

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 2 February 2022 at 9.30 am**

MEMBERS: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr B Brisbane, Mr R Briscoe, Mrs J Fowler, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr H Potter, Mr D Rodgers, Mrs S Sharp 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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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 - 10)

The minutes relate to the meeting of the Planning Committee on 5 January 2022.

3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 12(b).

4 **Declarations of Interests** (Pages 11 - 12)

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.

5 **Water Neutrality Report** (Pages 13 - 16)

The Planning Committee are asked to consider the attached report and make the following recommendations;

Recommendations

2.1 That the Committee:

- a) note the content of this report, and
- b) approve the date of publication of the Natural England position statement on 14 September 2021 as the date at which water neutrality is a material consideration, and consequently that its requirements are not applied retrospectively in respect of the determination of relevant planning applications, including applications for the revocation, modification or discontinuance of a permission on water neutrality grounds granted prior to that date.

PLANNING APPLICATIONS - AGENDA ITEMS 6 TO 8 INCLUSIVE

Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

- 6 **CC/21/03119/ADV - 89-91 East Street Chichester PO19 1HA** (Pages 17 - 25)
1 no. externally illuminated fascia sign, 1 no. internally illuminated fascia sign, 1 no. internally illuminated brass menu board, 4 no. awnings with lettering and 3 no. lettering on glazing.
- 7 **CC/22/00020/NMA - St James Industrial Estate, Westhampnett Road, Chichester, West Sussex, PO19 7JU** (Pages 27 - 34)
Non material amendment to planning permission 21/03391/FUL, to revise elevation drawings detailing the removal of brick plinth walls and canopies and the revision of northern boundary wall design.
- 8 **CH/21/01797/FUL - Green Acre Main Road Chidham PO18 8TP** (Pages 35 - 56)
Demolition of existing property and construction of 2 no. detached dwellings, garaging and associated works.
- 9 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 57 - 71)
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 Authority Schedule of Planning Appeals, Court and Policy Matters** (Pages 73 - 77)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 11 **Schedule of Contraventions** (Pages 79 - 116)
The Planning Committee is asked to consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 12 **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

13 **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. Subject to Covid-19 Risk Assessments members of the public are advised of the following:
 - Where public meetings are being held at East Pallant House in order to best manage the space available members of the public are in the first instance asked to listen to the meeting online via the council's committee pages.
 - Where a member of the public has registered a question they will be invited to attend the meeting and will be allocated a seat in the public gallery.
 - It is recommended that all those attending take a lateral flow test prior to the meeting.
 - All those attending the meeting are advised to wear face coverings and maintain social distancing when moving around the building and/or meeting room.
 - Members of the public must not attend any face to face meeting if they or a member of their household have Covid-19 symptoms and/or are required to self-isolate.
6. 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 Advertises
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



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 5 January 2022 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr B Brisbane, Mr R Briscoe, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

Members not present: Mrs J Fowler

In attendance by invitation:

Officers present: Miss N Golding (Principal Solicitor), Mr M Mew (Principal Planning Officer), Mrs F Stevens (Divisional Manger for Planning), Ms J Thatcher (Senior Planning Officer, Majors and Business) and Mr T Whitty (Divisional Manager for Planning Policy)

161 **Chairman's Announcements**

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

The Chairman congratulated Mrs Stevens on her recent appointment as Divisional Manager for Planning.

Apologies were received from Mrs Judy Fowler.

162 **Approval of Minutes**

The following matters were raised and agreed;

The minutes be amended to correctly reflect when Mr Oakley left and rejoined the meeting.

Minute item 157 be amended to note that Mr Oakley queried about repeat applications and that consideration be given to a decline to determination should further applications be received.

With the addition of the above amendment the minutes of the meeting held on 8 December 2021 were agreed as a true and accurate record.

163 **Urgent Items**

There were no urgent items.

164 Declarations of Interests

Mr Barrett declared a personal interest in;

- Agenda Item 6 - FB/21/02509/FUL – as the Chichester District Council external appointment to Chichester Harbour Conservancy

Mr Briscoe declared a predetermination in respect of Agenda Item 5 – WE/20/01569/FUL, because he had objected to the previous application made by the applicant at this site. Ms Golding confirmed that Mr Briscoe would not be involved in discussion or decision making for this item.

Mrs Johnson declared a personal interest in;

- Agenda Item 5 – WE/20/01569/FUL – as a member of West Sussex County Council
- Agenda Item 6 – FB/21/02509/FUL – as a member of West Sussex County Council
- Agenda Item 7 - CC/21/03391/FUL – as a member of West Sussex County Council and a member of Chichester City Council

Mr Potter declared a personal interest in;

- Agenda Item 5 – WE/20/01569/FUL – as the Chichester District Council external appointment to South Downs National Park

Mr Oakley declared a personal interest in;

- Agenda Item 5 – WE/20/01569/FUL – as a member of West Sussex County Council
- Agenda Item 6 – FB/21/02509/FUL – as a member of West Sussex County Council
- Agenda Item 7 - CC/21/03391/FUL – as a member of West Sussex County Council and a member of Chichester City Council

Mrs Sharp declared a personal interest in;

- Agenda Item 5 – WE/20/01569/FUL – as a member of West Sussex County Council
- Agenda Item 6 – FB/21/02509/FUL – as a member of West Sussex County Council
- Agenda Item 7 - CC/21/03391/FUL – as a member of West Sussex County Council and a member of Chichester City Council

165 WE/20/01569/FUL - Land South Of Foxbury Lane Foxbury Lane Westbourne West Sussex PO10 8RG

As Mr Briscoe had declared a predetermination in the item he withdrew from the committee and took a seat in the public gallery.

Mr Mew presented the report to the Committee. He explained the application was for a detached dwelling being brought forward as an exception site under Paragraph 80 (e) of the NPPF.

Mr Mew reminded the Committee that the application had been considered at two previous Planning Committee meetings where it had been deferred.

Mr Mew provided a verbal update on Condition 18, he explained that the reference to 'either' was an error and had been deleted.

Mr Mew highlighted the site location. He reiterated that in terms of policy the site was being brought forward under Paragraph 80(e) of the NPPF and advised that for the reasons detailed within the Committee Report officers felt the application did meet the requirements set out in Paragraph 80(e).

He informed the Committee that the application had been through significant pre application discussions, including advice from the Conservation and Design team. It had also been reviewed by an independent design panel who agreed that the application met the requirements of Paragraph 80(e).

On the matter of policy Mr Mew explained that the Westbourne Neighbourhood Plan had now been made, however, the August Planning Committee had been held after the referendum therefore the conclusions regarding the Neighbourhood Plan (set out in paragraph 3 of the report) were still relevant.

As part of the presentation Mr Mew detailed the Landscape Management Plan to the Committee. The plan included further tree and hedgerow planting, the creation of wildflower meadows, wetland grassland, installation of bat boxes and the removal of overhead electricity cables.

Mr Mew referred to the Westbourne Village Design Statement which recognised the use of flint and diverse variety of architectural types within the Parish.

Mr Mew provided an overview of the elevations, and the view corridors from the site. He also detailed the sustainability features of the application and emphasised that the development would deliver sustainability benefits over and above what was required from a new build. Post occupancy learning benefits would be secured through condition.

In response to the Committee's request for further information regarding how the development would enhance the local area Mr Mew showed a Journal article that had been submitted by the architects highlighting the high energy performance ratings of their previous projects. The article also provided evidence for the outstanding design of the proposed development.

With regards to how the development would assist and inform future development Mr Mew explained the architects have a document of 'Joined up Thinking and Practice' covering matters such as; design and construction principles and improving building health and wellbeing. The document is shared with organisations

like universities to help bring new technologies forward. In addition, the architects regularly speak at industry events and have provided a library of informative videos to help disseminate learning further.

With regards to learning outcomes, Mr Mew informed the Committee that the management of nitrate mitigation will be of great value to the local area. The learning outcomes will be disseminated in several ways including; an open house, speaking at industry events, and through social media.

To address the Committee's concerns regarding highway safety, Mr Mew presented a revised highway layout which included the provision of a passing point. He confirmed that West Sussex County Council (WSSCC) Highways had reviewed the designs and had raised no concerns.

The Committee received the following representations;

Mr Richard Hitchcock – Westbourne Parish Council
Mr Roy Briscoe – Objector
Mr Richard Hawkes – On applicant's behalf

*After Mr Briscoe had made his representation, he withdrew from the Committee rooms.

Officers responded to Members' comments and questions as follows;

With regards to the agricultural land classification; Mr Mew informed the Committee that he could not confirm what the agricultural land classification of the site was but confirmed it had not met the highest level of classification at previous assessment. He explained that the land was currently used for horse grazing.

With regards to the which access plan the Committee were being asked to consider; Mr Mew acknowledged there was an error on page 57 of the report, which would require updating to reflect the most recent Transport Statement. In addition, he explained that there was an error in the annotation of one of the visibility display diagrams, he confirmed that the visibility splay was correct and there was a Condition included to secure the correct visibility splays. Further details of hard surfaces and the passing place were also secured through Condition.

With regards to the residential curtilage; Mr Mew highlighted the proposed garden area. He explained that the development was not seeking to develop the whole site as garden area. In addition, the area to be used as part of the nitrate mitigation package would be secured through the S106 agreement, this would prevent any future change to the use of that land.

With regards to when the new access arrangements would be made; Mr Mew drew Member's attention to Condition 23 and confirmed that the agreed access would not be finalised until just before occupation of the dwelling. However, Ms Stevens in acknowledging concerns regarding the access agreed that Condition 4 could be amended to ensure suitable interim measures are in place during construction.

On the matter of whether WSCC Highways had undertaken a site visit; Mr Brown informed the Committee that a site visit had not been undertaken for this application. However, two officers did undertake a site visit as part of the pre-application advice and observed local traffic patterns.

With regards to whether a condition could be included to secure the rural appearance of the access; Mr Mew explained that Conditions 26, 27 and 28 would remove permitted development rights for walls, means of enclosure and gates.

In response to the concern regarding the removal of the fingerpost sign located by the access; Mr Brown informed the Committee that he was unable to confirm whether the fingerpost would require relocating at this stage. However, should it need to be relocated this would be done through a S278 agreement for minor works licence. In addition, Ms Stevens confirmed that an informative could be added to pass on the Committee's desire to see the Fingerpost is maintained.

On the matter of how the development enhanced the local landscape; Mr Mew reminded the Committee that there had been no objection from the South Downs National Park. He explained that the development is expected to deliver significant landscape enhancements and ecological benefits that would not otherwise be brought forward including; the introduction of wildflower planting, woodland planting, and the replacement of the overhead power lines. He acknowledged that the development would take place on a greenfield site but reminded the Committee that Paragraph 80 (e) of the NPPF did allow for such development.

On the matter of local distinctiveness; Mr Mew informed the Committee that the application had been accompanied with further information detailing how the development picked up on the use of flint and court stead arrangements within the local area.

To clarify the issue regarding perceived conflict between the Neighbourhood Plan and NPPF, Ms Stevens explained that the NPPF provided the national planning policy position. The Local Development Plan which is comprised of the Chichester Local Plan as well as the Westbourne Neighbourhood Plan must reflect national planning policy and cannot undermine the NPPF. She acknowledged that not all applications brought forward met the requirements of paragraph 80(e) and in such instances policies 2 and 45 of the Local Plan would be used to defend refusal of such applications, however, the application being considered does meet the requirements of Paragraph 80(e) and in officer opinion is not in conflict with either the Local or Westbourne Neighbourhood Plan. Ms Stevens advised the Committee that whilst the Neighbourhood Plan did carry full weight in decision making regard must be made to the exception allowed in the NPPF.

During the discussion the Chairman asked the Committee to consider the following when deciding the application;

- 1) Neither the Local Plan nor Neighbourhood Plan refer to exception sites.
- 2) The proposed innovations do provide an opportunity for learning which can be shared with the local area.

On the matter of whether land was still classed as agricultural if used for equestrian purposes; Ms Stevens confirmed that the keeping of horses on land is not agriculture.

With regards to what weight should be given Paragraph 92a of the NPPF; Ms Stevens acknowledged the comment made and advised the Committee that whilst both paragraphs were set out within the NPPF provision for isolated dwellings is made within Paragraph 80. Ms Stevens confirmed that the application must meet all the requirements set out in Paragraph 80 (e) and confirmed that in officer opinion it did.

In a vote the Committee voted against the officer recommendation to **defer** for S106 then permit, subject to no objection from Natural England.

Mr Oakley proposed that the application be refused for the following reasons;

The proposal, by virtue of its scale, prominence on a high part of the site and the creation of an overly domestic vehicular access would have an adverse impact upon the rural character of the locality and the proposal has therefore failed to demonstrate that it would meet all aspects of Paragraph 80(e) of the National Planning Policy Framework, in respect of raising standards of design more generally in the rural area, any significant enhancement to the immediate setting and sensitivity to the defining characteristics of the local area. The proposal is therefore contrary to the Paragraphs 80(e) and 130 of the National Planning Policy Framework, Chichester Local Plan Policies 1, 2, 40, 45, 47, 48 and 49, and Westbourne Neighbourhood Plan Policies 0A1 and LD1.

Mr Brisbane seconded the proposal.

In a vote the Committee agreed to **refuse**, the application for the reasons set out above.

Recommendation; **refuse**, against officer recommendation, for the set out above.

**Members took a ten-minute break*

166 **FB/21/02509/FUL - Black Boy Court Main Road Fishbourne PO18 8XX**

Mr Mew presented the report to the Committee. By way of verbal update, he explained that the paragraph numbering for sections 7 and 6 within the report were incorrect, he confirmed that the content included was correct.

He also confirmed that the site was not located within the settlement boundary, as stated in paragraph 8.2 and in the table at paragraph 5 and was located outside the settlement boundary as set out in paragraph 2.1 of the report.

Mr Mew informed the Committee that the application was for the creation of four parking spaces at the front of Black Boy Court and associated works. He highlighted the site location and where the proposed works would be located.

The site is adjacent to the A259 and has been reviewed by WSCC Highways who have raised no objections.

He highlighted the elevations and proposed landscaping, including a low-level flint wall.

Mr Mew informed the Committee that the site was within a conservation area and adjacent to a Grade 2 listed building, however, he explained that the low wall which could be seen in the presentation was not historic and planning permission was not required for its removal.

The Committee received representations from;

Mrs Carter – Applicant
Cllr Adrian Moss – CDC Member

Officers responded to Members' comments and questions as follows;

On the matter of the existing flint wall; Mr Mew drew the Committee's attention to paragraph 8.6 of the report. He explained even though the site was within a Conservation Area no permission was required for the removal of the wall because as it was under 1m in height.

With regards to concerns regarding the turning space available; Mr Mew confirmed that the spaces were 2.4m by 4.8 did meet the required standard for parking spaces. He highlighted that there was 6.5m between the opposite spaces and reminded the Committee the WSCC had been consulted and were satisfied that there was adequate turning provision and had raised no objections.

With regards to how many parking spaces were currently associated with properties at Black Boy Court; Mr Mew clarified that there are currently 23 parking spaces provided. In addition, he drew the Committee's attention to paragraph 8.10 of the report and explained the existing 8 flats at Black Boy Court were only served by 8 parking spaces which results in vehicles being parked on the highway when residences have more than one vehicle.

With regards to the possibility of including a condition to limit commercial vehicles; Mr Mew explained that this was not proposed and unless there was a request for a change of use from residential to commercial is not something that would require planning permission.

On the issue of character and impact on the conservation area; Ms Stevens advised the Committee that many of the surrounding properties did have forecourt parking and it is unlikely that this proposal would stand out. The landscape proposed would help soften the appearance and ensure there would be minimum impact to the street scene.

With regards to the proposed material; Ms Stevens informed the Committee the advice from the Historic Buildings advisor had been for the area to be made from

pavers as oppose to gravel. The construction material would be managed under Condition 3 of the report, which could also be amended to ensure that the materials used were porous and maintained as such in perpetuity. With regards to ongoing maintenance, she explained that it would not be reasonable to impose a maintenance plan on a development of this scale.

With regards to the 'need capacity'; Mr Mew explained that the supporting information as part of the application process did indicate that the current provision was below current parking standards.

In a vote the Committee voted against the officer recommendation to **permit**.

Rev. Bowden proposed that the application be refused for the following reasons;

The proposal by virtue of the parking of vehicles to the front of the building would result in harm to the character and appearance of the street scene and conservation area, and this identified harm would not be outweighed by any demonstrable benefits. The proposal would therefore be contrary to the following policies that seek to protect the street scene and character of the area; Sections 12 and 16 of the National Planning Policy Framework, the Chichester Local Plan Policies 40 and 47, and Fishbourne Neighbourhood Plan Policies D1 and H1

Mr Briscoe seconded the proposal.

In a vote the Committee voted to refuse the application for the reasons set out above.

Recommendation; **refuse**, for the reasons set out above.

**Members took a ten-minute break*

167 **CC/21/03391/FUL - St James Industrial Estate Westhampnett Road Chichester West Sussex PO19 7JU**

Ms Thatcher presented the report to the Committee. She drew their attention to the Agenda Update which included additional comments from the CDC Environmental Protection Officer and two further representations received following the publication of the Committee report.

In addition, by way of a verbal update, Ms Thatcher informed the Committee that there was an error on condition 2 and explained that there should only be one proposed site plan which should be 1010 revision 11 plan, she confirmed that this would be corrected.

Ms Thatcher highlighted the application site and confirmed that demolition on site has already begun. She explained that the purpose of the proposal was to regularise the varied conditions of attached to the 2021 permission, so that they reflect the conditions attached to the 2020 permission.

To highlight the difference between the conditions attached to the two permissions, Ms Thatcher displayed a table to the Committee which set out the differing conditions and the key conditions changes which were being proposed within the application.

There were no representations.

Officers responded to Members' comments and questions as follows;

With regards to the previous application and whether it could be deleted; Ms Thatcher explained that the previous application would remain extant. The applicant would have the choice of which application they choose to develop; however, it is expected that they would choose to implement the current permission. In addition, Mr Whitty explained that whilst an application can be revoked there are no compelling circumstances to do so.

With regards to condition 8; Ms Thatcher explained that this condition was included to ensure greater control over the final boundary treatments at the site. If significant changes were proposed they would be dealt with through a separate application.

In a vote the Committee agreed to the report recommendation to **permit**.

Recommendation; **permit**, subject to the conditions and informatives set out in the report.

There were no representations.

Officers responded to Members' comments and questions as follows;

With regards to the previous application and whether it could be deleted; Ms Thatcher explained that the previous application would remain extant. The applicant would have the choice of which application they choose to develop; however, it is expected that they would choose to implement the current permission. In addition, Mr Whitty explained that whilst an application can be revoked there are no compelling circumstances to do so.

With regards to condition 8; Ms Thatcher explained that this condition was included to ensure greater control over the final boundary treatments at the site. If significant changes were proposed they would be dealt with through a separate application.

In a vote the Committee agreed to the report recommendation to **permit**.

Recommendation; **permit**, subject to the conditions and informatives set out in the report.

Mrs Purnell drew the Committee's attention to the Agenda Update which included an update on High Court Matters.

The Committee agreed to note the item.

169 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters**

The Committee agreed to note the item.

