottage and which would detract from the linear form and historic character and fabric of the listed building. The extension to be replaced is of relatively modern construction and its loss would not be harmful. The extension would utilise the existing opening through the original stone wall at the eastern end of the cottage. Its height would be similar to the existing and as a result of the hipped and catslide roof design would not affect any more of the original eastern end gable wall than the existing. Furthermore, the plan form of the cottage would remain largely unaffected by the proposal. ... 	

Appeal Decision: APPEAL DISMISSED - Cont

I note the intention to cut the extension into the rising ground. This would assist in minimising its bulk with the associated effect that it would not dominate the existing cottage. It would appear as a subservient and modest addition at the same floor level ... the position of the garden on higher ground to the north of the cottage results in the rear of the property being situated at a lower level with an associated retaining wall that already provides a visual sense of enclosure. ... the proposal would preserve the special interest of the listed building and its setting and the special architectural and historic features that it possesses. It would not result in harm to its significance. ... the proposal would preserve the special interest and significance of the listed building. Whilst the property is elevated above the road, the modest and subservient nature of the extension would not be dominating to the property or to the surrounding area. Whilst it would be visible from the street to the south, its bulk, massing and use of the topography to cut it into the rising ground would not result in it appearing dominating or intrusive. ... the proposal would preserve and enhance the character and appearance of the Conservation Area ... Given my conclusions above, I do not find that the proposal would cause harm to the natural beauty and cultural heritage of the National Park. ... "

[SDNP/18/03666/LIS](#)

Sutton & Barlavington Parish
Council Parish

Case Officer: Claire Coles

Written Representation

Farm Cottage Barlavington Lane Sutton RH20 1PN - Single storey side and rear extension with external conservation repairs.

Linked to [SDNP/18/03665/HOUS](#)

Appeal Decision: APPEAL DISMISSED

As Above

[SDNP/18/06427/HOUS](#)

Duncton Parish Council
Parish

Case Officer: Louise Kent

Householder Appeal

Duncton Mill House Dye House Lane Duncton GU28 0LF -
New detached domestic garage/store.

Appeal Decision: APPEAL DISMISSED

"...The effect on the character and appearance of the area, with particular regard to the South Downs National Park and the setting of the listed buildings on and around the site. ... It falls within the South Downs National Park, where there is a statutory duty to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. ... This is a remote location in the countryside, with very few existing sources of artificial light. The rooflights would be likely to appear illuminated in the hours of darkness, resulting in light pollution that diminishes the intrinsic qualities of the dark sky. The technical evidence before me does not demonstrate that the proposal could be carried out without damaging this natural landscape feature which contributes positively to the rural character of this field. ... A garage has previously been approved and the permission could be implemented, having also been the subject of a recently approved amendment. ... Because of its siting, the proposal before me would represent a more significant degree of visual encroachment in to the countryside than this fall-back development. ... Furthermore, the scale, form and detailed design of the proposal is such that it would appear broadly subservient to them when viewed

Appeal Decision: APPEAL DISMISSED - Cont

from the surrounding area. As such, the proposal would preserve the setting of these listed buildings. ... However, the slight improvement in the visual relationship with the listed buildings due to the revised siting would not overcome the more significant harm that would arise to the character and appearance of this protected rural landscape. This is due to the encroachment of residential development in to an area that has the appearance of countryside, together with the possible loss of a mature tree and harm to the intrinsic qualities of the dark sky. ... private benefits for the residential occupants of the existing buildings ... unacceptable harm to the character and appearance of the area. ... the comments of the previous planning Inspector, including those relating to domestic curtilage, are of little relevance to this decision as they relate to a different part of the site. In conclusion, whilst the proposal would not lead to harm to the setting of listed buildings, it would still result in unacceptable harm to the character and appearance of the area, which is in the South Downs National Park. This harm cannot be mitigated through the use of planning conditions. The proposal conflicts with the development plan when considered as a whole and there are no other considerations that outweigh this finding. The appeal should be dismissed."

SDNP/16/00110/COU
Milland Parish Council Parish

Case Officer: Steven Pattie

Land West of Junction With Dangstein Road Borden
Lane Borden Milland West Sussex - Appeal against
ML/25

Informal Hearing

Appeal Decision: APPEAL DISMISSED

The Appeal on Ground (c)

"... gates, hurdles, the yurt and timber framed buildings do require considerable added value in terms of processing, whether in a low impact, hand tool fashion or not. I consider that even the occasional production of such items because they requires some processing is not ancillary to forestry and so is not permitted development... The second element of the ground (c) appeal concerned the educational courses... the Council argue that development is not permitted if "the land in question is a building or is within the curtilage of a building". ... a number of timber structures are involved in the courses and the outdoor elements are within the curtilages of these buildings..... whether or not they can be said to have a curtilage is irrelevant, as buildings are excluded from the permitted development rights ... it is clear that not all these buildings are genuinely necessary for or ancillary to forestry activities.....the framing bed cannot be said to be related to a lawful forestry activity... the appeal on ground (c) fails.