170 **Consideration of any late items as follows:**

There were no late items.

171 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 12.33 pm

CHAIRMAN

Date:

Chichester District Council

Planning Committee

Wednesday 2 February 2022

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)
- 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:

- Mrs D F Johnson – West Sussex County Council Member for the Selsey Division
- Mr S J Oakley - West Sussex County Council Member for the Chichester East Division
- Mrs S M Sharp – West Sussex County Council Member for the Chichester South 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 G A F Barrett – Manhood Peninsula Partnership
- Rev. J-H Bowden – Goodwood Aerodrome Consultative Committee
- 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)

Chichester District Council

Planning Committee

02 February 2022

Water resources in Northern Chichester District

1. Contacts

Report Author:

Fjola Stevens, Divisional Manager Development Management

Tel: 01243 534734 E-mail: fstevens@chichester.gov.uk

2. Recommendation

2.1 That the Committee:

- a) note the content of this report, and
- b) approve the date of publication of the Natural England position statement on 14 September 2021 as the date at which water neutrality is a material consideration, and consequently that its requirements are not applied retrospectively in respect of the determination of relevant planning applications, including applications for the revocation, modification or discontinuance of a permission on water neutrality grounds granted prior to that date.

3. Background

- 3.1 The Arun Valley is legally protected for its wintering birds, its wetland habitats, a rare snail species, invertebrates and several rare and uncommon aquatic and wetland plants. The protected sites, which have European designations, are:
 - The Arun Valley Special Protection Area (SPA),
 - Special Area of Conservation (SAC), and
 - Ramsar sites.
- 3.2 Natural England (NE) has advised that the existing water supply in the Sussex North Water Supply Zone cannot be ruled out as contributing to the declines in wildlife within the Arun Valley protected sites. A map showing the extent of the Sussex North water supply zone is attached at Appendix 1.
- 3.3 In September 2021 NE published a Position Statement requiring water neutrality to be achieved for new developments that would otherwise increase water demand (see Appendix 2). In December 2021 NE published a Frequently Asked Questions (FAQ's) document (see Appendix 3) to address queries raised by local planning authorities and developers.
- 3.4 This report explains in brief what water neutrality is, when the requirements apply, and the impacts of the guidance upon the determination of planning applications within the Chichester Plan Area that falls within the Sussex North Water Supply Zone.

4. Main Issues

i. What is water neutrality

4.1 Water neutrality is defined as: “For every new development, total water use in the region after the development must be equal to or less than the total water-use in the region before the new development.” This means for new developments that the total demand for water should be the same on the site after new development is built, as it was before.

ii. What type of development is required to demonstrate water neutrality

4.2 The requirement to demonstrate water neutrality applies to all new development that could increase water consumption from the public drinking water supply. This would likely include new dwellings, commercial development, and any other development that would likely increase demand on the public water supply.

4.3 When a planning application is assessed, the local planning authority is the competent authority under the Habitat and Protected Species Regulations 2017 and so is responsible for assessing the likely impacts upon the designated sites in the Arun Valley. This is a two-step process:

a) The local planning authority must establish whether there would be a likely significant effect upon the designated sites through a screening exercise.

If it is found that there would not be a likely significant effect on the designated site in the Arun Valley no further action is required. If it is found that the development would result in a likely significant effect upon a designated site then the second step is necessary;

b) Where a likely significant effect is identified, the local planning authority must undertake an Appropriate Assessment. The Appropriate Assessment will consider the potential impacts and whether the proposed mitigation would adequately mitigate the identified impacts.

4.4 The guidance from NE explains that water neutrality is required to mitigate the likely significant effects of new development that would otherwise increase water demand in the Sussex North Supply Zone. The FAQs sets out in detail how water neutrality can be achieved.

iii. When does the requirement for water neutrality apply

4.5 The position statement was published on 14 September 2021 and was effective immediately. Therefore, applications for development that would materially increase water consumption received after 14 September 2021 are subject to the requirements to demonstrate water neutrality.

4.6 Officers have attended meetings with NE to discuss how to implement water neutrality through the development management process. It was clear in the advice provided by NE that the requirement cannot be applied to planning application

decisions that were made by the local planning authority prior to 14 September 2021.

iv. Revocation of Planning Permissions and Compensation

- 4.7 There is a legal process under Section 97 of the Town and Country Planning Act (TCPA) 1990 through which an extant planning permission may be revoked via a Revocation Order if the local planning authority considers it expedient to do so. This power allows the local planning authority to revoke or modify a planning permission prior to the development being completed, although a revocation order cannot apply to any part of the development that has already been built. In the case of a change of use permission, a revocation order may be made at any time before the change of use has occurred. The Act states that the authority shall have regard to the development plan and any other material considerations when considering the question as to whether it would be expedient to revoke or modify a permission that has already been granted.
- 4.8 Where a planning permission is revoked or modified by a local planning authority under S.97 of the TCPA, then if, on an appropriate claim being made, a person with an interest in the land shows that he has incurred expenditure and/or has sustained loss or damage as a result of the revocation order, then the LPA must pay compensation to the claimant (S.107 TCPA). Such payment of compensation would be the depreciation in the value of the land caused by the revocation of the permission and would also include expenditure incurred in the carrying out of works which are rendered abortive by the revocation order and any preparatory work such as the drawing up of plans.
- 4.9 Clearly in the case of planning permissions for housing developments, the depreciation of the value of the land as a result of the revoking of a planning permission would be substantial. In the case of *Health and Safety Executive v Wolverhampton City Council 18/7/2012* the courts held that the amount of compensation for which the authority might be liable for can be taken into account as a material consideration when deciding whether to revoke or modify a permission. In this case the scheme related to a £40m development of 5 student accommodation blocks. It is not possible to calculate the precise amount of compensation that the Council would be liable for should extant permissions be revoked as it would be dependent on a range of variables. Additionally, it would not be possible to reasonably determine the period of time for which extant permissions should be revoked. However, it would in all probability amount to very significant sums of money, likely to be in the order of millions of pounds. Material considerations taken into account when considering the revocation of a permission for housing would likely include the liability for compensation and the risk to the Council's 5 year supply of housing; the implications of which would be a greater number of speculative housing applications. In summary, it is considered therefore that the requirements of the NE Position Statement should not be applied retrospectively to applications determined, and the decision issued, prior to the date of its publication.

5. Conclusion

- 5.1 The impact of water abstraction upon the Arun Valley designated sites and the matter of water neutrality emerged as an issue following its identification by Natural England. Water neutrality is therefore a new planning issue which is of very high importance and a material consideration for a wide range of applications within the Sussex North Water Supply Zone submitted following the publication of NE's Position Statement on 14 September 2021. Applications within the Chichester Local Plan area will be determined in accordance with the process set out within this report, NE's Position Statement and also their published guidance.

6.0 Background documents

Map of Sussex North Water Supply Zone:

[https://www.chichester.gov.uk/media/36218/Map-showing-the-part-of-Chichester-District-and-surrounding-area-within-the-Sussex-North-Water-supply-zone/doc/Map_of_the_part_of_Chichester_District_\(and_surrounding_area\)_within_the_Sussex_North_Water_supply_z.docx](https://www.chichester.gov.uk/media/36218/Map-showing-the-part-of-Chichester-District-and-surrounding-area-within-the-Sussex-North-Water-supply-zone/doc/Map_of_the_part_of_Chichester_District_(and_surrounding_area)_within_the_Sussex_North_Water_supply_z.docx)

Natural England Position Statement:

[\(Position statement on Water Neutrality Sept 21 2021.pdf \(chichester.gov.uk\)\)](#)

Natural England FAQ Document:

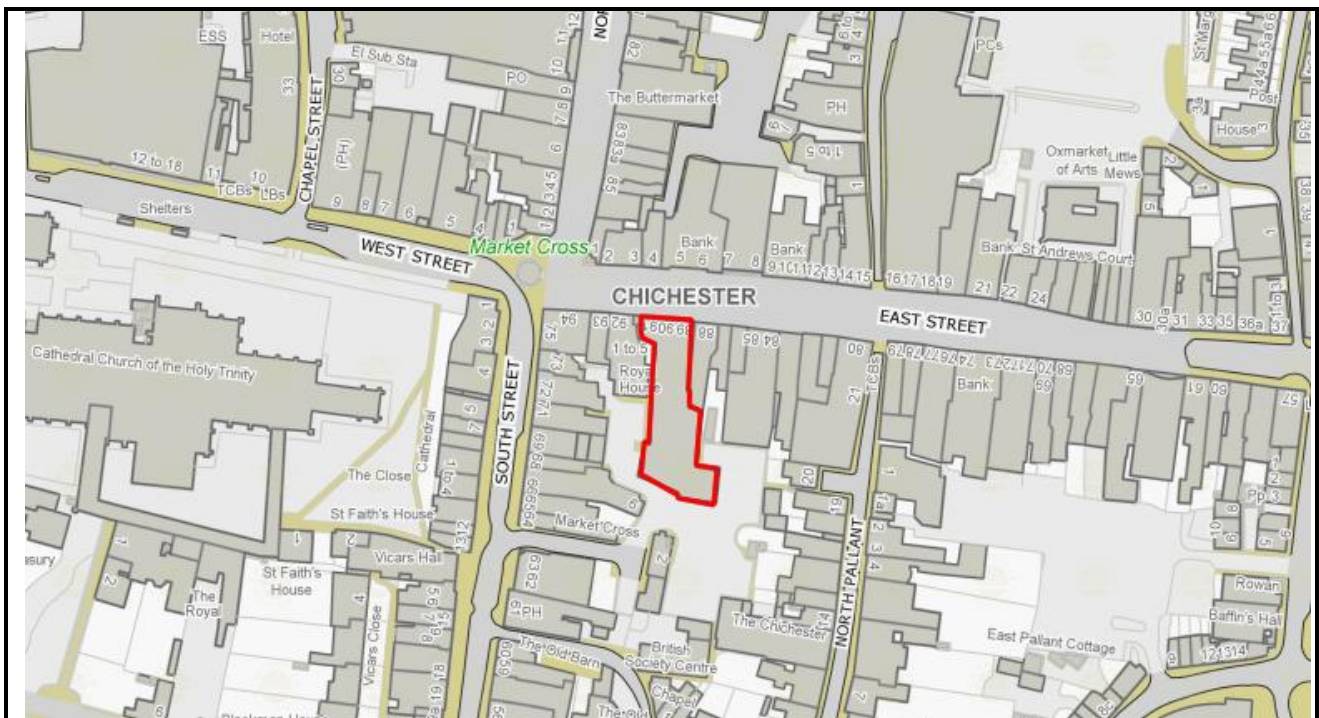
https://www.chichester.gov.uk/media/36521/Arun-Valley-Water-Neutrality-Developer-FAQ/doc/22122021_Arun_Valley_Water_Neutrality_Frequency_Asked_Questions_Developer_FINAL.docx

Parish: Chichester	Ward: Chichester Central
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CC/21/03119/ADV

Proposal	1 no. externally illuminated fascia sign, 1 no. internally illuminated brass mer board, 4 no. awnings with lettering and 3 no. lettering on glazing.		
Site	89-91 East Street Chichester PO19 1HA		
Map Ref	(E) 486104 (N) 104780		
Applicant	Troia (UK) Restaurants Ltd	Agent	Mrs Kate Roberts

RECOMMENDATION TO PERMIT



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1.0 Reason for Committee Referral

1.1 Parish Council Objection

2.0 The Site and Surroundings

- 2.1 The application site is located on the high street, south of East Street in Chichester City Centre within the Chichester settlement boundary area and Chichester Conservation Area.
- 2.2 The application building is not listed. The site is currently vacant and was last used as a retail store at ground level. The ground floor character of the surrounding area is predominantly commercial, comprising shops and services. The surrounding retail units have a variety of existing signage, which mostly take the form of a branded fascia.
- 2.3 The application is submitted alongside a full application for physical alternations to enable to commercial unit to be occupied by 'The Ivy' restaurant chain, and to which these proposed advertisements relate.

3.0 The Proposal

- 3.1 This application relates to the advertisements connected with the proposed use of the property at 89-91 East Street as a restaurant. A separate planning application has also been submitted for the physical works required for the building, in relation to the proposed occupation and use of the site by 'The Ivy' restaurant chain (21/03118/FUL). These applications are related but separate and this application should be considered on its own merits.
- 3.2 For planning purposes, an 'advertisement' is defined in section 336(1) of the Town and Country Planning Act 1990 (as amended) as:

“any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements.”
- 3.3 The externally illuminated fascia sign comprises gold colour letters made from bronze, spelling out 'The Ivy'. The letters are proposed to be 350mm tall and the total signage width would be 2945mm. The bronze letters would be attached to the fascia to be painted 'smoke green', a pale grey-green colour.
- 3.4 The proposed fascia sign has been amended over the course of the application process to address concerns from consultees. The amended proposal omits the originally proposed internal illumination and instead proposed external illumination via small LED strip lighting hidden behind the proposed canopy of the shopfront.
- 3.5 The internally illuminated menu board is proposed to be located within the property, next to the ground floor customer entrance and facing out from the shopfront. The menu board would be hold A3 and A5 size menus in two cases, with a total height of 852mm high and 601mm wide. The internal illumination would highlight the menu for customers entering or walking past the proposed restaurant.

3.6 The proposed lettering on the awnings and glazing of the shop front window would also spell out 'The Ivy'. The awning lettering would be painted gold in colour on green fabric awnings at 100mm tall and total signage width would be 855mm. The vinyl lettering on the shopfront would be green in colour and 85mm tall and 320mm wide per word (two words).

4.0 History

94/00373/CON	PER	Partial demolition (rear) of existing non listed building to enable future extension of retail store facilitating ground floor level sales area.
94/00496/FUL	PER106	Re-build of rear of store to provide new ground floor sales area and first floor stock area, boiler room incorporated within first floor accommodation. External plant area screened by extending mono pitched roof.
10/02312/ADV	PER	Proposed new signage (non - illuminated).
10/02319/LBC	APPRET	Refurbishment of existing Boots retail unit
10/02311/FUL	PER	Refurbishment of former Boots retail to form new Topshop / Topman unit.
21/03118/FUL	PCO	Internal and external alterations, including alterations to shopfront, outdoor seating area including awnings and placement of tables/chairs/planters, installation of roof lanterns, installation of plant equipment and installation and display of advertisements.

5.0 Constraints

Listed Building	NO
Conservation Area	YES
Rural Area	NO
AONB	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 (Chichester City Council)

Objection to the internally illuminated signage and menu board which is contrary to the relevant design guidance and would harm the character and appearance of the conservation area. Signage should be hand painted.

6.2 CCAAC

The Committee objects to this Application. The internally illuminated fascia sign does not comply with CDC Shopfront guidance and no street number is displayed.

6.3 CDC Conservation and Design

Further comments (received 12.01.2022)

The amendments are suitable and there are no further objections in conservation and design terms.

Original Comments

Thank you for consulting Conservation and Design on the applications at the above property which is not listed but lies within the Chichester Conservation Area.

The proposals are generally acceptable but the advert should make use of external illumination rather than internal. The internally illuminated menu board is acceptable and so small it would have no real impact on the streetscene.

6.4 Third party comments

1 third party representation has been received concerning the following matters:

- a) Welcome the imminent arrival of the Ivy in Chichester.
- b) The proposal for illuminated signage and menu box are in contravention of the Council's requirements for shopfronts in the City centre Conservation Area.
- c) The land grab for pavement seating at 4 metres deep is excessive at this busy part of East Street close to the Cross and will clash with the street market.
- d) Request that the application is modified in these respects.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Chichester City 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 10: Chichester City Development Principles

Policy 27: Chichester Centre Retail Policy

Policy 47: Heritage and Design

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 July 2022. 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 2023. 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 revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

d) 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 of 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 the following paragraph and sections: Sections 2, 4, 12, 14 and 15. Consideration has been given to paragraph 132 in particular, as this relates specifically to the control of advertisements. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

- 7.6 The following documents are material to the determination of this planning application:
- Chichester District Council Shopfront and Advertisement Design Guidance Note
 - Chichester Conservation Area Character Appraisal

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:

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 Advertisement applications must be considered in accordance with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. These regulations allow the LPA to consider amenity and public safety; taking into account the development plan, so far as they are material, and any other relevant factors. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Factors relevant to public safety include the safety of persons using any highway, whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of any traffic sign, and whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

8.2 The main issues arising from this proposal are:

- i. Design and Impact upon visual amenity, character of the area and setting of heritage assets
- ii. Impact upon public amenity and safety

Assessment

ii. Design and Impact upon visual amenity, character of the area and setting of heritage assets

8.3 Policy 47 of the Chichester Local Plan requires that proposals must conserve and enhance the special interest and setting of Conservation Areas, respect distinctive local character and maintain the individual identity of settlements. The Chichester Conservation Area has a number of Listed Buildings located within it.

8.4 The proposed fascia sign is considered to be a significant improvement on the current signage. The proposed colours of 'smoke green' painted façade with gold coloured bronze lettering meet with the preference for muted colours and painted fascias set out within the Chichester District Council Shopfront and Advertisement Design Guidance Note. The lettering would be 35cm in height, lower than the maximum suggested in the Shopfront and Advertisement Design Guidance Note. Whilst painted lettering is preferred under the guidance, it is considered that the proposed metal lettering on a painted fascia is acceptable given the building is not listed and it has for many years featured a modern shopfront and fascia. The agent has also confirmed that the street number will be displayed, as per the requirements of the Shopfront and Advertisement Design Guidance Note. A standard informative is recommended to remind the applicant of this requirement.

- 8.5 The application has been amended to replace the proposed internal illumination of the fascia signage with external illumination. The Shopfront and Advertisement Design Guidance Note allows for external illumination where the proposed use of the site to which the advert relates is open in hours of darkness, such as a restaurant. The proposed hours of operation are Monday - Saturday 8am-midnight and 9am-11pm on Sundays and bank holidays. The guidance also allows for carefully positioned spotlights. The use of small LED strip lighting, as proposed here, would be hidden from view by the proposed canopy and is considered acceptable. The level of illumination would be restricted by condition to not exceed 320.00cd/m, which reflects other recent advertisement consents in the Conservation Area.
- 8.6 The proposed menu board would be illuminated but would be very small in scale and have limited visual impact. The purpose would be for customers to be able to view the board in the hours of darkness when the restaurant is in use. The proposed colour of the menu board would be gold to match the proposed fascia lettering. The level of illumination would again be restricted by condition to not exceed 320.00cd/m.
- 8.7 The proposed canopy and shopfront signage would be non-illuminated, small scale and in-keeping with the proposed muted colours of the shopfront. The vinyl lettering would not dominate the shopfront and a clear view into the unit would be achievable as desired within Shopfront and Advertisement Design Guidance Note.
- 8.8 The canopy would be approximately 2.5m from ground level when open and more than 45cm away from the carriageway (in this case, the pedestrianised road laid out in brick along East Street), as required within Shopfront and Advertisement Design Guidance Note. It would be traditional in appearance, as per the examples set out in the Shopfront and Advertisement Design Guidance Note (page 10).
- 8.9 Overall, having regard to the above and subject to conditions, it is considered that the proposal would be appropriate in terms of size, colour, siting, and design, and would not result in visual clutter which would be harmful to the appearance of the Conservation Area or the setting of the Listed Buildings located within the vicinity. It is considered that the finish of the shopfront is in accordance with the CDC Shopfront and Advertisement Design Guidance Note and has been found acceptable by the Council's Conservation and Design Officer.

iii. Impact Upon Public Amenity and Safety

- 8.10 Section 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) permits the display of advertisements where they do not adversely impact upon the interests of amenity or public safety.
- 8.11 As the proposed canopy and shopfront signage would be non-illuminated, and that canopy would be approximately 2.5m from ground level when open and more than 45cm away from the carriageway as described above, it is considered that there will be no adverse impact on public amenity or public safety if advertisement consent was granted. The proposed menu board would be illuminated but would be very small in scale and have limited visual impact. The purpose would be for customers to be able to view the board in the hours of darkest when the restaurant is in use.

8.12 The fascia sign is proposed to be externally illuminated by external strip lighting to be hidden behind the proposed canopy. A condition is recommended to ensure the level of illumination is acceptable in terms of public amenity and safety. The level of allowed illumination will be consistent with other recent advert consents granted in the conservation area.

Other Matters

8.13 It is noted that the third party comments mention the proposed seating area and the extent to which this would be set out onto the public highway. The proposed seating area does not form part of this application, instead being considered under the live application for the physical alterations associated with the building (21/03118/FUL).

Conclusion

8.14 Based on the above it is the proposed adverts would not be harmful to the character and appearance of the area, the setting of heritage assets, or cause harm to users of the public highway. The proposal therefore complies with the development plan and therefore the application for advertisement consent is recommended for approval subject to conditions.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The works associated with the display of the advertisement(s) hereby permitted shall not be carried out other than in accordance with the plans listed below under the heading "Decided Plans".

Reason: For clarity and in the interest of proper planning.

2) The illumination of the advertisements hereby approved shall not take place other than during dark hours and during the opening hours of: 08:00 - 00:00 Monday to Saturday (including midnight Sunday morning) and 09:00 - 23.00 Sundays and bank holidays.

Reason: In the interests of visual amenity.

3) The illumination levels of the externally illuminated sign fascia sign and menu board shall not exceed 320.00cd/m at any time.

Reason; in the interest of visual amenities and preserving the character of the Chichester Conservation 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 -	7073/230	E	13.01.2022	Approved
PLAN -	7073/231	E	13.01.2022	Approved
PLAN -	7073/232	D	13.01.2022	Approved
PLAN -	Internal Menu Board		13.01.2022	Approved
PLAN - LOCATION AND BLOCK PLAN	7073/LPB	A	22.10.2021	Approved

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) The applicant is requested to ensure that the fascia sign to these premises includes the street number of the property.

For further information on this application please contact Joanne Prichard on 01243 534734.

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R1DTU1ERGT400>

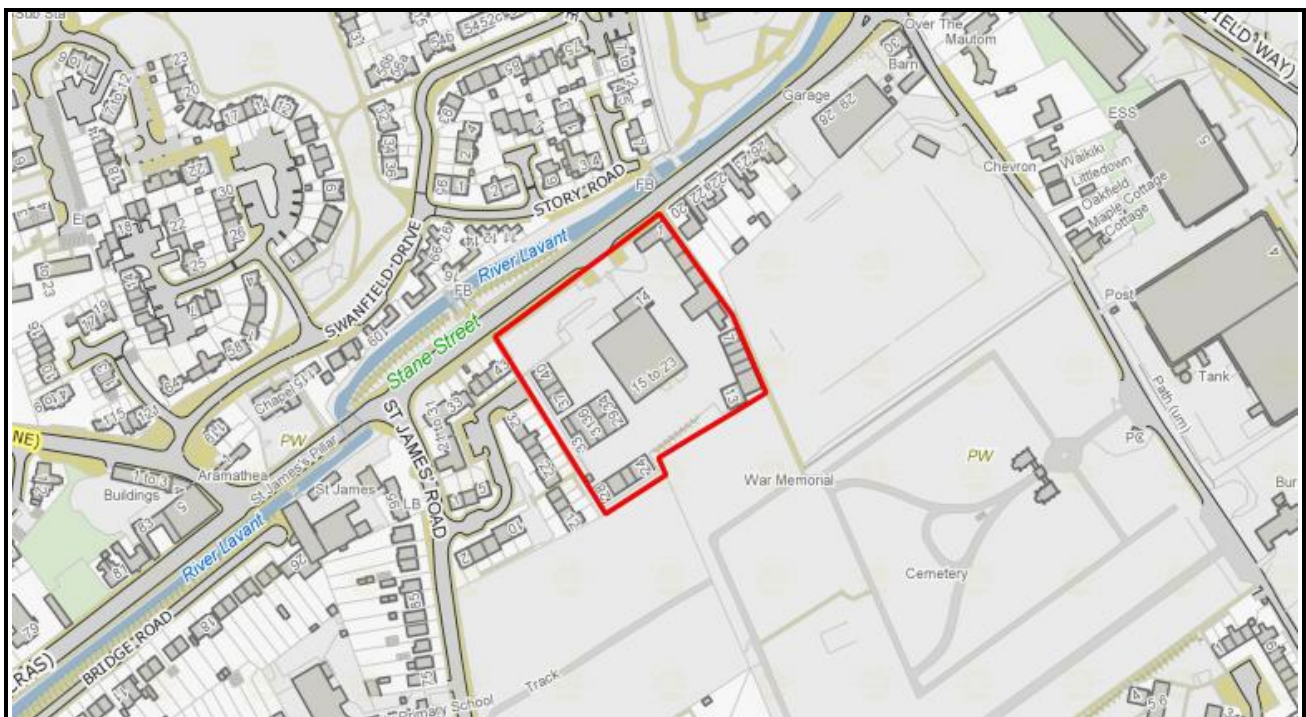
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Parish: Chichester	Ward: Chichester East
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CC/22/00020/NMA

Proposal	Non-material amendment to planning permission 21/03391/FUL, to revise elevation drawings detailing the removal of brick plinth walls and canopies and the revision of northern boundary wall design.		
Site	1 St James Industrial Estate, Westhampnett Road, Chichester, West Sussex PO19 7JU		
Map Ref	(E) 487295 (N) 105428		
Applicant	Chichester District Council	Agent	Mildren Construction

RECOMMENDATION TO PERMIT



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1.0 Reason for Committee Referral

1.1 Chichester District Council is the applicant.

2.0 Site and Surrounds

- 2.1 St James Industrial Estate extends to approximately 1.2ha and is located south-east of Westhampnett Road (A285) and approximately 123m from the roundabout with St James Road to the south-west; within the defined Settlement Boundary of Chichester. The site was previously developed in the early 1980s around the old 1950s Chichester District Council (CDC) depot, to provide accommodation for small start-up businesses. The industrial estate previously comprised 40 no. small industrial units (within B1, B2 and B8 Use Classes) with a total floor space of some 3,753m². Planning permission was granted in January 2022 (ref.21/03391/FUL) for the redevelopment of the existing industrial estate, including demolition of the existing buildings. At the time of the site visit, demolition, clearance, and ground works had commenced.
- 2.2 The site is accessed by the sole entrance/exit point on Westhampnett Road. A mixture of residential and commercial (including large supermarkets) development lies further to the east. Approximately 15 metres to the east lie Nos. 21, 22 and 22a Westhampnett Road, which are designated grade II listed buildings.
- 2.3 The site is predominantly located within Flood Zone 1; with only the very northern edge of the site boundary, partially falling within Flood Zone 2 (all the buildings and the north (front) boundary wall are located within Flood Zone 1). The River Lavant runs in an east-west direction to the northern side of Westhampnett Road and here the land moved into Flood Zones 2 and 3.

3.0 Proposal

- 3.1 The application seeks approval for non-material amendments to planning permission 21/03391/FUL. The amendments comprise:
- a) Brick plinths: Removal of the brick plinths to Blocks 1, 2, 3, 4 and 5. The brick plinths feature on all sides of the blocks and measure approx. 0.3m in height from ground level. The proposal is for the vertical cladding to continue down the elevation to ground level.
 - b) Entrance canopies: Removal of all the entrance canopies to Blocks 1, 2, 3, 4 and 5. The entrance canopies feature over each entrance on every unit on all the blocks and comprise of two supporting metal arms, finished with a thin piece of Perspex approx. 1.2m wide. The proposal is to omit all the entrance canopies.
 - c) Northern (front) boundary wall:
 - i. Western side of access – removal of the brick piers. Instead the approved railings will run uninterrupted.
 - ii. Eastern side of access – re-build section of wall to mirror boundary treatment proposed on the western side. This would include an approx. 1.2m high brick wall finished with approx. 1m high railings, to a maximum height of approximately 2.2m (when viewed from the north i.e. Westhampnett Road).

4.0 History

20/01914/FUL	PER	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m ² (47877ft) of lettable industrial space all under B1(b), B1(c) and B8 use classes with 5 no. replacement buildings.
21/01391/FUL	PER	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m ² (47877ft) of lettable industrial space, use classes E(g)(ii) and E(g)(iii) (formally known as use classes B1(b), B1(c)) and use class B8 with 5 no. replacement buildings - Variation of Condition 1 of planning permission CC/20/01914/FUL- changes to Block 1 from one single large unit into 10 smaller units and associated works.
21/01701/DOC	PER	Discharge of Condition 3 of planning permission CC/20/01914/FUL - Construction and Environmental Management Plan (CEMP).
21/02090/DOC	SPLIT	Discharge of conditions 11, 12, 15 & 18 to permission 20/01914/FUL.
21/02262/DOC	PER	Discharge of condition 3, 11, 13 and 17 from planning permission CC/21/01391/FUL.
21/02538/DOC	SPLIT	Discharge of conditions 5 (Surface Water Drainage) and 7 (Ground Levels) from Planning Permission CC/21/01391/FUL
21/02840/DOC	PER	Discharge of Conditions 6 (piling/foundation design) and 8 (scheme to deal with contamination) of planning permission CC/21/01391/FUL.
21/02876/DOC	PER	Discharge of condition 14 of permission 21/01391/FUL.
21/03340/DOC	PER	Discharge of condition 5 and 12 form planning permission CC/21/01391/FUL.
21/03469/DOC	PER	Discharge of Conditions 9 (Phase 2 Intrusive Investigation Report) and 10 (Remediation Scheme) of planning permission CC/21/01391/FUL.

21/03391/FUL

PER

Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m² (47877ft) of lettable industrial space, use classes E(g)(ii) and E(g)(iii) (formally known as use classes B1(b), B1(c)) and use class B8 with 5 no. replacement buildings. Variation of Condition 1 of planning permission CC/20/01914/FUL - changes to Block 1 from one single large unit into 10 smaller units and associated works and to regularise the conditions of permission CC/21/01391/FUL to reflect conditions contained in permission CC/20/01914/FUL.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	FZ1
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

- 6.1 An application to make a non-material amendment is not an application for planning permission. Therefore Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. The National Planning Practice Guidance (NPPG) (Paragraph: 005 Reference ID: 17a-005-20140306) advises that as by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011.
- 6.2 Before the application is made, the applicant must notify anyone who is an owner of the land which would be affected by the non-material amendment. In accordance with NPPG Paragraph: 006 Reference ID: 17a-006-20140306 the Local Planning Authority must take into account any representations made by anyone notified, provided they are received within 14 days of notification. Chichester District Council as land owner has not made any representations.
- 6.3 2 letters of objection from local residents have been received concerning:

- a) The vertical cladding has an enormous negative impact on the visual appearance (especially on the centre block).
- b) Development is within the heart of the community and on a central access road into Chichester and as such deserves a better architectural solution.
- c) There can be no reason other than cost saving for this change.
- d) Previously queried why the central block was almost 3 storeys high, as this seems excessive and will be visible from the eastern approach along the A27, potentially impacting the view into Chichester of the Cathedral Spire above the existing roof tops.
- e) For such a high building to be treated as a basic industrial design will have an impact on the neighbourhood for generations to come.
- f) The Trisomet cladding system is a commercial cladding system often used as industrial cladding for roofing.
- g) The vertical cladding will be a significant change to the public/external views.

7.0 Planning Policy

- 7.1 The Local Planning Authority must be satisfied that the amendments sought are non-material in order to grant an application under section 96A of the Town and Country Planning Act (TCPA) 1990.
- 7.2 As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.
- 7.3 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:
- Maintain low levels of unemployment in the district
 - Prepare people of all ages and abilities for the workplace and support the development of life skills
 - Develop a local workforce that meets the needs of local employers
 - Support local businesses to grow and become engaged with local communities
 - Maintain the low levels of crime in the district in the light of reducing resources
 - Support and empower communities and people to help themselves and develop resilience
 - Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
 - Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

Planning Assessment

- 8.1 The determining issue is whether the proposed changes would result in any material change to planning permission 21/03391/FUL. There is no statutory definition of 'non-material'. This is because it is dependent on the context of the overall scheme; what may be non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendments sought are non-material in order to grant an application under s.96A of the TCPA 1990.

- 8.2 The proposed removal of the brick plinths and the extension of the vertical cladding to the ground is considered a minor change which would not materially change the appearance of the approved buildings or the development as a whole, nor would the amended design detail be readily visible from the wider public realm. As such, it is considered the proposal to omit the brick plinths would not result in any material change to the scheme permitted under planning permission 21/03391/FUL.
- 8.3 The removal of the entrance canopies would not adversely or significantly change the design of the buildings and is considered a modest change to the overall scheme, which would also not be readily visible from the public realm. As such, it is considered the proposal to omit the entrance canopies would not result in any material change to planning permission 21/03391/FUL.
- 8.4 Whilst the alterations to the northern (front) boundary wall would be visible from the public realm, the proposal would be set-back from the highway and would provide consistency to the site frontage in terms of boundary treatment. The position of the boundary treatment, its overall height, and use of materials would be similar to the approved boundary treatment. In addition the boundary treatment, for the purposes of assessing an application for a non-material amendment, represents a minor element of the overall development permitted. As such, it is considered that the proposed changes to the northern (front) boundary wall would not result in the provision of a development materially different to the scheme granted planning permission under application reference 21/03391/FUL.
- 8.5 Overall, the proposed changes would not change the siting, height, appearance, overall design or scale of the development such that the proposals would result in a scheme materially different to the one granted planning permission under 21/03391/FUL, nor would it introduce windows that affect other properties or significantly move the external envelope outward. As a result of the above; the proposed alterations are considered to be of limited significance, consequence and importance to the approved scheme. Accordingly, the non-material amendment proposed is considered acceptable in accordance with S.96A of the TCPA 1990.

Other Matters

- 8.6 Representations have been received from third parties, however they are not material to the consideration of the application for a non-material amendment under S. 96A of the TCPA. Notwithstanding this; the materials to be used in the construction of the development is not a consideration under this application and is not relevant to the assessment of the proposed amendments. The final palette of materials was agreed under Condition 14 of 21/01391/FUL (and a condition to secure the approved materials was included on 21/03391/FUL).
- 8.7 It should be noted that an application under S.96A is not standalone permission or an application for planning permission, instead it is read in conjunction with the original permission it is seeking to amend (i.e. 21/03391/FUL in this instance). Planning conditions applied over both decisions (i.e. 21/03391/FUL and the current NMA application 22/00020/NMA) will be relevant to the proposal. Any changes made under s.96A are permanent changes and do not provide an either/or option.

Human Rights

8.8 The Human Rights of all affected parties have been taken into account and the recommendation to permit is considered justified and proportionate.

Conclusion

8.9 For the reasons set out above, the proposed alterations are considered to have no significant effect on the proposal as permitted and as such are capable of being treated as non-material amendments to planning permission 21/03391/FUL, and therefore the recommendation is to permit.

RECOMMENDATION

PERMIT subject to the following condition and informatives:-

1) 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.

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 Site Plan	P0867-RHP-CS-XX-PL-A-1010	P12	06.01.2022	Approved
PLAN - Proposed Elevations North and East - Block 1	P0867-RHP-B1-ZZ-EL-A-2150	P2	06.01.2022	Approved
PLAN - Proposed Elevations South and West - Block 1.	P0867-RHP-B1-ZZ-EL-A-2151	P2	06.01.2022	Approved
PLAN - Proposed Plans and Elevations - Block 2	P0867-RHP-CS-ZZ-PL-A-2080	P3	06.01.2022	Approved
PLAN - Proposed Plans and Elevations - Block 3	P0867-RHP-CS-ZZ-PL-A-2081	P3	06.01.2022	Approved
PLAN - Proposed Plans and Elevations - Block 4	P0867-RHP-CS-ZZ-PL-A-2082	P3	06.01.2022	Approved
PLAN - Proposed Plans and Elevations - Block 5	P0867-RHP-CS-ZZ-PL-A-2083	P3	06.01.2022	Approved

PLAN - Side Elevations - North	P0867-RHP-B1-ZZ-EL-A-2160	P6	06.01.2022	Approved
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INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) Your attention is also drawn to the conditions imposed on planning permission reference 21/03391/FUL.

For further information on this application please contact Jane Thatcher on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R5AN51ER10R00>

Parish: Chidham & Hambrook	Ward: Harbour Villages
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CH/21/01797/FUL

Proposal	Demolition of existing property and construction of 2 no. detached dwellings, garaging and associated works.		
Site	Green Acre Main Road Chidham PO18 8TP		
Map Ref	(E) 478913 (N) 105310		
Applicant	Greenacre (Chidham) Ltd	Agent	Mrs Kerry Simmons

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT

	<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, known as Greenacre, is located to the south side of Main Road, within the Parish of Chidham & Hambrook. The site lies within The Chichester Harbour Area of Outstanding Natural Beauty (AONB) and outside of any defined settlement boundary.
- 2.2 The site comprises an unoccupied detached chalet bungalow set within approximately 0.12 hectares of land. The site is set back from Main Road with the access located to the east of the site. The bungalow was previously an agricultural worker dwelling associated with a horticultural nursery to the south of the site, however removal of the occupancy restriction was permitted in 2020. The former nursery site has been redeveloped with 10 dwellinghouses (permission ref. 16/04132/OUT and 18/03195/REM), with the application site now lying to the north of the small housing development known as Greenacre Gardens.
- 2.3 Although the site lies in a rural area, the immediate setting of the site is predominantly residential with linear development fronting Main Road and clusters of dwellinghouses setback from Main Road, therefore the locality has a semi-rural character.

3.0 The Proposal

- 3.1 The proposal seeks planning permission for the demolition of the existing chalet bungalow and the construction of two detached dwellinghouses (1 x 4-bedroom and 1 x 3 bedroom) each with a double garage and associated landscaping works.

4.0 History

20/02439/FUL PER Semi-bungalow and garage (Removal of condition 2 of planning permission CH/14/72 - removal of the agricultural occupancy condition).

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO

6.0 Representations and Consultations

6.1 Parish Council

The Council objects to this planning application for two large houses on a small plot with no garden space. A like for like building on the plot would be more suitable

6.2 Natural England (summarised)

No objection - subject to appropriate mitigation being secured

6.3 Chichester Harbour Conservancy (summarised)

No objection, subject to suggested conditions.

6.4 WSCC Local Highway Authority (summarised)

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 111), and that there are no transport grounds to resist the proposal.

Several conditions concerning parking space, cycle parking and electric vehicle charging were also suggested.

6.5 WSCC Water and Access

From the plans submitted for Planning Application no. 21/01797/FUL evidence is required to show there is sufficient access for a Fire Appliance to the 2 no. detached dwellings. The access width required for a Fire Appliance is 3.7 metres between curbs and 3.1 metres through a gateway in a straight line. The measurement between the centre of the wheels on a fire appliance is 2.8 metres.

6.6 CDC Environmental Strategy

Further Comments (17.01.2022)

I would suggest the following alongside the bat mitigation we previously discussed.

- A bird box should be installed on each of the new dwellings or suitable tree in the respective gardens,
- We require that gaps are included at the bottom of the fences to allow movement of small mammals across the site,
- A hedgehog nesting box should be installed in each of the gardens.

Further Comments

The lighting specification detailed in the Ecologist's Letter (January 2022) is suitable and a welcome addition to the scheme. This will reduce the risk of significant impacts to bat species using the site for roosting and commuting and foraging as part of the wildlife corridor. Conditions should be used to ensure this.

Original Comments (14.01.2022)

A common pipistrelle day roost, used by a single bat, was identified within a crevice created beneath an edge roof tile at the eastern elevation of the dwelling. Following submission of Bat Emergence Survey Report (June 2021), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows, and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that a bat brick is integrated into the building onsite facing south/south westerly positioned 3-5m above ground.

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

We would like a bird box to be installed on the extension / and or tree within the garden of the property.

Populations of slow worm and common lizard were recorded within a previous ecological study, which focused on the site and the adjacent land to the south (prior to its development). Small areas of ruderal vegetation remain along the peripheries of the site. We are happy that a precautionary approach can be undertaken on the site for reptiles. This involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut. Additionally, all vegetation clearance should be undertaken whilst supervised by a suitably licensed ecologist, and a fingertip search of all suitable vegetation being lost.

Due to the sites location within an area identified as a potential Strategic Wildlife Corridors Nutbourne - as identified in the Strategic Wildlife Corridors Background Paper we require that the applicant demonstrates that the proposal will not adversely affect the potential or value of the wildlife corridor. We require that an ecological survey addresses this and any potential impacts on the corridor.

Following submission of the Sustainability statement (June 2021) please can you provide us with some more detailed figures. The report currently only shows the target emissions of 7.82% for fabric first, however we want to see what the calculations are for the improvements above building regulations. We are looking for around a 19% carbon saving above building regulations.

As detailed within the Nutrient Neutrality and Mitigation Report (July 2021) the proposal will cause an increase in nitrogen of 0.8 kg/N/yr. Due to this increase we require that mitigation takes place.

Please can the applicant provide their proposed mitigation strategy to deal with this.

Since the site lies within the Zone of Influence for Chichester Harbour, as contribution to the Bird Aware: Solent Mitigation Scheme will be required to mitigate the increased recreational pressure at the Harbour.

6.7 CDC Drainage

Flood Risk: The site is wholly within flood zone 1 (low risk) and we have no additional knowledge of the site being at increased flood risk. Therefore, subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage: The proposal is to extend the existing permeable paving from the adjacent development and utilise the existing outfall to the ditch. This approach is acceptable in principle and should adequately drain the development.

If you are minded to approve the application, we recommend the drainage drawing (SPR029 1501 P1) included in the drainage strategy forms part of the approval

6.8 Southern Water

No comments received.

6.9 Third party objection comments

Twelve third party representations of objection have been received concerning the following matters:

- a) The site lies outside of the settlement boundary
- b) The plots size is approx. 0.1ha
- c) Not a spacious development
- d) Useful to have plans showing extent of footprint changes and elevational increases
- e) The buildings should be no higher
- f) The building line moved further westwards
- g) The scale of the internal accommodation
- h) Carbon Emissions
- i) Like for like replacement would be acceptable
- j) Overlooking
- k) House originally had an agricultural tie
- l) The occupiers of Greenacre Gardens were advised this site would only be redeveloped with one dwellinghouse.
- m) The tree planning will be unsuccessful like much of those on the neighbouring development
- n) The proposed access would impede on those of 8-10 Greenacre Gardens
- o) The shared areas are private, and controlled by a management company
- p) Resulting in extra traffic within the estate
- q) Vehicle noise
- r) Congestion
- s) Insufficient parking

- t) The poor quality of seawards landscaping
- u) Disruption from construction vehicles

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Chidham and Hambrook Neighbourhood Plan was made in March 2016 and forms part of the Development Plan against which applications must be considered.
- 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 4: Housing Provision
Policy 5: Parish Housing Sites 2012- 2029
Policy 6: Neighbourhood Development Plans
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 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
Policy 45: Development in the Countryside
Policy 47: Heritage
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Chidham and Hambrook Neighbourhood Plan

LP1 - Requirement for homes
EM2 - SPA Impact
EM3 - Landscape, Habitat and Biodiversity
H2 - Housing Size
DS1 - Design
DS2 - Parking Provision

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 July 2022. 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 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

7.4 Relevant policies from the published Local Plan Review 2035 Preferred Approach are:

Part 1 - Strategic Policies

S1 Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
S3 Development Hierarchy
S4 Meeting Housing Needs
S5 Parish Housing Requirements
S20 Design
S23 Transport and Accessibility
S24 Countryside
S26 Natural Environment
S27 Flood Risk Management
S31 Wastewater Management and Water Quality

Part 2 - Development Management Policies

DM3 Housing Density
DM8 Transport, Accessibility and Parking
DM16 Sustainable Design and Construction
DM18 Flood Risk and Water Management
DM22 Development in the Countryside
DM28 Natural Environment
DM29 Biodiversity
DM30 Development and Disturbance of Birds in Chichester, Langstone and Pagham Harbours Special Protection Areas
DM31 Trees, Hedgerows and Woodlands

National Policy and Guidance

7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 21 July 2021.

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

d) 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 of 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.

7.6 In addition, consideration should also be given to Sections 1, 2, 5, 12 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CHC Joint AONB Design SPD
- CHC Chichester Harbour AONB Management Plan (2014-2029)
- CDC Waste Storage and Collection Guidance

7.8 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
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- 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 development
- ii. Design and impact upon character of the surrounding AONB
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Sustainability
- vi. Ecological considerations
- vii. Drainage
- viii. Nutrient Neutrality
- ix. Recreational Disturbance
- x. Other Matters

Assessment

i. Principle of development

8.2 The application site is located in the rural area outside of any Settlement Boundary, which is defined as the 'Rest of the Plan Area' in Policy 2 of the Chichester Local Plan (CLP). Policy 45 of the CLP states that development outside of settlement boundaries must require a countryside location and meet an essential, small scale, local need which cannot be met within or immediately adjacent to an existing settlement.

- 8.3 Whilst the principle of a one for one replacement dwellinghouse can be considered acceptable under Policies 2 and 45, the net increase of one dwellinghouse would ordinarily need to demonstrate it requires a countryside location and meets an essential, small scale, local need which cannot be met within or immediately adjacent to an existing settlement. As the 'additional' dwellinghouses shall be an open market property, it cannot be considered as requiring a countryside site setting.
- 8.4 Notwithstanding the above, the Chidham and Hambrook Neighbourhood Plan (2016) states in Policy LP1 (Requirement for homes) allows for the provision of developments of ten units or fewer on windfall sites. The glossary within the neighbourhood plan states that windfall sites are: 'Sites which have not been specifically identified as available in the Local Plan process. They normally comprise of previously developed sites that have unexpectedly become available.'
- 8.5 It has been established, within High Court ruling 'Dartford Borough Council v Secretary of State for Communities & Local Government (CO/4129/2015)', that residential gardens outside settlement boundaries do constitute brownfield land or 'previously developed land'. Therefore, the proposed site falls under the category of being both previously developed land and a residential windfall site. The Neighbourhood Plan, which forms part of the Development Plan, supersedes the Local Plan by virtue of its more recent adoption date and therefore when assessing the principle of the additional dwellinghouses, Policy LP1 of the Neighbourhood Plan superseded Policy 45 of the Local Plan.
- 8.6 Accordingly, when assessed against Policy LP1 of the Neighbourhood Plan, the proposed erection of two dwellinghouses can be considered acceptable in principle, subject to the material consideration set out below.
- ii. Design and impact upon character of the AONB
- 8.7 Policy 33 of the Chichester Local Plan sets out that any proposed development must meet the highest standards of design and provide a high-quality living environment in keeping with the character of the surrounding area and its setting in the landscape. This includes considering its proportion, form, massing, siting, layout, density, height, scale and neighbouring and public amenity. Policy 43 has a number of criteria which proposals have to meet before they will be permitted which include that the natural beauty and locally distinctive features of the AONB are conserved and enhanced; and that proposals reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB. Policy 47 sets out that development should respect the distinctive local character and sensitively contribute to creating places of high architectural and built quality. Policy 48 amongst other considerations requires proposals to respect and enhance the landscape character of the surrounding area and site.
- 8.8 The layout of the Greenacres Garden development on the former nursery site allows for the integration of the proposed dwellings into the wider site. The eastern property (Plot 1) would be a focal building given its location at the very top of the development adjacent to the access. The western property (Plot 2) would be positioned broadly in line with the terrace of properties, which lie along the western boundary and would therefore be read as a continuation of the existing built form along this boundary. The proposed dwelling on plot 2 would be orientated in an east-west direction, with its frontage facing towards the shared access with Plot 1.

- 8.9 The proposed layout would remain respectful of the spacious residential character, with the plot sizes being broadly comparable to the detached dwellinghouses and notably larger than those of the terraced properties within the Greenacre Development. It is appreciated the layout of the site would result in a 'wrap-around' amenity space for the properties, as opposed to a concentration of amenity space to the rear; however, this is not considered to be detrimental to the quality of the amenity space provided and ultimately provides a sufficient amount of garden space to ensure the development would not be cramped. The amenity space to the south of Plot 1 would retain a relatively open character. The garden would be partially enclosed by estate railings which would provide a means of enclosure that would not detract from the character of Greenacre Gardens or the wider area. The proposed siting of the development with residential properties to the north and south would provide a well contained development. The Harbour Conservancy notes that the site lies in a countryside built-up enclave and has not raised any objection to the proposal in terms of its impact upon the special qualities or scenic beauty of the AONB.
- 8.10 The dwellinghouses would occupy a rectangular footprint, albeit with a link attached garage for Plot 2 set beneath a tiled pitched roof. The buildings would be of a scale comparable to the other properties within Greenacre Gardens, being 8.3m in height which is 0.3m below the height of the adjacent terrace properties and in line with the height range of 7.4m - 8.4m of the remaining detached properties. In addition, the dwellings would be broadly comparable in respect of footprint, aligning with the size of the detached Greenacre properties relative to their number of bedrooms. Moreover, proposed dwellings would be traditional in appearance, with stock brickwork and contrasting brick detailing, stone cill detailing, oak framed porches and traditional fenestration. As a result, the dwellinghouses would be in keeping with the character of Greenacre Gardens, and the wider surroundings in terms of their layout, size, scale and detailed design.
- 8.11 Access would be provided from the south of the dwellinghouses, utilising and slightly extending (into the proposed site) the existing shared block paved road which services the Greenacre development. The proposed approach would result in an acceptable internal layout, which would utilise mostly the existing layout and access arrangements, and therefore would not be out of character with the site and its surroundings.
- 8.12 The proposed site plan provides an indication of the hard and soft landscaping proposed, and it is recommended a condition be imposed to secure full details. The layout shows the linked but separate driveways serving each dwellinghouse, plus a modest amount of hardstanding to the rear and side of the properties. The majority of the wrap-around gardens would be laid to lawn, including the large circular lawn to the south of Plot 1 which has already been completed as part of the Greenacre development. Supplementary tree planting is proposed primarily to the northern and southern boundaries of Plot 2, whilst the northern boundary of Plot 1 already benefits from a high level of natural screening. A hedgerow is proposed to the front boundary of Plot 1, which in combination with the existing estate railing would provide a low key, but high-quality boundary treatment which would extend most of the length of the eastern boundary along the access road. The remaining boundary treatments would be close board fencing, as already existing to the south (alongside Plot 2 only) west, and north boundaries.
- 8.13 Taking the above considerations into account, the development would be of an appropriate layout and density, and result in a high-quality design that would sympathetically incorporate into the surrounding area and would also take the

opportunities available to provide ecological enhancements. On this basis, the visual impacts of this development are considered respectful to the character and quality of the AONB. It is therefore considered that the development complies with Sections 12 and 15 of the NPPF and Policies 33, 43, 45 and 47 of the Local Plan, Policies DM 3 and DM18 of the Chidham and Hambrook Neighbourhood Plan, Chichester Harbour AONB Design Guidelines for New Dwellings & Extensions and the Joint Chichester Harbour AONB SPD 2017.

iii Impact upon amenity of neighbouring properties

8.14 Paragraph 130 of the NPPF states that planning decisions should create places that offer a high standard of amenity for existing and future users. Additionally, Policy 33 of the Local Plan includes requirements to protect the amenities of neighbouring properties.

8.15 The proposed dwelling would be distanced, orientated, and designed so as not to have an unacceptable effect on the amenities of the neighbouring property, in particular to their outlook, privacy or available light. The proposal results in an acceptable level of separation between the site boundaries and neighbouring properties, retaining an acceptable level of privacy and ensuring the proposal shall not result in an overbearing relationship. There is established tree planting to the northern boundary, with further supplementary planting proposed which shall further enhance privacy levels for both the neighbouring properties and the occupants of the proposed dwellings.

8.16 A number of third-party concerns have been raised in respects of additional vehicle movements, further congestion and the impact this would have upon neighbour amenity. It is considered that the proposed development would not result in a level of development that would materially intensify the use of the site such that would give rise to a significant increase in vehicle movements that would be detrimental to the amenity of neighbouring properties or the wider area. The proposal would therefore be acceptable in this respect.

iv Impact upon highway safety and parking

8.17 Policy 39 of the Chichester Local Plan requires developments have safe and adequate access to the public highway and parking needs can be met within the site.

8.18 The proposal utilises the existing vehicular access onto Main Road and much of the internal road layout of Greenacre Gardens, both of are capable of accommodating larger vehicles, such as refuse trucks and appear to be operating safely. The dwellinghouses would each be provided with a double garage, which meet the size guidance for a double garage and would therefore be capable of providing covered parking for two vehicles each. In addition, at least two external parking spaces are provided externally for each dwellinghouse. This is considered to be acceptable and proportionate for the parking demands for the size of the properties proposed.

8.19 The proposal has been reviewed in consultation with WSCC Highways who have raised no objection to the proposal and have suggested a number of conditions. These conditions are considered appropriate, particularly securing the provision of cycle and EV charging and shall be imposed upon the permission.

8.20 The existing vehicular access into Greenacre Gardens and shared internal road exceeds the 3.7m in width required to provide access for a fire truck. In addition, there would be

adequate turning space within the wider site available for the turning of a fire truck. The proposal therefore meets the requirements of WSCC Fire and Access.

8.21 In light of the above, it is considered that the proposal would result in an acceptable impact upon the highways network, make acceptable provisions for vehicle parking/turning and provide measures to support alternative and sustainable forms of transport. As such, the proposal is considered to comply with policies 39 the Local Plan.

v. Sustainability

8.22 The proposal has been accompanied by a sustainability statement, detailing the overall efforts to enhance the sustainability of the development. The report advises that the development would achieve a 7.82% improvement in emission above building regulations through a fabric first approach; however, the LPA typically expect to see a 19% reduction through the blended approach of fabric first improvements and the use of renewable energy sources. The applicant has confirmed their agreement to incorporate renewable energy sources and agreed a condition to secure the full details, implementation and retention of such measures.

8.23 The development would also comply with the water consumption targets, as set out within the building regulations. The provision of vehicle charging points would also be secured via planning condition, further contributing to the sustainability of the development.

8.24 Therefore, subject to compliance with these measures, and the planning conditions, the proposal would result in an enhanced sustainable form of development, thus complying with policy 40 of the local plan.

vi. Ecological considerations

8.25 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded and enhanced whilst the NPPF makes it clear in paragraph 174 that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on, and providing for net gains, for biodiversity. In addition, the site is located within the proposed Nutbourne Wildlife Corridor

8.26 The council's ecology officer has reviewed the ecology surveys and subsequent letter from the ecologist and is satisfied with their findings, recommendations and suggested mitigation/enhancements. The mitigation measures primarily concern the control of exterior lighting, including the use of light shields and low spectrum lighting; however additional measures such as soft demolition and the use of native planting area also advised. In addition to this, the council's ecology officer has also suggested further enhancements, such as the provision of bat/bird boxes, all of which can be adequately controlled via condition.

8.27 In addition, the proposal has been accompanied by an arboricultural report/impact assessment, which concludes 'Implementation of the development proposal does not require the removal of any trees so the arboricultural characteristics of the site remain unchanged; however, the poor-quality trees on the western boundary do little to enhance the site and their loss could be adequately mitigated by appropriate replacement planting'. As a result of these finds, in combination with the proposed tree protection measures, necessary during construction and the additional tree planning proposed within the site but

primarily to the northern boundary the proposal would have an acceptable impact with regards to the existing trees on site, whilst also contributing to an ecological enhancement of the site.

8.28 In light of the above and subject to compliance with the recommended conditions the proposal would adequately safeguard and enhance the biodiversity of the site and the proposed wildlife corridor in accordance with national and local planning policies.

vii. Drainage

8.29 The site is within flood zone 1 (low risk) and we have no additional knowledge of the site being at increased flood risk. Therefore, subject to satisfactory surface water drainage there are no concerns regarding the proposed use, scale or location of the development based on flood risk grounds.

8.30 The proposal is to extend the existing permeable paving from the adjacent development and utilise the existing outfall to the ditch, which comprises a culverted watercourse to the eastern boundary of the wider Greenacre Gardens development. This approach is acceptable in principle and should adequately drain the development. A detailed drainage proposal accompanies this application, which has been reviewed by the Council's Drainage Engineer and is satisfactory. Therefore, subject to compliance with this drainage strategy, secured via condition, the proposal would be acceptable in respect of surface water drainage/flooding considerations.

viii. Nutrient Neutrality

8.31 The proposal comprises new residential development, which is to be connected to the main sewer network that includes the Thornham Wastewater Treatment Works (WwTW). As such, the treated effluent from the development will eventually discharge into a European or internationally designated protected site, with the potential for harm to be caused to those sites by the overall increase in nitrate levels. It is Natural England's view that the cumulative increase in nitrate levels from development is likely to have a significant effect on such designated sites. This is therefore directly connected to the increase in wastewater from the development.

8.32 In such instances, the implications from the proposed development (that is the nutrient content of the discharge), together with the application of measures to avoid or reduce the likely harmful effects from the discharge, are required to be tested by the Local Planning Authority (LPA) via an 'appropriate assessment' to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

8.33 To assist the LPA with its appropriate assessment, the application has been accompanied by a Nutrient Neutrality Statement, which sets out the additional nitrogen to be offset (0.8 kg of Nitrogen per year) and the offsite mitigation proposed. The mitigation proposes the removal of a parcel of land at East Dean from agricultural production.

8.34 The parcel of land is to the north of Droke Lane, East Dean, Chichester. It is described within the Nutrient Neutrality Statement as:

'The land is around 4.78 ha in extent (NGR SU 92888 12789) and currently in arable production (31.2 kg N/ha/yr estimated losses). Soils are shallow, free draining and calcareous. The land is within a Groundwater Source Protection Zone 3 over a Principal Aquifer and at high groundwater vulnerability risk. To the north is Oxen Down Ancient replanted woodland and to the south Droke Hanger Ancient and Semi Natural woodland. The field is within a Biodiversity Network Enhancement Zone 1 and the north and south field margins are High Spatial Priority for Woodland Priority Habitat Network. Therefore, significant additional biodiversity benefits would be achieved by planting and joining these two areas of woodland together over and above reduction in nitrogen losses from the catchment'.

- 8.35 The report indicates that a 0.0305 hectares (305 m²) of land shall be required along with the planting of a minimum of three broad leaf trees (equivalent to a density of 100 per hectare) in order to offset the additional nitrogen. This proposal has been tested via an appropriate assessment, in consultation with Natural England, who has raised no objection to the application, subject to securing the proposed mitigation.
- 8.36 It is considered that the proposed nitrate mitigation scheme would ensure that the proposal would not impact upon the European designated sites as a result of nitrates, and therefore the proposal would comply with policy 49 of the CLP and section 15 of the NPPF. The exact location of the proposed mitigation land, within the wider parcel shall be secured within the S106 agreement, forming a legally binding agreement between the landowners and applicants, and securing this mitigation land in perpetuity. As work on the S106 agreement is ongoing, at the time of preparing this report the recommendation is to defer for S106 and then permit.

ix. Recreational Disturbance

- 8.37 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area where a net increase in dwellings would likely cause harm to the special qualities of the European designated site as a result of recreational disturbance. In accordance with Policy 50 of the Local Plan a financial contribution towards the Bird Aware Solent scheme is required in order to mitigate recreational disturbance as a result of the proposal.
- 8.38 A contribution of £960 would be obtained via the S106 agreement. The calculation for which is as follows:
- 1 x 4-bedroom property £801; plus
 - 1 x 3-bedroom property £681; minus
 - 1 x 2-bedroom property (existing chalet bungalow) £522.
- 8.39 Subject to the completion of the S106 agreement, the proposal would comply with Policy 50 of the CLP and the requirements of the Habitat and Protected Species Regulations 2017, and the proposal would be acceptable in this respect.

x. Other Matters

8.40 It has been indicated by the applicants that the additional dwellings would be incorporated into the Greenacre Gardens management company, who is responsible for maintain the shared private areas within the development. This is a private matter which is not material to the consideration of the merits of the proposal.

Conclusion

8.41 In considering the above, the proposal would result in an appropriate form of development, which would result in a high quality replacement dwelling and additional dwelling, within a sustainable location without harm to the environment, the character of the area, highway safety or biodiversity. In addition, the proposal includes measures to ensure that the biodiversity on the site is enhanced and that the proposal would incorporate sustainable construction measures.

8.42 The proposal therefore accord with the relevant local and national planning policy and associated guidance. Having also had regard to all other material considerations it is recommended that, subject to the conditions set out below, permission is granted.

Human Rights

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

RECOMMENDATION

DEFER FOR SECTION 106 THEN 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) 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 litter management, prohibiting burning of materials/waste, and measures to recycle waste.

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.

4) Notwithstanding any details submitted no development/works above slab level shall commence until a full schedule of all materials and finishes to be used for external walls, windows and doors and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Upon submission of the details to the Local Planning Authority samples of the proposed materials and finishes shall be made available for inspection on site, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule of materials and finishes, unless any alternatives are agreed in writing via a discharge of condition application.

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.

5) No development above slab level shall commence until full scheme of proposed renewable sources of energy and a sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The sustainability statement shall detail sustainable energy sources (i.e Solar Panel and Heat Pump) and additional measures to reduce the carbon emissions of the development hereby permitted. The scheme of the proposed sources of renewable energy shall include details of the appearance, technical specification and where relevant a noise report. Once agreed, these measures shall be fully implemented in accordance with the approved scheme prior to the first occupation of the dwellinghouse and thereafter retained in perpetuity for their designated use.

Reason: To minimise the impact of the development upon climate change.

6) The development hereby permitted shall be carried out in strict accordance with the approved Drainage Strategy (Arch Associated March 2021) and Drawing No. SPR029 1501P1 approved unless any variation is agreed in writing by the Local Planning Authority. The dwellinghouse shall not 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: To ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

7) No part of the development hereby permitted shall be first occupied until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

8) 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.

9) No part of the development hereby permitted shall be first occupied until at least one Electric Vehicle (EV) charging point per dwellinghouse has been provided in accordance with plans and details that shall first be submitted to and agreed in writing by the Local Planning Authority. Thereafter the Electric Vehicle Charging point shall be retained for that purpose, indefinitely and unless otherwise agreed in writing by the Local Planning Authority

Reason: To provide alternative sustainable travel options in accordance with local and national initiative to reduce carbon emission and current sustainable transport policies.

10) The development hereby permitted shall be carried out in strict accordance with the Statement on Sustainable Design, submitted with this application. The sustainability measures it details shall be fully implemented prior to occupation of the dwellinghouse hereby approved and shall be retained and maintained thereafter throughout the lifetime of the development, unless otherwise agreed in writing by the authority.

Reason: To minimise the impact of the development upon climate change.

11) 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.

12) The dwelling hereby permitted shall be designed to ensure the consumption of water by persons occupying the dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). The dwelling shall not be first occupied until the requirements of this condition for the dwelling(s) have been fully implemented, including fixtures, fittings and appliances, and therefore they shall be maintained as approved and in full working order in perpetuity.

Reason: To ensure water efficiency within the dwellings and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

13) 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; parking layouts; 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.

14) The development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented:

1. The integration of a bat box into the dwellinghouses hereby approved, or the provision of a bat box within a tree sited within the grounds of the development proposal. The bat box shall face a south/south westerly and positioned 3-5m above ground.
2. The integration of a bird box to the dwellinghouses hereby approved or within a tree sited within the grounds of the property.
3. The provision of hedgehog nesting boxes within the site.
4. The provision of log piles made from trees felled from within the site.

Thereafter, the ecological enhancements shall be retained and maintained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

15) The following ecological mitigation measures shall be adhered to at all time during construction;

a) Due to the potential for bats within the existing dwellinghouse, the removal of roof tiles shall only be undertaken between March and October (inclusive) to prevent disturbing any bats that could be in hibernation. The roof tiles shall be removed by hand only and if any bats are discovered during this work, the supervising ecologist shall be consulted for further guidance;

b) If any works need to take place to the trees or for vegetation clearance on the site, they should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

Reason: In the interests of protecting biodiversity and wildlife.

16) The development hereby permitted shall be carried out in strict accordance with the approved boundary treatments plan (Dwg 1921-16A). The boundary treatments shall be implemented in full prior to the first occupation of the dwellinghouses and shall be retained and maintained thereafter throughout the lifetime of the development, unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting the amenity of neighbours

17) The development hereby permitted shall be carried out in strict accordance with the submitted Arboricultural Report produced by Jonathan Rodwell.

Reason: To ensure that the trees on and around the site are adequately protected from damage to their health and /or amenity value.

18) 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.

19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character of the area.

20) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking ,re-enacting or modifying that Order) no fence, wall or other means of enclosure shall be erected, constructed or established other than those shown on the approved plans.

Reason: In the interest of the visual amenity 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 building, structure or other alteration permitted by Classes A - 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 neighbours and the surrounding area.

22) 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.

23) Upon the completion of the approved surface water drainage strategy, the owner or management company shall strictly adhere to and implement the recommendations contained within the approved Drainage and SuDS Maintenance Plan (Arch Associates March 2021), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the efficient maintenance and ongoing operation for the SUDS system and to ensure best practice in line with guidance set out in the SUDS Manual CIRIA publication ref: C687 Chapter 22.

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 - THE LOCATION PLAN	1921-01	D	07.06.2021	Approved
PLAN - PLOT 2 ELEVATIONS	1921-12	A	07.06.2021	Approved
PLAN - Plot 2 Floor and roof Plan	1921-09	F	14.09.2021	Approved
PLAN - Site Plan	1921-17	A	29.11.2021	Approved
PLAN - Block Plan	1921-02	G	29.11.2021	Approved
PLAN - Plot 1 Floor Plan and Roof Plan	1921-07	R	29.11.2021	Approved
PLAN - Plot 1 Elevations	1921-11	D	29.11.2021	Approved
PLAN -	1921-06	V	10.12.2021	Approved
PLANS - Plans PLAN -	1921-16	A	17.01.2022	Approved

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) S106

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

3) A European Protected Species (bat) Mitigation Licence will be required for the proposed works to proceed.

4) Your attention is drawn to the provisions of the **Countryside and Rights of Way Act 2000, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.**

These make it an offence to:

- Kill or injure any protected species or wild bird,

- Damage or destroy the breeding sites and resting places (roosts) of certain animals including bats and dormice even if the species is not present.
- Damage, destroy or take the eggs or nest of any wild bird (when the nest is being built or is in use)

The onus is therefore on you to ascertain whether such bats, birds, other animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require undertaking a bat survey or delaying works until after the nesting season for birds.

If the tree is being used as a breeding site or resting place (roost) by bats, then a Natural England Licence would be required before removal of the tree. You are advised to contact Natural England for more information on 0845 601 4523. Trees which have any holes, cracks, ivy or deadwood are more likely to have roosting bats.

The nesting season for birds is between the 1st March and the 30th September. If you need to undertake works during this period you are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

5) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact Calum Thomas on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QUC1J2ERJ9D00>

Chichester District Council Planning Committee

Wednesday 02 February 2022

Report of the Director Of Planning and Environment Services Schedule of Planning

Appeals, Court and Policy Matters between

15-12-2021 - 11-01-2022

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
21/02238/FULEIA	
Southbourne Parish Case Officer: Jane Thatcher Informal Hearing	Gosden Green Nursery 112 Main Road Southbourne PO10 8AY Erection of 29 no. (8 no. affordable and 21 no. open market) new dwellings, public open space, landscaping, parking and associated works (following demolition of existing buildings).

2. DECISIONS MADE

<u>21/00785/DOM</u>	
Fishbourne Parish Case Officer: Alicia Snook Fast Track Appeal	Estoril Main Road Fishbourne PO18 8AN New vehicle access and garage.
APPEAL DECISION – APPEAL DISMISSED	
<p>“...The appeal is dismissed ... The main issue is whether the proposed development would preserve or enhance the character or appearance of the Fishbourne Conservation Area. ... The proposed building would be of a greater length than the width of the dwelling that it would serve and combined with its height would compete visually with Estoril lacking subservience to it. ... However the proposed garage by virtue of its overall scale and design in such a prominent location would appear incongruent within to preserve the character and appearance of the Conservation Area...”</p>	

3. IN PROGRESS

Reference/Procedure	Proposal
<u>17/00356/CONMHC</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearing 08-Feb-2022 Virtual Event	Plot 12 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Without planning permission, change of use of the Land to the storage of a caravan and a highway maintenance vehicle used for white line painting.
<u>17/00361/CONMHC</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearing 08-Feb-2022 Virtual Event	Plot 13 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Without planning permission, change of use of the Land to the storage of a caravan and a diesel fuel oil tank.
<u>20/00379/CONCOU</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearing 08-Feb-2022 Virtual Event	Plot 13 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Appeal against BI/47
<u>17/00362/CONMHC</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearing 08-Feb-2022 Virtual Event	Plot 14 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Without planning permission change of use of the land to use as a residential caravan site.
<u>20/00380/CONTRV</u>	
Chichester Parish Case Officer: Martin Mew Informal Hearing 10-May-2022 Chichester District Council East Pallant House PO19 1TY	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Change use of land to travellers caravan site consisting of 4no. pitches each containing 1no. mobile home, 1no. touring caravan, 1no. utility dayroom; play area and associated works.

Reference/Procedure	Proposal
<u>20/02009/FUL</u>	
Chichester Parish Case Officer: Martin Mew Informal Hearing 10-May-2022 Chichester District Council East Pallant House PO19 1TY	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Change use of land to travellers caravan site consisting of 3 no. pitches each containing 1 no. mobile home, 1 no. touring caravan, 1 no. utility dayroom; play area and associated works (Resubmission of CC/19/02579/FUL).
<u>20/00380/CONTRV</u>	
Chichester Parish Case Officer: Sue Payne Informal Hearing 10-May-2022 Chichester District Council East Pallant House PO19 1TY	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Appeal against creation of hardstandings and siting of mobile homes without planning permission.
<u>* 20/00412/OUT</u>	
Chidham & Hambrook Parish Case Officer: Andrew Robbins Informal Hearing	Land Off Broad Road Broad RoadHambrookPO18 8RF Outline Application for the construction of 35 no. affordable residential dwellings for first time buyers and those looking to rent their first home (Paragraph 71 entry-level exception site), with all matters reserved other than access.
<u>20/03378/OUT</u>	
Chidham & Hambrook Parish Case Officer: Andrew Robbins Informal Hearing 15-Feb-2022 Virtual Event	Land At Flat Farm Hambrook West Sussex PO18 8FT Outline Planning Permission With Some Matters Reserved (Access) - Erection of 30 dwellings comprising 21 market and 9 affordable homes, access and associated works including the provision of swales.
<u>21/01685/DOM</u>	
Donnington Parish Case Officer: Maria Tomlinson Fast Track Appeal	121 Stockbridge Road DonningtonPO19 8QR Erection of a single-storey rear extension, two and a half-storey side extension and new roof extension with dormer window to rear.

Reference/Procedure	Proposal
<u>19/02493/OUT</u>	
Earnley Parish Case Officer: Andrew Robbins Informal Hearing 29-Mar-2022 Chichester District Council East Pallant House PO19 1TY	Earnley Concourse Clappers Lane Earnley Chichester West Sussex PO20 7JN Outline planning application with all matters except Access reserved. Demolition of Earnley Concourse buildings, Elm Lodge, Gate Cottage and the Ranch House and replacement with residential development of up to 32 no. dwellings with associated access and footway works, landscaping, open space and drainage infrastructure
<u>21/01278/DOM</u>	
East Wittering And Bracklesham Parish Case Officer: Luke Simpson Fast Track Appeal	Tamarisk West Bracklesham Drive Bracklesham PO20 8PH Extension of double garage with accommodation over and removal of restricted use.
<u>21/01674/DOM</u>	
East Wittering And Bracklesham Parish Case Officer: Sascha Haigh Fast Track Appeal	The Beeches 23 Barn Road East Wittering PO20 8NL Hip to gable roof extension with raised ridge and eaves and 3 no. dormers. Two storey rear extension with various alterations including changes to fenestration.
<u>20/02723/FUL</u>	
Fishbourne Parish Case Officer: Calum Thomas Written Representation	Land East Of The Trees Main Road Fishbourne Chichester West Sussex PO18 8AU 1 no. dwelling, new access and associated works.
<u>* 19/00445/FUL</u>	
Funtington Parish Case Officer: Martin Mew Written Representation	Land South East Of Tower View Nursery West Ashling Road Hambrook Funtington West Sussex Relocation of 2 no. existing travelling show people plots plus provision of hard standing for the storage and maintenance of equipment and machinery, 6 no. new pitches for gypsies and travellers including retention of hard standing.

Reference/Procedure	Proposal
<u>19/02939/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Written Representation	Old Allotment Site Newells Lane West Ashling West Sussex Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding.
<u>20/00234/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearing	Land West Of Newells Lane West Ashling PO18 8DD Change of use of land for the stationing of 4 no. static caravans and 4 no. touring caravans for a Gypsy Traveller site, including parking, hard standing and associated infrastructure.
<u>20/00534/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearing	Land South Of The Stables Scant Road East Hambrook Funtington West Sussex Change of use of land to use as a residential caravan site for 2 no. gypsy families and construction of 2 no. ancillary amenity buildings, including the laying of hardstanding, erection of boundary wall.
<u>20/00950/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Written Representation	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding and associated landscaping.

Reference/Procedure	Proposal
<u>20/00956/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearing	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex Change use of land to residential for the stationing of caravans for Gypsy Travellers including stable, associated infrastructure and development.
<u>20/03306/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearing	Land To The West Of Newells Farm Newells Lane West Ashling West Sussex The stationing of caravans for residential purposes together with the formation of hardstanding and utility/dayrooms ancillary to that use for 3 no. pitches.
<u>21/00152/CONTRV</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearing	Land West Of Newells Farm Newells Lane West Ashling West Sussex Appeal against Enforcement Notice FU/87
<u>20/00109/CONTRV</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearing	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex Appeal against Enforcement Notice FU/80
<u>20/00288/CONENG</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearing	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD Appeal against Enforcement Notice FU/89
<u>18/00323/CONHI</u>	
Funtington Parish Case Officer: Sue Payne Written Representation	West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ Appeal against HH/25

Reference/Procedure	Proposal
<u>20/00288/CONENG</u>	
Funtington Parish Case Officer: Tara Lang Informal Hearing	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD Appeal against Enforcement Notice FU/77
<u>20/00400/CONCOU</u>	
Hunston Parish Case Officer: Sue Payne Written Representation	Land East Of Farmfield Nurseries Selsey Road Hunston West Sussex Appeal against Enforcement Notices HN28 & 30
<u>20/00400/CONCOU</u>	
Hunston Parish Case Officer: Sue Payne Written Representation	Land East Of Farmfield Nurseries Selsey Road Hunston West Sussex Appeal against HN/28
<u>20/02675/OUTEIA</u>	
Lavant Parish Case Officer: Jane Thatcher Public Inquiry 08-Feb-2022 Virtual Event	Field South Of Raughmere Drive Lavant West Sussex Outline Application with all matters reserved (except for access) for the development of 140 dwellings, public open space, landscaping, parking and associated works.
<u>19/01400/FUL</u>	
Loxwood Parish Case Officer: Martin Mew Written Representation	Moore's Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS Erection of a detached dwelling following demolition of free-standing garage.
<u>21/00300/FUL</u>	
Loxwood Parish Case Officer: Fjola Stevens Written Representation	Land At Loxwood Hall West Guildford Road Loxwood Billingshurst West Sussex RH14 0QP Erection of a detached dwelling.

Reference/Procedure	Proposal
<u>20/00182/CONCOU</u>	
Plaistow And Ifold Parish Case Officer: Sue Payne Written Representation	The Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ Appeal against PS/70
<u>* 19/03112/FUL</u>	
Sidlesham Parish Case Officer: Calum Thomas Informal Hearing	Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW Change of use of land to rear of dwelling for siting of residential caravans for 7 no. pitch Gypsy Traveller site with associated development (hard standing fencing and 3 no. utility buildings).
<u>20/01470/FUL</u>	
Sidlesham Parish Case Officer: Calum Thomas Informal Hearing	3 Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW Change of use of land to mixed use for siting of residential caravans for 3 no. pitch Gypsy Traveller site with associated development (hard standing, fencing and utility buildings) on land forming part of 3 Melita Nursery -part retrospective.
<u>20/02735/ELD</u>	
Sidlesham Parish Case Officer: Calum Thomas Written Representation	Melita Nursery Chalk Lane Sidlesham PO20 7LW Application for a certificate of existing lawful development for construction and use of a building as a single dwelling-house falling with use class C3.
<u>21/00622/FUL</u>	
Sidlesham Parish Case Officer: Maria Tomlinson Written Representation	Land East Of 4 Cow Lane Sidlesham West Sussex PO20 7LN Detailed application for an alternative 1 no. 3 bed dwelling following approval of 19/02349/FUL.
<u>20/00301/CONMHC</u>	
Sidlesham Parish Case Officer: Sue Payne Written Representation	M &Y Fruit Limited 82A Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG Appeal against Enforcement Notice SI/77.

Reference/Procedure	Proposal
<u>21/00038/CONMHC</u>	
Sidlesham Parish Case Officer: Sue Payne Written Representation	Land To The East Of Ivy Grange Keynor Lane Sidlesham West Sussex Appeal against Enforcement Notice SI/78.
<u>20/02077/FUL</u>	
Southbourne Parish Case Officer: Maria Tomlinson Written Representation	Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.
<u>20/02987/OUT</u>	
Southbourne Parish Case Officer: Andrew Robbins Public Inquiry	Four Acre Nursery Cooks Lane Southbourne PO10 8LQ Outline application for 40 dwellings with all matters reserved apart from access, layout and scale with associated new access roads, parking and turning areas, erection of a wastewater pumping station, the provision of surface water drainage features, amendment to the existing site access and works to Cooks Lane including the provision of a new footway on the northern side.
<u>21/00089/FUL</u>	
Southbourne Parish Case Officer: Maria Tomlinson Written Representation	Thornham Products Thornham Lane Southbourne PO10 8DD Retention of existing single mobile home on the land and to continued use for applicant's place of residence, following expiry of temporary period granted under condition 2 of SB/15/01837/FUL.
<u>* 20/02491/OUT</u>	
West Wittering Parish Case Officer: Jane Thatcher Public Inquiry 01-Mar-2022 West Wittering Memorial Hall	Land To The West Of Church Road Church Road West Wittering West Sussex Outline planning application for residential development of 70 dwellings (some matters reserved except for access).

Reference/Procedure	Proposal
<u>21/01347/DOM</u>	
West Wittering Parish Case Officer: Alicia Snook Fast Track Appeal	Sea Holly 16 Marine Drive West West Wittering Chichester West Sussex PO20 8HH Proposal of single storey rear extension, roof alterations to include second floor accommodation. General material changes to all elevations. Construction of bike store and summer house/annexe.
<u>19/01985/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearing	The Paddocks Common Road Hambrook Westbourne Chichester West Sussex PO18 8UP Change of use of land to allow for the extension of an existing Gypsy/Traveller site comprising of an additional four mobile homes, four touring caravans and one dayroom.
<u>19/03206/FUL</u>	
Westbourne Parish Case Officer: Jane Thatcher Written Representation	Unit 2, Ten Acres Cemetery Lane Woodmancote Westbourne PO10 8RZ Change of use of site for B8 storage of privately owned and commercial vehicles, with ancillary offices and stores. (retrospective).
<u>* 20/00047/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Written Representation	Hopedene Common Road Hambrook Westbourne PO18 8UP Change use of land to a single private gypsy pitch with associated hardstanding and day room.
<u>20/00785/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearing	Meadow View Stables Monks Hill Westbourne PO10 8SX Change of use of land for use as extension to Gypsy caravan site for the stationing of 6 additional caravans, including 3 pitches, each pitch consisting of 1 no. mobile home, 1 no. touring caravan and a utility building together with laying of hardstanding

Reference/Procedure	Proposal
<u>19/00217/CONCOU</u>	
Westbourne Parish Case Officer: Steven Pattie Informal Hearing	4 The Paddocks Common Road Hambrook Westbourne Chichester West Sussex PO18 8UP Appeal against Enforcement Notice WE-49
<u>13/00163/CONWST</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry Virtual Event	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex Appeal against WE/40, WE/41 and WE/42
<u>19/00107/CONMHC</u>	
Westbourne Parish Case Officer: Steven Pattie Written Representation	Jubilee Wood Bridle Lane Woodmancote Hambrook West Sussex Appeal against Enforcement Notices WE/50 WE/51
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/52
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/53
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/54

Reference/Procedure	Proposal
<u>20/02824/OUT</u>	
<p>Westhampnett Parish Case Officer: Andrew Robbins Public Inquiry</p>	<p>Land Within The Westhampnett / North East Chichester Strategic Development Location (north Of Madgwick Lane)Chichester</p> <p>Outline Application with all matters reserved except for access for the residential development comprising up-to 165 dwellings, including an element of affordable housing; together with an access from Madgwick Lane as well as a relocated agricultural access, also from Madgwick Lane; Green Infrastructure, including the enhancement of the Lavant Valley Linear Greenspace; sustainable drainage systems; and associated infrastructure.</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 Farm, Birdham Road	Of 4 Enforcement Notices	Injunction granted by the court and time for compliance extended by the court once. Three plots remain in occupation. Papers being prepared for Contempt of Court proceedings.

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage
Cowdown Farm, Compton	Of Enforcement Notice	First hearing at Crawley Magistrates' Court on 10/1/22 adjourned at the request of the defence. Awaiting new hearing date from the court.
Medmerry View, Earnley	Of Enforcement Notice	Matter listed at Crawley Magistrates' Court on 13/1/22 withdrawn due to engagement by the defendants to achieve compliance. Proceedings can be started again if breach starts again.
Medmerry View, Earnley	Of Condition Notice	Matter listed at Crawley Magistrates' Court on 13/1/22 withdrawn due to compliance achieved and right number of caravans stationed on the land.
Land South of The Stables, West Ashling	Of Enforcement Notice	Matter adjourned pending outcome of Planning Appeal to 1/4/22 at Brighton Magistrates' Court

7. POLICY MATTERS

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Wednesday 02 February 2022

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Date between 15/12/2021 and 11/01/2022

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

Reference/Procedure	Proposal
<u>SDNP/20/04086/HOUS</u> Bury Parish Council Case Officer: Jenna Shore Written Representation	Cokes Barn West Burton Road West Burton RH20 1HD - Annex extension including three bay garage, cycle store and bin store
<u>SDNP/20/04087/LIS</u> Bury Parish Council Case Officer: Jenna Shore Written Representation	Cokes Barn West Burton Road West Burton RH20 1HD - Annex extension including three bay garage, cycle store and bin store
<u>SDNP/21/01877/FUL</u> Fittleworth Parish Council Case Officer: Beverley Stubbington Written Representation	Rew Cottage Hesworth Common Lane Fittleworth RH20 1EW - Retrospective planning application for the retention of the realigned access road together with the replacement gates.

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>SDNP/20/01635/LDP</u> West Lavington Parish Council</p> <p>Case Officer: Derek Price</p> <p>Informal Hearing</p>	<p>Kennels Farm Selham Road West Lavington Midhurst West Sussex GU29 0AU - Proposed use of buildings at Kennels Farm as Estate Maintenance yard including a joinery workshop, painter's workshop, stores and offices.</p>
<p><u>SDNP/21/00587/HOUS</u> Northchapel Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>7 Luffs Meadow Northchapel Petworth West Sussex GU28 9HN - Retention of home office (retrospective).</p>
<p><u>SDNP/21/04110/LDE</u> Lynchmere Parish Council</p> <p>Case Officer: Louise Kent</p> <p>Written Representation</p>	<p>1 Stone Pit Cottages Marley Combe Road Camelsdale Linchmere GU27 3SP - Existing lawful development - rear garden cabin.</p>
<p><u>SDNP/20/04533/HOUS</u> Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>Dunrovin Limbourne Lane Fittleworth RH20 1HR - Erection of a two storey rear extension and front porch with associated roof works and installation of tile hanging at the first floor level.</p>
<p><u>SDNP/20/03967/HOUS</u> West Lavington Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Hill View Cocking Causeway Cocking GU29 9QG - Replace an existing outbuilding within the curtilage of Hill View with a detached annexe.</p>

Reference/Procedure	Proposal
<p><u>SDNP/20/02935/CND</u> Harting Parish Council</p> <p>Case Officer: Derek Price</p> <p>Informal Hearing</p>	<p>Three Cornered Piece East Harting Hollow Road East Harting West Sussex GU31 5JJ - Change of use to a mixed use of the land comprising the keeping and grazing of horses and a gypsy and traveller site for one family. (Variation of conditions 1, 2, 3 and 4 of planning permission SDNP/16/06318/FUL- To make the permission permanent, non-personal to increase the number of mobile homes by one to change the layout.)</p>
<p><u>SDNP/20/05361/FUL</u> Duncton Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Laudacre Cottage Beechwood Lane Duncton GU28 0NA - Replacement dwelling, garage and associated works (amendments to design approved under SDNP/16/01733/FUL).</p>
<p><u>SDNP/21/00350/HOUS</u> Petworth Town Council</p> <p>Case Officer: Jenna Shore</p> <p>Householder Appeal</p>	<p>Leith House Angel Street Petworth GU28 0BG - Proposed domestic ancillary outbuilding.</p>
<p><u>SDNP/21/00278/HOUS</u> Petworth Town Council</p> <p>Case Officer: Jenna Shore</p> <p>Householder Appeal</p>	<p>Leith House Angel Street Petworth GU28 0BG - Demolition of an existing double garage and alterations and extensions to existing dwelling.</p>
<p><u>SDNP/20/04081/FUL</u> Petworth Town Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>The Grove Inn Grove Lane Petworth GU28 0HY - Change of use to 1 no. dwelling and replacement garaging and associated alterations.</p>

Reference/Procedure	Proposal
<p><u>SDNP/20/04726/HOUS</u> Lodsworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>St Peters Well Vicarage Lane Lodsworth GU28 9DF - New timber-framed four-bay garage, brick retaining wall and relocation of existing oil tank.</p>
<p><u>SDNP/18/00609/BRECO</u> Rogate Parish Council</p> <p>Case Officer: Steven Pattie</p> <p>Written Representation</p>	<p>Land South of Harting Combe House Sandy Lane Rake Rogate West Sussex - Appeal against Enforcement Notice RG/37</p>
<p><u>SDNP/19/00386/COU</u> Fittleworth Parish Council</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p>	<p>Douglaslake Farm Little Bognor Road Fittleworth Pulborough West Sussex RH20 1JS - Appeal against FT/11</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

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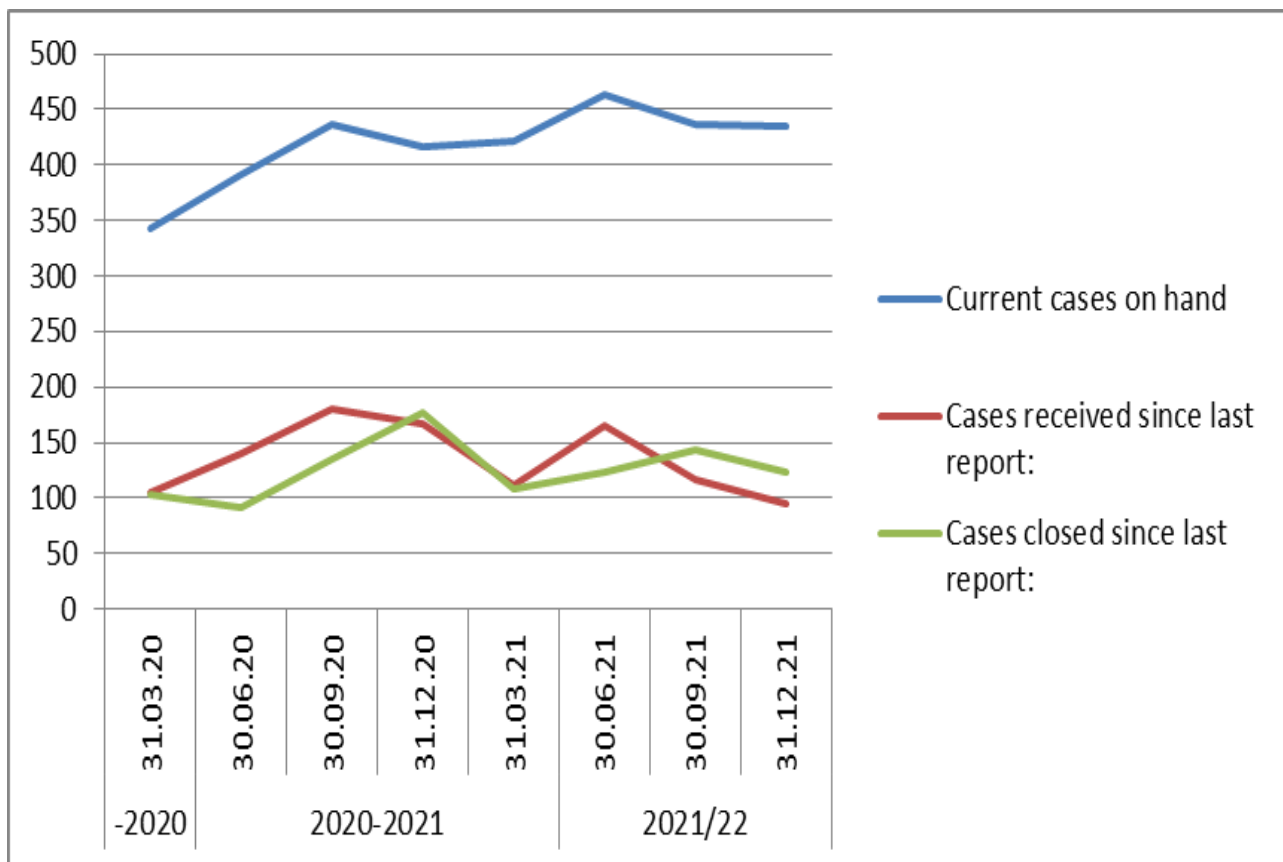
PLANNING COMMITTEE
(Wednesday 2nd February 2022)
SCHEDULE OF OUTSTANDING CONTRAVENTIONS

1. This report provides an update on the position of contraventions included in the previous schedule and includes cases that have since been authorised.

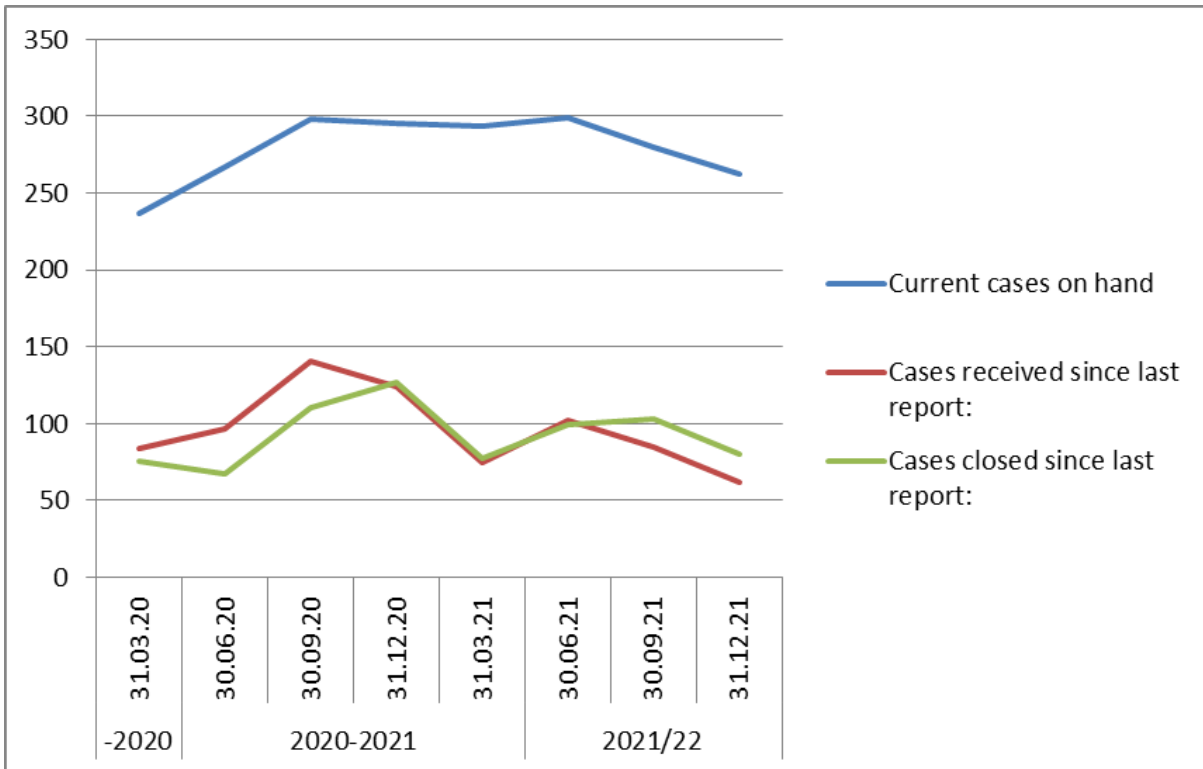
2. Statistics as at 31st December 2021

Case Numbers:	CDC	SDNP	Total
On hand as at last report:	280	155	435
Cases received since last report:	62	33	95
Cases closed since last report:	80	43	123
Current number of cases on hand:	262	145	407
Number of "On hand" cases awaiting compliance with an EN or the outcome of an appeal/application	91	34	125

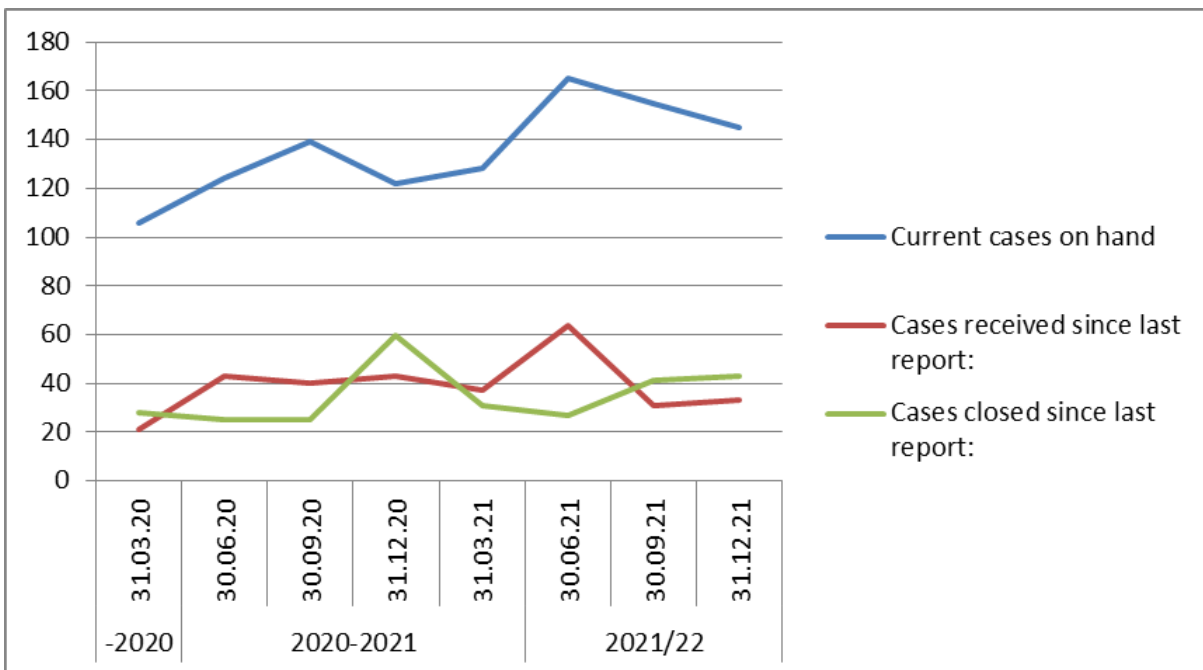
CDC and SDNP



CDC



SDNP



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 (172 Cases) 100%
 - Medium within 10 days (52 Cases) 100%
 - High with 2 days (19 Cases) 100%

- b. Time taken to notify complainants of action decided from date of complaint:
- | | |
|----------------------------------|------|
| Low within 35 days (192 Cases) | 100% |
| Medium within 20 days (56 Cases) | 100% |
| High within 9 days (21 Cases) | 100% |

4. Notices Served.

<u>Notices Served:</u>	Oct-Dec 2021		Total in FY 2021/22	
	CDC	SDNP	CDC	SDNP
Enforcement Notices	4	1	17	3
Breach of Condition Notices			1	2
Stop Notices	2		6	
Temporary Stop Notices	1		4	4
Section 215 Notices			1	
Section 225A Notices				
High Hedge Remedial Notices	2		2	
Tree Replacement Notice			1	
Total	9	1	32	9

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. No compliance achieved by 30.07.18 as required 18.09.19 – Crawley Magistrates 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 – site visit – non-compliance 03.04.20 – witness statement to Legal Team regarding a prosecution for non-compliance 23.06.20 – Property is considered to be a Building at Risk. 16.07.20 – SDNPA agreed that CDC Historic Building Advisor [HBA] assess the property; repairs notice is pending 19.10.20 –confirmation of ownership and occupancy sought. 20.01.21 –SDNPA and Legal advised sending a further letter to Owner requesting contact is made to avoid issue of S48 Repairs Notice 22.04.21 – Matter sits with SDNPA and HBA to consider what action should be taken to safeguard the building 27.09.21 – The matter remains with SDNPA and HBA with regard to action to safeguard the LB now at risk 07.01.22 – The SDNPA has advised the poor condition of the building is monitored. SDNPA visit in Spring 2022 to assess further deterioration

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 19.04.21 – No compliance, internal building remains – prosecution proceedings to commence. 10.06.21 – prosecution papers forwarded to Legal Services 29.09.21 – development remains in situ 22.10.21 – Prosecution documents agreed with legal 10.01.22 – Court date Magistrates’ Court Crawley – 15.00hrs 14.01.22 – court date adjourned to 04.03.22 at defence’s request
COMP/SDNP/ 21/00367/COU (Steven Pattie)	Land East of Noredown Way West Marden	Operational development and engineering operations including excavation, hard standing and access, used of diggers, dumper truck and plant	05.07.21	TSN/82 issued The notice ceases to have effect on 02.08.21 21.07.21 –Prosecution papers forwarded to Legal Services for non-compliance with the TSN 29.09.21 – prosecution papers to be amended 22.10.21 – prosecution papers returned to Legal Services 04.01.22 – additional papers requested by Legal Services

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
FIT/SDNP/17/ 00755/COU (Tara Lang)	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 Representations 23.03.20 – Appeal dismissed with variation to compliance period in step (ii) to removing the bunds in 12 months New compliance date 23.03.21 22.12.20 – Owner confirmed that use had ceased. Works delayed due to Covid 22.04.21 – Owner working towards compliance 19.07.21 – Work is being undertaken to comply with the EN. 30.09.21 – Works of compliance are ongoing but progress is slow as the track is being removed by hand from the woodland 04.01.22 – Works continue to comply with the notice
FIT/SDNP/19/ 00386/COU (Sue Payne)	Douglaslake Farm Little Bognor Road Fittleworth	Unauthorised use of agricultural buildings for a toilet hire company and a marquee company	28.06.21	EN FT/11 issued Appeal lodged – Written Representation
FUNT/SDNP/ 21/00490/ OPDEV (Shona Archer)	Bermuda Southbrook Road Funtington	Without planning permission, construction of a timber building and the laying and formation of a hardstanding	29.09.21	EN FU/91 issued Compliance date 10.02.22

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 –No evidence to demonstrate non-compliance with the notice 18.06.20 – site visit revealed that the authorised persons do not live on site. Prosecution instructions to be prepared 23.10.20 – Prosecution papers forwarded to Legal Services 20.01.21 –Legal Services reviewing case 21.04.21 – Further information required - It is noted that the temporary pp has expired 26.06.21 – Prosecution withdrawn due to lack of evidence 20.07.21 – case review held 24.09.21 – Updated witness statements sent to legal for consideration 22.10.21 – comments from legal under review by Enf
HART/SDNP/ 20/00600/ OPDEV (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. 29.10.20 – Prosecution papers forwarded to Legal Services 20.01.21 –Legal Services reviewing case 21.04.21 –Further information required to progress prosecution 28.04.21 – Further information sent to legal 19.07.21 – waiting for a court date for initial hearing 30.09.21 – Continue to await a court date for initial hearing 18.01.22 – Enforcement Notice HT/29 to be withdrawn following advice from legal that it is not robust enough to prosecute for non-compliance. Further EN to be served.

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 – of appeal decision conditions 2	08.06.21	BCN HT/30 issued Compliance date 08.09.21 30.09.21 - prosecution proceedings in abeyance pending the outcome of the appeal against refusal of SDNP/20/02935/CND.
LURG/SDNP/ 20/00539/ OPDEV (Emma Kierans)	Land North of Blind Lane Lurgashall	Without planning permission, the erection of an agricultural building	27.01.21	EN LG/17 issued Appeal dismissed against SDNP/20/03482/APNB New compliance date 14.03.22
LURG/SDNP/ 20/00539/ OPDEV (Emma Kierans)	Land North of Blind Lane Lurgashall	Building works in the construction of an agricultural building	27.01.21	SN LG/18 issued Takes effect on 31.01.21
MID/SDNP/19/ 00295/COU (Emma Kierans)	Half Moon Petersfield Road Midhurst	Without listed building consent the alteration of a curtilage listed building	13.02.20	LBEN MI/18 issued. Compliance date 26.05.20 15.07.20 - The works to the outbuilding have not been carried out 19.10.2020 – letter sent to advise that LPA will prosecute for failure to comply with the notice 22.04.21 – following the relaxation of lockdown a compliance site visit will be carried out 13.07.21 – compliance check carried out. No further works carried out to the outbuilding 20.07.21 - Review case 28.09.21 – Review case for prosecution 14.01.22 – Prosecution report to be drafted and provided to legal team for consideration

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
MID/SDNP/19/ 00295/COU (Emma Kierans)	Half Moon Petersfield Road Midhurst	Without planning permission the erection of a boundary fence within the curtilage of a listed building	13.02.20	LBEN MI/19 issued Compliance date 26.05.20 15.07.20 – fence has been removed from front boundary 19.10.2020 – letter sent to owners to request removal of remaining section of fence 13.07.21 – compliance check carried out. The fence is still there but the height of the fence has been lowered 20.07.21 - Review case 28.09.21 – Review expediency of further action 14.01.22 – Considered not expedient to pursue as reduction of height of the fence has addressed the harm identified in the notice. Remove from next list
PETW/SDNP/ 21/00040/ BRECON (Sue Payne)	Osiers Farm London Road Petworth	Breach of condition – HGV/trailers in excess of that permitted		BCN PW/21 issued Compliance date 25.09.21 13.10.21 – site visit shows non-compliance with the notice. Letter before action sent 10.01.22 – Notice complied with. Remove from next list
ROG/SDNP/ 18/00609/ BRECON (Steven Pattie)	Land South of Harting Combe House Sandy Lane Rake Rogate	Without planning permission, stationing of a shepherds and use of a wooden building for the purposes of human habitation	05.08.21	EN RG/37 issued Appeal lodged – Written Representation

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
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 Appeal lodged – Written representations 02.09.20 – Appeal dismissed New compliance date 02.12.20 02.04.21 - application for smaller building by the end of April 2021 02.07.21 – application submitted. 06.10.21 – application SDNP/21/03527/FUL refused. 22.10.21 - Need for further action to be considered 18.01.22 – letter before action sent and prosecution papers to be commenced

Chichester District Cases:

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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 Appeal dismissed. New compliance date 24.10.20 20.01.21 application to be submitted to amend fence/gates 23.03.21 – application 21/00177/DOM withdrawn 20.04.21 - site visit carried out, letter before action sent and prepare witness statement for prosecution 14.06.21 – prosecution papers to Legal Services 28.07.21 – prosecution held in abeyance – owner to carry out works 30.09.21 – works carried out remain in breach 21.10.21 - Further letter before prosecution action advised by Legal Services prior to recommencement 15.12.21 – notice complied with. Remove from next list
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 Appeals were dismissed and the EN's upheld. Compliance date: 2 August 2018 Injunction granted by the High Court 08.01.21 – As a result of COVID the injunction order was amended administratively by the Justice to read - 1) that the Defendants shall cease the use of the site for residential purposes and remove all caravans, mobile homes, portable toilets etc. by 31 March 2021. 2) The Defendants shall remove all hard-core, tracks, fences, stables, cabling etc. and restore the land to its agricultural use by 30 April 2021. A failure of the Defendants legal representation and High Court handling of their attempt to extend the time they could stay on the land resulted in no legal alteration of the Court Order and so the dates remain as stated above. <i>Serial continued on next page</i>

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BI/15/00194/ CONTRV (Shona Archer)	Land North West of Premier Business Park <i>(Serial cont'd)</i>			22.09.2021 – a letter was delivered to the remaining families to explain this and to request confirmation of their plans to vacate the land. 22.10.21 – two of the occupying families have contacted the LPA but remain on the land along with another family. A site visit is proposed on 28 Oct to establish current situation before considering further action. 16.12.21 – site visited and photographs taken. Three families remain on the land [6 adults and 6 children] 13.01.22 – statement drafted and discussed with Solicitor. WSCC to be approached about any pitch availability within the sites they manage
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 serial BI/15/00194/CONTRV
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 As serial BI/15/00194/CONTRV

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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 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 Appeal lodged – Hearing 08.02.22 – reverting to face to face event to be held at EPH
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 Appeal lodged – Hearing 08.02.22 – as above
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 Appeal lodged – Hearing 08.02.22 – as above

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BI/17/00357/ CONMHC (Tara Lang)	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 01.04.20 – Breach remains ongoing 22.07.20 – prosecution papers compiled 19.10.20 – Owner stated that steps made to comply 20.01.21 – some structures removed but stables and MH remain on the land 22.04.21 – Mobile home has now been broken up 22.07.21 – Mobile home removed. Stable and shed buildings to be removed 06.10.2021 – stable and shed buildings remain in situ. 22.10.21 – Site to be visited 16.12.21 – photographs taken of site. Full compliance not yet achieved
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 17.10.19 – Meeting on site with the landowner. He would like to make an application to use the land as storage place 8.1.20 – no application made but use of land is continuing. The owner considers that the LPA wrongly issued the notice 16.07.20 – aerial photo show some waste remains on site 22.10.20 – letter to be sent to owner explaining evidence of ongoing offence and that the LPA proposes commencing prosecution of the offence 20.01.21 – land use reduced but vehs remain on the land. To be progressed as stated above 17.02.21 – prosecution papers forwarded to Legal Services Prosecution papers under review by Legal Services 21.10.21 – on Legal Services advice, further site visit and photo evidence to be provided 16.12.21 – photographs taken of site. Prosecution statement to be written as use continues in breach of notice

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BI/20/00379/ CONCOU (Shona Archer)	Plot 13 Land North West of Premier Business Park Birdham Road Chichester	Without planning permission, the erection of a wooden barn/stable, a kennel and kennel run and a close boarded fence/ gates and concrete and tarmac hard standings	13.10.21	EN BI/47 issued Appeal lodged – to be joined with appeals to be heard on 8.2.22 (see above)
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 Reps 12.08.19 – appeal decision varied period of compliance to 6 months. New compliance date 12.02.20 02.09.20 – application 20/00138/FUL (01.04.20) refused 29.10.20 – SV found kitchen in use in breach of the BCN 20.01.21 – prosecution case with Legal Services 22.04.21 – Owners stated an intention to carry out further noise monitoring before making a further application. 27.08.21 – Court hearing at Brighton Magistrates Court 24.08.21 – Court hearing held in abeyance following receipt of application 21/01716/FUL to address harm identified in EN 24.08.21 - Full planning permission granted [21/01716/FUL] for the use of the ground, first and second floors of the site in Use Class E(b) (restaurant and café) (including the use of the rear ground floor extension for ancillary kitchen purposes); and the installation of an acoustic louvre at the rear ground floor extension and ventilation extract and acoustic louvre at rear gable wall. Condition requires works of correction to be carried out within 3 months i.e. by 24.11.21 09.12.21 – compliance check carried out by CDC EHP. Works in accordance with the condition. 14.12.21 – Notice complied with. Remove from next list

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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 26.02.20 03.04.20 – compliance check to be carried out once Covid 19 restrictions are lifted 16.07.20 – compliance check to be carried out post COVID. 19.10.20 – owner said works would be undertaken but then refused to due to the cost. Owner made aware of potential prosecution January 2021 - The owner was advised that their proposed amended design was inappropriate; compliance with the EN likely to be affected by COVID April 2021 – No communication from owner. Personal financial circumstances unlikely to have changed. July 2021 – No immediate risk to the LB but matter to be reviewed to bring it to a conclusion September 2021 – Works to comply with the notice have yet to be undertaken. 22.10.21 – SV to be undertaken to inform decision on legal proceedings if compliance not achieved 07.01.22 – Letter sent to the owner in November 2021 requesting an update and convenient times for a site visit. No response received to date. Follow up letter to be sent prior to seeking advice from legal regarding further prosecution

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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 09.10.20 – owner confirmed works had not been undertaken as COVID-19 resulted in loss of employment and funds to undertake works 22.10.21 - No immediate threat to the LB but case to be reviewed to bring this matter to a conclusion and a letter before action to be sent to the owner 07.01.21 – the works remain outstanding owing to financial burden to undertake the works
CC/21/00033/ CONENF (Sue Payne)	Land North West Of Newbridge Farm Salthill Road Fishbourne Chichester	excavation/digging, hardsurfaces and hardcore and introduction of caravans	18.12.20	TSN/73 notice issued Notice ceases to be in effect on 15.01.21 18.01.21 – Prosecution papers for non-compliance with the TSN forwarded to Legal Services 22.04.2021 – Statement to be amended 21.07.21 – prosecution papers under review by Legal Services 27.09.21 – additional information provided to Legal Services following review of prosecution papers 22.10.21 – prosecution documents to be returned to legal following amendment by enf officers. 14.01.22 – prosecution documents with legal for progressing
CC/20/00380/ CONTRV (Sue Payne)	Land North West Of Newbridge Farm Salthill Road Fishbourne Chichester	Without planning permission, the material change of use of the land to use as a residential mobile home/caravan site	05.01.21	EN CC/151 issued Appeal lodged - Hearing 10.05.22 at EPH

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CC/21/00033/ CONENF (Sue Payne)	Land North West Of Newbridge Farm Salthill Road Fishbourne Chichester	Building operations – excavation/digging of trenches, hard surfaces, erection of buildings/structures and bringing on further mobile homes or caravans	05.01.21	SN CC/152 issued Notice effective as of 09.01.21
D/20/00180/ CONBC (Emma Kierans)	Former St Wilfrids Hospice Grosvenor Road Donnington	Breach of condition – hours of operation	23.11.20	BCN D/11 issued Date to comply by 21.12.20 30.09.21 – continue to monitor 30.11.21 – site handed over. Remove from next list
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. Compliance not achieved, allowed a further 28 days for compliance 09.10.20 – Prosecution papers forwarded to Legal Services 20.01.21 – Legal Services reviewing the case 20.04.21 – Further site visit arranged to update statement 21.07.21 – prosecution under review by Legal Services 30.09.21 – awaiting review from legal on prosecution 27.10.21 – letter sent by legal to defendants. Court hearing at Crawley on 13.01.22 at 11:00hrs 12.01.21 – court action postponed landowner agreed to remove items from land by 27.01.22 or prosecution reinstated

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E/20/00161/ CONBC (Emma Kierans)	Medmerry View Drove Lane Earnley	Breach of condition - Excess of permitted caravans	19.05.20	BCN E/34 issued Compliance date 19.11.20 14.12.20 – letter before action sent 20.01.21 - Prosecution papers to be prepared 02.02.21 – Prosecution papers forwarded to Legal Services 21.07.21 – As above 30.09.21 – awaiting review from legal on prosecution 27.10.21 – letter sent by legal to defendants 06.01.22 – Notice complied with. Remove from next list
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 Representations Awaiting new PINs site visit date 27.09.21 – Appeal site visit undertaken with the Planning Inspector on 24 th August 2021. Awaiting decision 16.11.21 – to be withdrawn following recommendation by PINs 22.11.21 – Notice withdrawn. Instructions given to reissue. Remove from next list
FU/18/00323/ CONHI (Sue Payne)	Land south of West Stoke Farm West Stoke Funtington	High Hedge Remedial Notice	22.11.21	HHRN HH/25 issued Appeal lodged – Written Representation

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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 Appeal lodged – Written Representations 21.07.20 – notice upheld, compliance varied to 8 months New compliance date 21.03.21 19.07.21 – Letter sent to landowner to arrange a site visit to check compliance with enforcement notice 06.09.21 – Site visit showed compliance not achieved 30.09.21 - Agreed to hold prosecution proceedings in abeyance pending the outcome against refusal of 21/01003/ELD 13.01.22 - No appeal lodged to date. Consider next steps
FU/20/00299/ CONENF (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 24.02.20 Prosecution matrix and witness statement sent to legal for prosecution 17.06.20 – letter sent to owner by legal. If no compliance by 03.08.20 legal will apply to court for a date for prosecution. 15.10.20 – Updated witness statement sent to legal for consideration 19.11.20 – Listed for court at 10.00hrs on 29.01.21 at Brighton Magistrates Court 25.01.21 - The above case has been adjourned to 30/07/2021 at Brighton Magistrates Court at 11:00 19.07.21 –Case has been adjourned pending appeal 01.04.22 - 10:00 at Brighton Magistrates' Court. Case has been adjourned pending the outcome of appeal against refusal of planning permission: 20/00534/FUL

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FU/17/00011/ CONBC (Tara Lang)	Land south of Scant Road East Hambrook West Ashling	Without planning permission the construction of two wooden chalet buildings on raised breeze block foundations	12.09.19	EN FU/71 issued Appeal lodged – Hearing – virtual event 25/01/21 29.01.21 - Appeal dismissed New compliance date 29.04.21 19.07.21 – compliance SV scheduled for 22.07.21 18.10.2021 – compliance SV required 18.01.2022 – compliance SV required
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 A/W submission of a further planning application 23.07.20 – instructions sent to legal for prosecution for non- compliance with BCN 15.10.20 – Further witness statement for the prosecution being completed on request from Legal 19.11.20 – Listed for court at 10.00hrs 29.01.21 at Brighton Magistrates Court 25.01.21 - The above case has been adjourned to 30/07/2021 at Brighton Magistrates Court at 11:00 30.07.21 – Defendant found guilty in absence - £2500 fine, £1161.95 costs and £181 victim surcharge 18.10.2021 – SV required to check compliance with the BCN 17.01.2022 – SV required to gather evidence for a further prosecution for non compliance with BCN

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FU/18/00368/ CONBC (Tara Lang)	Land At 6 Oaklands West Ashling Road Hambrook Funtington	Without planning permission, the material change of use of the land to a use for the stationing of a touring caravan, two mobile homes and a motor home for the purposes of human habitation	17.07.20	EN FU/76 issued Compliance date 28.11.20 20.01.20 - site visit required to check on compliance 22.04.21 – Enforcement Notice has been partially complied with. Officers are working with owner to achieve discharge of drainage condition on FU/17/01191/FUL. Once this has been discharged, the enforcement case can be closed 19.07.2021 – awaiting discharge of drainage condition 18.10.2021 – awaiting discharge of drainage condition. Agent has been chased for this 04.01.22 – application 21/03330/DOC pending determination
FU/20/00288/ CONENG (Tara Lang)	Land West of Newells lane West Ashling	Without planning permission, the carrying out of engineering operations to remove top soil and excavate the ground, followed by the importation of hard-core and gravel to form areas of hardstanding and an access track	28.10.20	EN FU/77 notice issue Appeal lodged – Informal Hearing date tbc

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FU/19/00294/ CONBC (Tara Lang)	Land East of Tower View Nursery West Ashling Road Hambrook	Breach of conditions – excess number of caravans	19.01.21	BCN FU/78 issued Compliance date 18.07.21 19.07.21 – site visit required to check on compliance with the BCN 18.10.2021 – letter sent to owner to request site visit to check compliance 17.01.2022 -prosecution papers to be drawn up for consideration by legal
FU/21/00087/ CONBC (Tara Lang)	3 West Ashling Road, Hambrook, Funtington, West Sussex	Breach of conditions – occupation category	08.02.21	BCN FU/79 issued Compliance date 08.08.21 18.10.2021 evidence of occupation of mobile home required to undertake prosecution proceedings 17.01.2022 – difficulty in obtaining evidence required for prosecution proceedings
FU/20/00109/ CONTRV (Shona Archer)	Field west of Beachlands Nursery, Newells Lane Funtington	Without planning permission the change of use of the land to a residential mobile home/caravan site	17.03.21	EN FU/80 issued Appeal lodged – Informal Hearing date tbc
FU/18/00270/ CONBC (Tara Lang)	Land West of Beachlands Nursey Newells Lane, West Ashling, Chichester, West Sussex	Without planning permission, the material change of use of the Land to use as a residential mobile home site	17.03.21	EN FU/81 issued Compliance date 24.10.21 17.01.2022 – linked appeal in progress with refusal of planning application: 20/00950/FUL

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FU/18/00270/ CONBC (Tara Lang)	Land West of Beachlands Nursey Newells Lane, West Ashling, Chichester, West Sussex	Without planning permission, the formation of a hardstanding and the installation of a metal container building	17.03.21	EN FU/82 issued Compliance date 24.10.21 17.01.2022 – linked appeal in progress with refusal of planning application: 20/00950/FUL
FU/21/00010/ CONENG (Tara Lang)	Plot 1 The Old Allotment Newells Lane West Ashling	Without planning permission the change of use of land to use for the parking of motor vehicles, storage and disposal of items and waste	19.08.21	EN FU/83 issued Compliance date 30.12.21 17.01.2022 – sv required to check compliance.
FU/21/00010/ CONENG (Tara Lang)	Plot 1 The Old Allotment Newells Lane West Ashling	The parting of motor vehicles, importation, storage and disposal of household items and waste, creation of hardstandings	19.08.21	SN FU/84 issued This notice takes effect 23.08.21 when all activity specified shall cease.
FU/21/00152/ CONTRV (Tara Lang)	Land to west of Newells Farm Newells Lane West Ashling	Without planning permission, the material change of use of the land to use as a residential mobile home/caravan site	27.09.21	EN FU/87 issued Appeal lodged – Informal Hearing date tbc

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FU/21/00152/ CONTRV (Tara Lang)	Land to west of Newells Farm Newells Lane West Ashling	Cease introduction and stationing of additional mobile homes/caravans and hardcore, ground works and tarmac	27.09.21	SN FU/88 issued This notice takes effect 01.10.21 when all activity specified shall cease
FU/20/00288/ CONENG (Tara Lang)	Land west of Newells Lane West Ashling	Without planning permission, the material change of use of the land to use as a residential mobile home/caravan site	08.09.21	EN FU/89 issued Appeal lodged – Informal Hearing date tbc
FU/20/00288/ CONENG (Tara Lang)	Land west of Newells Lane West Ashling	The introduction and stationing of additional mobile homes/caravans and the carrying out of ground works	08.09.21	SN FU/90 issued This notice takes effect 12.09.21 when all activity specified shall cease.
FU/21/00295/ CONENG (Tara Lang)	Plots 2 and 3 Old Allotment Site Newells Lane West Ashling	The carrying out of ground works and engineering operations – trenches, septic/treatment tanks and use of plant and machinery	05.11.21	TSN/85 issued The notice ceases to be in effect on 03.12.21 Works ceased. Remove from next list

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HN/20/00400/ CONCOU (Sue Payne)	Land east of Farmfield Nurseries Selsey Road Hunston	Without planning permission, the material change of use of the land to a general storage use.	11.03.21	EN HN/28 issued Appeal lodged – Written Representation Awaiting PINs site visit
HN/20/00400/ CONCOU (Sue Payne)	Land east of Farmfield Nurseries Selsey Road Hunston	Without planning permission the erection of two container buildings	11.03.21	EN HN/30 issued Appeal lodged – Written Representation Awaiting PINs site visit
LX/20/00069/ CONHI (Sue Payne)	Garton House High Street Loxwood	High Hedge	21.09.20	HHRN HH/23 issued Compliance date step one 20.04.21 Compliance date step two 20.04.22 April 2021 – step one compliance completed
NM/16/00325/ CONCOM (Shona Archer)	Land at 6 Oakdene Gardens North Mundham Chichester	Without planning permission storage of metal containers and other items	10.01.19	EN NM/28 issued Appeal lodged – Written Representations 03.08.20 – Appeal dismissed New compliance date 03.11.20 Date for compliance varied to 30.04.21 20.07.21 – owner is abroad. Monitor and contact owner again about steps being taken to bring about compliance 22.10.21 – SV required to update 13.01.22 – access to site not obtained. Neighbour confirmed that the site has not been cleared. Letter to be sent to the tenanted property to request access to garden area for the purpose of taking photographs

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O/15/00202/ CONAGR (Tara Lang)	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 20.12.19 – Confirmation received that only a limited number of vehicles remain. Application for retention to be submitted 09.04.20 - planning application submitted 29.05.20 – application 20/00882/FUL refused 18.08.20 – site visit carried out. Most of the vehicles and caravans have been removed 03.02.21 – letter before prosecution action sent. 22.04.21 – a few vehicles left on the site 19.07.21 – Officers are continuing to work with the landowner to achieve full compliance 18.10.2021 – a/w outcome of planning application: 21/02041/FUL 04.01.22 – application remains under determination
O/19/00141/ CONHH (Emma Kierans)	Oakham Farmhouse Church Lane Oving	Without planning permission the erection of a fence in excess of 1 meter in height adjacent to a highway	13.02.20	EN O/30 issued Appeal lodged – Written Representations 23.10.20 – Appeal dismissed New compliance date 23.01.21 20.04.21 - compliance check to be carried out 27.04.21 – site visit showed non-compliance – prosecution proceedings to be commenced 02.07.21 – prosecution papers forwarded to Legal Services 28.09.21 – awaiting update from legal 03.11.21 – authorisation given to prosecute 18.01.22 – awaiting court date

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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, 04.12.17 – EA confirmed use and importation and processing of feedstock had ceased. 17.10.18 – Planning Committee authorised extension to compliance until 21.05.21 21.6.19 – engagement with site owners ongoing 24.10.19 – officers in 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. 30.12.20 – owner confirmed his intentions to sell the site 20.01.21 – CDC monitoring situation 23.04.21 – Compliance site visit to be made after 21.05.21 24.05.21 – site visit identified non-compliance 28.06.21 – prosecution papers forwarded to Legal Services 13.01.22 – owner states intention to apply to EA for special licence. Legal obtaining w/c from EA before instructing a barrister
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 previous serial.

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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 See PS/13/00015/CONAGR serials
PS/17/00104/ CONBC (Sue Payne)	Burgau Barn Plaistow Road Ifold	Without planning permission, the erection of a dwellinghouse	10.09.19	EN PS/68 issue Appeal lodged – Written Representations 21.09.20 – Appeal dismissed with variation - Cease the residential use of the dwellinghouse and remove all the structure, components and fittings apart from any remaining parts of the original structure of the agricultural building New compliance date 21.09.21 14.01.22 – found not expedient to pursue, the case will be closed and the notice withdrawn. Remove from next list
PS/20/00182/ CONCOU (Sue Payne)	Manor Copse Farm Oak Lane Shillinglee	Without planning permission, the erection of a building	25.08.21	EN PS/70 issued Appeal lodged – Written Representation

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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 13.05.20 – the appeal succeeds in part only and permission granted for the land to be used as a construction site for 12 months. Otherwise the notice is upheld with correction Compliance date 13.05.21 20.07.2021 – Building works continue on the housing site at this time 26.08.21 – application 21/02603/FUL submitted for extension of time as building site compound 03.11.21 – application permitted 21.01.22 – breach ceased. Remove from next list
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 20.07.2021 – This notice has been effective. No use of the access has been reported or observed 21.01.22 – breach ceased. Remove from next list
SB/20/00215/ CONTRV (Tara Lang)	Land South East side of Priors Leaze Lane Hambrook	Without planning permission, the laying and compaction of hard core and tarmac chippings over an existing (unmade) track and to create new access tracks and the formation of an earth bank	20.08.20	EN SB/120 issued Appeal lodged – Written Representations 03.02.21 – appeal dismissed New compliance date 03.08.21 18.10.2021 – a/w validation and determination of planning application: 21/02082/FUL which will require the retention of the access track 04.01.22 – application remains pending determination

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SB/20/00215/ CONTRV (Tara Lang)	Land South East side of Priors Leaze Lane Hambrook	The resurfacing of existing tracks, construction of new access tracks and earth bank	20.08.20	SN SB/121 issued with EB SB/120 Takes effect 24.08.20
SB/21/00030/ CONHI (Sue Payne)	The Cottage Prinsted Lane Prinsted Emsworth	High Hedge Remedial Notice	11.11.21	HHRN HH/24 issued Compliance date 10.03.22
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 Appeal lodged –Written Representations 02.07.20 – appeal dismissed New compliance date 02.01.21 20.01.21 to carry out compliance post COVID 20.04.2021 – Site visited the breach remains. Letter sent to the owner and their agent with regard to prosecution proceedings 20.07.2021 – Further correspondence sent out in reply to the planning agent regarding the outstanding breach
SI/21/00038/ CONMHC (Sue Payne)	Land east of Ivy Grange Keynor Lane Sidlesham	Without planning permission change of use of land to the stationing of a mobile home for human habitation	09.08.21	EN SI/78 issued Appeal lodged – Written Representation

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SI/20/00238/ CONCOU (Shona Archer)	Land Adjacent To Ham Road Keynor Lane, Sidlesham	Untidy Land	26.05.21	SI/76 S215 Notice issued Compliance date 24.09.21 12.10.21 – site visit showed some compliance. Case to be reviewed 13.01.22 – some items remain on the land. Witness Statement to be written
SI/20/00301/ CONMHC (Sue Payne)	82A Fletchers Lane Sidlesham	Without planning permission the material change of use of the Land to a residential caravan site	15.06.21	EN SI/77 issued Appeal lodged – Written Representation
SY/19/00067/ CONHH (Sue Payne)	Wayside Chichester Road Selsey	Without planning permission the erection of a wall, railings, entrance gate and piers	04.03.20	EN SY/71 issued Compliance date 15.07.20 17.07.20 – notice not complied with. Letter before action sent 19.10.20 – some works had been undertaken. Owner contacted and advised what further works would be required January 2021 – discussion with the owner to remedy the breach however restricted by COVID-19 regulations April 2021 – discussion with the owner to agree May 2021 to remedy the breach following COVID-19 restrictions lifted July 2021 – Owner advised that owing to furlough the works would not be completed until September 2021. Requested confirmation of such from the contractor 30.09.21 – Owner has confirmed no works will be undertaken. Prosecution papers to be drafted for review by the Legal Services Team 07.02.21 – Prosecution papers drafted with a further site visit planned to provide an up to date position prior to being reviewed by Legal Services Team

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TG/19/00069/ CONSRV (Sue Payne)	17 Nettleton Avenue Tangmere	Breach of condition - retention of amenity land	09.01.20	BCN TG/21 issued Appeal against refusal of planning application 19/01532/FUL 23.10.20 – Planning appeal dismissed New compliance date 28.01.21 Planning application 20/03130/DOM submitted to change the use of the land which was refused and an appeal lodged. 09.11.21 – Appeal dismissed New compliance date 09.02.2022
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 11.6.20 – planning application WE/19/03206/FUL Refused and appeal lodged 23.10.20 – consideration of a prosecution is held in abeyance pending the appeal being determined 30.09.21 – appeal remains in progress 04.01.22 – appeal Dismissed. Letter to owner to be sent to request timescale for the site to be cleared.
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 Appeal lodged – Public Inquiry date amended to 14.09.21 Sep 21 - Public Inquiry suspended to due illness of Inspector Jan 22 – Public Inquiry suspended due to illness on appellant's team Proposed reconvened 19/20 May 2022

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WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of land for storage of portable site office cabins, container cabins, portable toilet blocks and commercial vehicles	10.04.18	EN WE/41 issued Sep 21 - Public Inquiry suspended to due illness of Inspector Jan 22 – Public Inquiry suspended due to illness on appellant’s team Proposed reconvened 19/20 May 2022
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use, storage of skips, building materials, scaffolding, lifting platforms, storage racks, engine parts, commercial vehs, HGV’s, redundant vehicles and truck bodies	10.04.18	EN WE/42 issued Sep 21 - Public Inquiry suspended to due illness of Inspector Jan 22 – Public Inquiry suspended due to illness on appellant’s team Proposed reconvened 19/20 May 2022
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 14.01.20 – Appeal dismissed with variation to compliance period to 12 months. New compliance date 14.01.21 29.01.21 – date for compliance deferred to 31.03.21 22.04.21 – date for compliance deferred to 30.06.2021 19.07.21 – Property now for sale. Owner has requested additional time to comply but advised as to prosecution 01.10.2021 – Property owner has been advised of intended prosecution for non-compliance with the notice 17.01.2022 – prosecution papers to be drawn up for consideration by legal

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WE/17/00403/ CONENG (Tara Lang)	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. Site visit required post COVID-19 24.07.20 – site visit carried out. Works to comply with EN still not completed. Consider prosecution for non-compliance 21.10.20 – Owner has confirmed his intention to comply with the Enforcement Notice. He requires advice on type of fence and gates acceptable in this location. Advised to submit an application for pre-application advice 14.01.21 – Owner has confirmed most of the works have been done to comply with the EN. Site visit required 22.04.21 – Owner has done most of the work to comply with Enforcement Notice. Part of the fence remains in situ. Officers now considering prosecution for the part of the notice not complied with 19.07.21 – Consideration is to be given for prosecution for non-compliance with the part of the notice not complied with 18.10.2021 – Further consideration of a prosecution for the fence required 17.01.2022 – Prosecution papers to be drawn up for consideration by legal
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 Appeal lodged – Hearing 25.11.20 09.12.20 – enforcement notice upheld with variation New compliance date 09.09.21 09.09.2021 – Residential use has ceased 07.01.22 – Application with DM regarding the occupation of the Land for a temporary period of 3 years

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WE/19/00217/ CONCOU (Steven Pattie)	Land West of 4 The Paddocks, Common Road, Hambrook, Westbourne	Without planning permission the material change of use of the land to use as a residential caravan site	03.02.21	EN WE/49 issued Appeal lodged – Hearing 07.09.21 Decision awaited
WE/19/00107/ CONMHC (Steven Pattie)	Land at Jubilee Wood, Bridle Lane, Woodmancote, Hambrook	Without planning permission, the material change of use of the Land to use as a residential caravan site	07.07.21	EN WE/50 issued Appeal lodged – Written Representation
WE/19/00107/ CONMHC (Steven Pattie)	Land at Jubilee Wood, Bridle Lane, Woodmancote, Hambrook	Without planning permission, the material change of use of the land to a use for recreational purposes	07.07.21	EN WE/51 issued Appeal lodged – Written Representation
WE/21/00169/ CONDWE (Tara Lang)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the erection of a two storey dwelling house	13.07.21	EN WE/52 issued Appeal lodged – Public Inquiry
WE/21/00169/ CONDWE (Tara Lang)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the erection of a timber dwelling house (east)	13.07.21	EN WE/53 issued Appeal lodged – Public Inquiry

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WE/21/00169/ CONDWE (Tara Lang)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the erection of a timber dwelling house (west)	13.07.21	EN WE/54 issued Appeal lodged – Public Inquiry
WE/19/00176/ CONT (Steven Pattie)	Land west of 4 The Paddocks Common Road Hambrook Westbourne	Tree Replacement Notice	11.08.21	WE/55 issued Compliance date 09.06.22
WE/21/00169/ CONDWE (Tara Lang)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the material change of use of the land to residential use two storey dwelling house	06.01.22	EN WE/57 issued Compliance date 17.02.23
WE/21/00169/ CONDWE (Tara Lang)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the material change of use of the land to residential use timber dwelling house (east)	06.01.22	EN WE/58 issued Compliance date 17.02.23

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WE/21/00169/ CONDWE (Tara Lang)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the material change of use of the land to residential use timber dwelling house (west)	06.01.22	EN WE/59 issued Compliance date 17.02.23
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 Appeal lodged – Written Representations 07.09.20 - Appeal is dismissed New compliance date 07.03.21 20.04.2021 – compliance check carried out. The vast majority of the work has been carried out 21.04.21 - Letter sent requesting removal of remaining items. 20.10.2021 – Further compliance check to be carried out before a view to closing or gathering evidence for a witness statement regarding any remaining items. 10.01.22 – SV to check to see if final items have been removed
WW/16/00251/ CONCOU (Steven Pattie)	Land East of Brook House Pound Road West Wittering	Without planning permission, the material change of use of the wooden building to use as a single dwellinghouse	14.01.20	EN WW/49 issued Appeal lodged – Written representation 15.06.21 – Appeal dismissed New compliance date 15.10.21 08.11.21 - Site visit carried out to check compliance. Unable to establish if the breach had ceased as curtains were closed. 17.01.22 - Letter out to owner requesting an accompanied SV and to set out the issues should compliance not have occurred