The Appeal on Ground (d)

...three structures have been on site for more than 4 years and so, for that reason are immune from enforcement. However, the Council argue they are integral to the material change of use on that basis these structures can be removed regardless of whether they are lawful or not. There are a number of court cases that have defined this principle, the key one for this appeal being Bowring, where it was held that if the operational development installed as part of the material change of use is to be removed, it must be integral too or part and parcel of the use alleged... In this case the framing bed can only be used for the production of timber frames or also as part of a timber framing course, which I have found not to be ancillary to forestry. The compost toilet and the store could both be used by a forestry worker, going about lawful forestry tasks. ... The appeal on ground (d) succeeds for the old toilet/store but fails for the framing bed.

The Appeal on Ground (a)

Small scale forestry activities and low impact educational use is very much within the ethos of the National Park..... However an unfettered permission might well have much more serious consequences. The woodland could be more intensively managed and production of timber products could be significantly stepped up....so any future use would need to be controlled by conditions. ...

Appeal Decision: APPEAL DISMISSED - cont

A properly thought out proposalwould be necessary to allow a reasoned determination by the Council as well as proper consultation and reassurance for neighbours. ...

The appeal on ground (a) fails and I shall refuse to grant planning permission for the matters alleged.

Cost Decision

"... I agree with the Council. There is no mention of ancillary forestry products in the notice as they are, by definition, lawful. No time was taken up at the Hearing discussing this issue as the appellant accepted that the main items of dispute, such as timber frames, gates and hurdles were not ancillary. ... I agreed with the Council that an unfettered permission could not be granted and insufficient thought had been given to the conditions and other matters that would need to be considered before a conditional permission could be considered. In my view the Council has not acted unreasonably..."

[SDNP/18/00113/FUL](#)

Bury Parish Council Parish

Case Officer: Naomi

Langford

Bignor Park Nursery Bignor Park Road Bignor RH20 1HG - Construction of a bespoke joinery building for furniture making. Conversion and extension of an existing barn to equestrian use. Development of a horse walker and sand school plus temporary stationing of a log cabin to support the development of the equestrian business. Ancillary parking, drainage (foul and surface), PV solar panels and landscape planting.

Appeal Decision: APPEAL DISMISSED

"A copy of Policy SD3 was provided to me at the Hearing. ... The appellants' agricultural consultant was unable to attend the Hearing. ... I was provided with a copy of comments from Bury Parish Council and Barlavington Estate during the hearing. ... The appellants explained during the Hearing that the log cabin was intended to be permanent accommodation, but that a five-year temporary consent would be acceptable to them. ...

Character and appearance

There is disagreement between the main parties as to the extent that the area has a tranquil character. ... I do not find that the high degree of tranquility of the site is a particular feature of its character. The appellants describe the site as being formed of three distinct parts and this was evident on my site visit. ... there are clear views of the site from Tripp Hill parts of which are at a significantly higher level than the site. ... highly visible in the view from vehicles on Tripp Hill. ... in the absence of a LDC and on the basis of the evidence before me, I am persuaded by the Council's view that the use of the site should be regarded as agricultural with perhaps a degree of equestrian use. ... the site is excluded from the definition of PDL. ... The position of the joinery workshop ... ameliorate the adverse visual impact of the change to the character of the site. ... I do not reach the same conclusion in respect of the sand school and horse walker as these features would not be out of keeping in a rural landscape where horses are a common feature as is the case in the SDNP. ... I conclude that the joinery workshop and the log cabin, which are integral parts of the appeal scheme, would have a harmful effect on the character and appearance of the site and the surrounding area. ... I am also of the view that the use of the site as proposed would not significantly affect the tranquil character of the area, given the prevailing level of tranquility, the likely level of traffic generation and the level of control over noise and light pollution ... Locational needs of the equestrian business and the bespoke joinery business ... I do not find the conversion and extension of the barn, sand school and horse walker to be harmful. ... I do not find the equestrian business to be harmful to the character and appearance of the site and the surrounding area ... the bespoke joinery business currently has a symbiotic relationship with the area to some degree. ... the evidence before me does not fully justify why it has to be at

Appeal Decision: APPEAL DISMISSED - cont

Bignor Park Nursery to fulfil this requirement. ... I do not find the evidence relating to the locational requirements of the bespoke joinery business to be so compelling as to outweigh the harm to the character and appearance of the SDNP. ... Isolated home in the countryside/essential need for dwelling ... The Planning Justification for a Dwelling for a Rural Worker document (PJDRW), both in its original form and with additional justification, does not provide the clarity required by the Council. ... There does not appear to be a clear business plan for the enterprise ...

For these reasons I do not find that the essential need for the dwelling has been demonstrated. ...

Re-use of existing barn

...The existing barn is fully roofed and its substantial side walls are enclosed by metal cladding, therefore the changes to its appearance would not be significant. ...

Alterations ... would be acceptable ... I do not find that the development amounts to a new building for equestrian use. Nor would there be any harm arising from the works to the barn, in terms of its design. ..."

SDNP/15/00210/COU
Compton Parish Council
Parish

Case Officer: Shona Archer

Cowdown Farm Cowdown Lane Compton Chichester West
Sussex PO18 9NW - Appeal against CP/7

Written Representation

Appeal Decision: APPEAL SPLIT DECISION

The appeal is allowed on ground (f) and it is directed that the enforcement notice be varied by the addition to requirement (i) 'The original low level block wall (about 2m high) of the barn may remain in place', and by the deletion of requirement (ii). Subject to these variations the enforcement notice is upheld. It is directed that the enforcement notice be corrected by deleting the allegation and replacing it with 'without planning permission, the material change of use of the building to use for agriculture and the stationing of a caravan for the purposes of human habitation'. Subject to this correction the appeal is dismissed and the enforcement notice is upheld. I conclude that it is not permitted development. The appeal on ground (c) fails. The gable wall was not completed until the internal leaf of the cavity wall was finished in 2014. Therefore, the wall has not been completed for 4 years and is not lawful through the passage of time. The appeal on ground (d) fails. The appellant suggests that the gable wall can be painted to make it acceptable. However, this does not overcome the harm of the partial construction of a dwelling in this position of which the cavity gable is integral. It is poor design and should not receive planning permission. The appeal on ground (a) fails. I also acknowledge that there was originally a block wall at low level that was in place before the construction of the dwellinghouse began and this can remain. The appeal on ground (f) partially succeeds. The appeal on ground (b) partially succeeds in relation to identifying the agricultural use in the allegation. As this would not have any consequences for natural justice, I shall correct the notice. I consider that this was a reasonable discharge of the duty to ensure the notice is served on the owner and occupiers with an interest in the land. The appeal on ground (e) fails. Given the breach of planning control that has occurred it is reasonable that the caravan and associated paraphernalia should be removed. The appeal under ground (f) fails. The appeal on ground (g) fails."

<p><u>SDNP/15/00209/COU</u> Compton Parish Council Parish</p> <p>Case Officer: Shona Archer</p> <p>Written Representation</p>	<p>Cowdown Farm Cowdown Lane Compton Chichester West Sussex PO18 9NW - Appeal against CP/9 erection of a dwellinghouse in a barn.</p>
<p>Appeal Decision: APPEAL SPLIT DECISION</p>	
<p>As Above</p>	

3. CURRENT APPEALS

<p>SDNP/17/04166/LDE Elsted and Treyford Parish Council Parish</p> <p>Case Officer: Derek Price Public Inquiry</p>	<p>Buriton Barn Buriton Farm Buriton Farm Lane Treyford GU29 0LF - Existing Lawful Development - C3 residential use for the site area and building.</p> <p>Awaiting decision</p>
<p>SDNP/19/02109/FUL Midhurst Town Council Parish</p> <p>Case Officer: Louise Kent</p> <p>Written Representation</p>	<p>Arundel House Rumbolds Hill Midhurst GU29 9ND - Conversion of 2 upper floors to 2 no. flats.</p>
<p>SDNP/16/00496/OPDEV Funtington Parish Council Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing</p>	<p>Land South of Braefoot Southbrook Road West Ashling West Sussex - Appeal against insertion of a cesspit and engineering works.</p>
<p>SDNP/16/00069/COU Upwaltham Parish Council Parish</p> <p>Case Officer: Shona Archer</p> <p>Public Inquiry</p>	<p>The Mill Eartham Lane Eartham Chichester West Sussex PO18 0NA - Appeal against issue of Enforcement Notice</p>
<p>SDNP/17/00755/COU Fittleworth Parish Council Parish</p> <p>Case Officer: Tara Lang</p> <p>Written Representation</p>	<p>Lithersgate Common Bedham Lane Fittleworth West Sussex - Appeal against FT/10</p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS