

Chichester District Council

Planning Committee

Wednesday 03 June 2020

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Between 15-Apr 2020 and 13-May-2020

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

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

* - Committee level decision.

1. NEW APPEALS (Lodged)

None

2. DECISIONS MADE

Reference/Procedure	Proposal
<u>19/02328/DOM</u> Chichester Parish Case Officer: Rebecca Perris Householder Appeal	9 Newlands Lane Chichester PO19 3AT - Proposed loft conversion with rear dormer.
Appeal Decision: APPEAL DISMISSED	
<p>“...This proposal would be the kind of large flat roofed dormer, dominating the roof of the existing house, that is illustrated in the Council’s Guidelines as rarely being acceptable. ... The appeal property has been extended and this proposal would be correspondingly wider, and thus significantly larger than the nearby example. ... As such, I do not consider there to be a compelling precedent to lend any degree of support for further such larger dormers of the kind resisted in the Guidelines. ... The evidence shows the rear roof slope to No 9 to be clearly visible from Barlow Road, near to its junction with Newlands Road. From here the large box-like dormer, regardless of its external finish, would appear as a prominent and discordant feature in the otherwise unaltered roofscape. The use of a contrastingly coloured cement board finish would clash with the prevailing materials and further accentuate the excessive size and incongruous appearance of the proposal. Due to its large scale, box-like shape, contrasting materials and prominent position, the proposal would have a significantly harmful effect on the character and appearance of the host dwelling and surrounding residential area. ...”</p>	

Reference/Procedure	Proposal
<p data-bbox="196 230 430 297"><u>19/02407/PA3Q</u> Earnley Parish</p> <p data-bbox="196 365 478 432">Case Officer: Maria Tomlinson</p> <p data-bbox="196 454 550 499">Written Representation</p>	<p data-bbox="639 230 1471 376">Land South Of 102A First Avenue Almodington Batchmere Chichester West Sussex PO20 7LQ - Notification for Prior Approval for a proposed change of use of agricultural buildings to 4no. dwellinghouses (Class C3).</p>
<p data-bbox="550 499 1136 544">Appeal Decision: APPEAL DISMISSED</p>	
<p data-bbox="196 544 1481 1653">“... Building 1 is a small prefabricated garage/shed structure comprising concrete panel walls, a concrete floor, timber doors and a timber frame supporting a corrugated sheeting roof. The building is, in essence, a lightweight structure of a size typical of that associated with a small domestic storage building. Whilst Class Q does not include a minimum floorspace requirement, Paragraph 105 of the PPG, states that the right permitting agricultural buildings to change to residential use “assumes that the agricultural building is capable of functioning as a dwelling”. The footprint of Building 1 is significantly smaller than that which would normally be associated with a dwellinghouse, being more akin to the size of a double bedroom. Whilst the submitted drawings include a proposed residential studio unit layout, the standard of living accommodation is significantly constrained by the size of the building footprint. As such, the proposed dwelling layout does not persuade me that the existing building is capable of functioning as a dwelling.....In any event, the building would need to be capable of conversion to residential use to satisfy the requirements of Class Q..... I find that the building is likely to require significant building works in order to facilitate a dwelling... I find that insufficient evidence has been submitted to demonstrate that Building 1, on account of its small size and insubstantial nature, meets the fundamental requirement of Class Q, that it must already be suitable for conversion to residential use. Buildings 2 and 3 are timber framed, with lightweight corrugated sheeting walls and roofs, dirt floors and predominantly open frontages.... the ability of the existing frame to bear the load of the proposed development is not, in and of itself, sufficient to meet the requirements of Class Q. ... In this instance an extensive amount of work is required to facilitate the residential units, including the replacement of the roofs and substantial elements of the walls. This would leave very little of the existing building structures remaining. In this respect, I find that the amount of building work required for the buildings to function as dwellings is such that the proposal relies very little upon the existing buildings. The Council’s second refusal reason relates to the lack of clarity in respect of the individual curtilages for each building... notwithstanding the red line on the application drawings, the building curtilages are not expressly defined. Furthermore, no building curtilages were visually apparent on the site at the time of my site inspection. As such, I find that insufficient information has been submitted in respect of the building curtilages to confirm that the proposal accords with the curtilage requirements of Paragraph X of Class Q...”</p>	

Reference/Procedure	Proposal
<p data-bbox="197 226 485 297"><u>18/00389/CONCOU</u> Southbourne Parish</p> <p data-bbox="197 360 587 394">Case Officer: Steven Pattie</p> <p data-bbox="197 434 552 468">Written Representation</p>	<p data-bbox="643 226 1437 297">1 Green Acre Inlands Road Nutbourne Chichester West Sussex PO18 8RJ - Appeal against SB/117</p>
<p data-bbox="440 472 1259 506">Appeal Decision: PART ALLOWED, PART DISMISSED</p>	
<p data-bbox="201 510 1495 1684"> "...Ground (c) - the overall use of the land would not wholly comprise development permitted by Class A of Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, as amended. That said, a notice cannot take away lawful rights and so could not require the removal of moveable structures, works, plant or machinery, as permitted by Class A, that are required temporarily in connection with and for the duration of operations being carried out on the adjoining land. I shall therefore correct the notice to reflect this. Ground (c) succeeds to this limited extent. ... Ground (a) - The normal and lawful use of the appeal site is as a gypsy and traveller caravan site. It therefore formed part of the existing supply of sites for gypsies and travellers and contributed to the Council's five-year supply. ... However, as set out above, the GPDO permits the provision of moveable structures, works, plant or machinery, required temporarily in connection with and for the duration of operations being carried out on land adjoining that land. This represents a realistic fall-back position. Accordingly, irrespective of whether the site is maintained for the uses alleged or simply to a more limited extent in accordance with Class A of Part 4, Schedule 2 of the GPDO, it will not be available for its normal and lawful use, at least for a limited period. A temporary permission is sought for 12 months. In light of the realistic fallback position identified, to which I give considerable weight, I intend to grant planning permission for those matters alleged for a temporary period, but excluding the catering van, for which no case is made. However, some time has lapsed since the appeal was lodged and work has continued to progress. I therefore intend to restrict the permission to a temporary period of 12 months, or, on completion of the development, whichever should occur first to ensure the land is restored and available for use as a gypsy and traveller site at the earliest opportunity. Given the close proximity of the site to other residential properties, it is necessary to restrict the hours of use of the site and prevent access from Inlands Road to ensure the development does not unreasonably detract from the living conditions of occupiers of nearby properties. For the reasons given above, I conclude that the appeal should succeed in part only, and I will grant planning permission for one part of the matter the subject of the enforcement notice, but otherwise I will uphold the notice with corrections and refuse to grant planning permission on the other part. The requirements of the upheld notice will cease to have effect so far as inconsistent with the permission which I will grant by virtue of s180 of the Act." </p>	

Reference/Procedure	Proposal
<p data-bbox="196 230 531 297"><u>18/00187/CONMHC</u> North Mundham Parish</p> <p data-bbox="196 331 544 365">Case Officer: Tara Lang</p> <p data-bbox="196 398 552 432">Written Representation</p>	<p data-bbox="639 230 1437 297">Fisher Granary Fisher Lane South Mundham Chichester West Sussex PO20 1ND - Appeal against NM/29</p> <p data-bbox="639 309 1002 342">Linked to: <u>19/00405/FUL</u></p>
<p data-bbox="196 488 531 555"><u>19/00405/FUL</u> North Mundham Parish</p> <p data-bbox="196 589 587 622">Case Officer: Caitlin Boddy</p> <p data-bbox="196 656 552 689">Written Representation</p>	<p data-bbox="639 488 1461 589">Fisher Granary Fisher Lane South Mundham PO20 1ND - Use of land for the stationing of a caravan for use as a holiday let.</p> <p data-bbox="639 600 1086 633">Linked to: <u>18/00187/CONMHC</u></p>
Appeal Decision: DISMISSED	
<p data-bbox="196 757 1487 1982">"...The main issues are: (a)whether the development is sustainable; and (b) the effect of the development on the character and appearance of the area. Sustainable development - The site lies outside the nearest settlement boundary of North Mundham and Runcton. There is no substantive evidence to suggest there are any public services or facilities (including public transport links) within a reasonable walking distance. Visitors to the mobile home will therefore be heavily reliant on the use of a motor car to access the facilities in the neighbourhood. ... There is no evidence before me to suggest any essential local rural need or rural diversification support... Whilst the appellant claims that there is a pressing and current need for additional holiday accommodation in Chichester District, no substantive evidence is provided to support this or why it cannot be located in accordance with the overarching development strategy and settlement hierarchy set out in Policy 2. Rather, the appellants case is primarily that the quiet tranquil location is what attracts guests to the area. ... any economic gain generated by only one unit of tourist accommodation, would only be likely to be small and caravan accommodation is unlikely to extend the tourist season to any material extent. ... To conclude, notwithstanding the small economic benefits, the development overall would not be a sustainable form of development. .. I have no doubts that the mobile home provides accommodation to a high standard as verified in the various reviews provided. However, a mobile home, even with cladding, is not consistent with the general vernacular of the surrounding area. ... overall the development is not sensitively designed or of high quality in the context of its surroundings; it fails to reinforce local distinctiveness and has a greater than minimal impact on the rural character and appearance of the area. Conclusion - Overall, the development would conflict with the development plan as it is not a sustainable form of development and it harms the character and appearance of the area. The appeals on ground (a) (Appeal A) and Appeal B fail. Appeal A, Ground (g) - The appellant argues that a compliance period of three months would not enable existing bookings (<i>my emphasis</i>) to be honoured; a period of 6 months is sought. ... I consider three months is a reasonable period of time for the use to cease and, in normal circumstances, arrangements to also be made for the mobile home to be removed and the outbuilding, decking and other paraphernalia to be removed. However, I recognise that the current uncertainty in relation to how long restrictions may remain in place due to the current COVID-19 health pandemic may impact on the ability to comply with the requirements, in particular requirement (ii). I acknowledge that the situation is fluid and it is unclear how long or what form</p>	

Appeal Decision: DISMISSED - continued

restrictions associated with the pandemic will be beyond those currently in place. The caravan is providing a source of accommodation available for key workers. I consider a compliance period of 9 months reasonable and proportionate at this time. Under s173A of the Act the Council does have discretionary powers to extend the period for compliance should they consider it appropriate to invoke them. The appeal on ground (g) succeeds to this extent. ...”

3. CURRENT APPEALS

Reference/Procedure	Proposal
<u>18/00393/CONHH</u> Appledram Parish Case Officer: Emma Kierans Written Representation	Ferndale 133 Birdham Road Appledram Chichester West Sussex PO20 7DY - Appeal against Enforcement Notice AP/5
<u>17/00356/CONMHC</u> Birdham Parish Case Officer: Shona Archer Informal Hearing	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	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>17/00362/CONMHC</u> Birdham Parish Case Officer: Shona Archer Informal Hearing	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>18/02204/ELD</u> Birdham Parish Case Officer: Shona Archer Written Representation	Kellys Farm Bell Lane Birdham PO20 7HY - Erection of a building and use as a dwellinghouse

Reference/Procedure	Proposal
<p><u>19/00046/CONCOU</u> Birdham Parish</p> <p>Case Officer: Steven Pattie Written Representation</p>	<p>Kellys Farm Bell Lane Birdham Chichester West Sussex PO20 7HY - Appeal against BI/46</p>
<p><u>19/00845/FUL</u> Birdham Parish</p> <p>Case Officer: Daniel Power Written Representation</p>	<p>Common Piece Main Road Birdham West Sussex - Use of land for the stationing of a static caravan.</p>
<p><u>19/01352/DOM</u> Bosham Parish</p> <p>Case Officer: Oliver Naish Householder Appeal</p>	<p>The Old Town Hall Bosham Lane Bosham PO18 8HY - Construction of an outdoor swimming pool.</p>
<p><u>19/01313/FUL</u> Chichester Parish</p> <p>Case Officer: Calum Thomas Written Representation</p>	<p>Land At The East Of Joys Croft Chichester West Sussex PO19 7NJ - Erection of 1 no. dwelling.</p>
<p>± <u>17/00371/CONCOM</u> Donnington Parish</p> <p>Case Officer: Tara Lang Written Representation</p>	<p>Donnington Manor Farm Selsey Road Donnington Chichester West Sussex PO20 7PL - Appeal against D/9</p>
<p><u>19/00350/LBC</u> Donnington Parish</p> <p>Case Officer: Maria Tomlinson Written Representation</p>	<p>Hardings Farm Selsey Road Donnington Chichester West Sussex PO20 7PU - Replacement of 8 no. windows to North, East and South Elevations (like for like).</p>

Reference/Procedure	Proposal
<p><u>16/00320/CONCOU</u> Earnley Parish</p> <p>Case Officer: Steven Pattie Written Representation</p>	<p>Witsend Nursery Third Avenue Batchmere Chichester West Sussex PO20 7LB - Appeal against E/32</p>
<p><u>17/00310/CONCOU</u> Funtington Parish</p> <p>Case Officer: Tara Lang Written Representation</p>	<p>Cutmill Depot Newells Lane West Ashling Chichester West Sussex PO18 8DE - Appeal against FU/67</p>
<p><u>18/00323/CONHI</u> Funtington Parish</p> <p>Case Officer: Sue Payne Written Representation</p>	<p>West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ - Appeal against HH/22</p>
<p><u>18/00675/FUL</u> Funtington Parish</p> <p>Case Officer: Caitlin Boddy Written Representation</p>	<p>Cutmill Depot Newells Lane West Ashling Chichester West Sussex PO18 8DE - Retrospective change use of land to include the retention/stationing of a mobile home on the eastern part of the site.</p>
<p><u>18/00676/FUL</u> Funtington Parish</p> <p>Case Officer: Caitlin Boddy Written Representation</p>	<p>Cutmill Depot Newells Lane West Ashling Chichester West Sussex PO18 8DE - Retrospective erection of boundary wall in excess of 1m in height adjacent to highway.</p>
<p><u>19/02811/DOM</u> Linchmere Parish</p> <p>Case Officer: William Price Written Representation</p>	<p>Pond Cottage Camelsdale Road Camelsdale Linchmere GU27 3RB - Single storey extension to north, replacement of existing roof extension and internal alterations.</p>

Reference/Procedure	Proposal
<p><u>19/02812/LBC</u> Linchmere Parish</p> <p>Case Officer: William Price Written Representation</p>	<p>Pond Cottage Camelsdale Road Camelsdale Linchmere GU27 3RB - Single storey extension to north, replacement of existing roof extension and internal alterations including the replacement of staircase, opening of original doorway and blocking of doorway to south of dining room.</p>
<p><u>19/01240/FUL</u> Loxwood Parish</p> <p>Case Officer: Jeremy Bushell Public Inquiry</p>	<p>Land South West Of Guidford Road Loxwood West Sussex - Demolition of existing dwelling and the erection of 50 dwellings to include 35 private units and 15 affordable units, creation of proposed vehicular access, internal roads and footpaths, car parking, sustainable drainage system, open space with associated landscaping and amenity space.</p>
<p><u>19/01400/FUL</u> Loxwood Parish</p> <p>Case Officer: William Price Written Representation</p>	<p>Moore's Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS - Erection of a detached dwelling following demolition of free-standing garage.</p>
<p><u>16/00325/CONCOM</u> North Mundham Parish</p> <p>Case Officer: Shona Archer Written Representation</p>	<p>6 Oakdene Gardens North Mundham Chichester West Sussex PO20 1AQ - Appeal against NM/28</p>
<p><u>19/01838/DOM</u> North Mundham Parish</p> <p>Case Officer: William Price Householder Appeal</p>	<p>Birches 1 The Hermitage North Mundham PO20 1LE - Retrospective removal of a hedge (2.4m high and 1.8m deep) and erection of a 1.8m wooden fence.</p>
<p><u>17/00104/CONBC</u> Plaistow And Ifold Parish</p> <p>Case Officer: Sue Payne Written Representation</p>	<p>Burgau Barn Plaistow Road Ifold Loxwood Billingshurst West Sussex RH14 0TZ - Appeal against Enforcement Notice PS/68 and planning permission refusal for 18/01685/FUL.</p>

Reference/Procedure	Proposal
<p><u>18/01685/FUL</u> Plaistow And Ifold Parish</p> <p>Case Officer: Daniel Power Written Representation</p>	<p>Burgau Barn Plaistow Road Ifold Loxwood RH14 0TZ - Retrospective single storey side extension.</p>
<p><u>19/02449/DOM</u> Plaistow And Ifold Parish</p> <p>Case Officer: Vicki Baker Written Representation</p>	<p>The Coach House Oak Lane Shillinglee Plaistow GU8 4SQ - Remove 2 no. single garage doors, install 1 no. double door, decrease the opening and increase bricks flanks to each side of the door.</p>
<p><u>19/00088/CONHH</u> Sidlesham Parish</p> <p>Case Officer: Sue Payne Written Representation</p>	<p>Red Barn Selsey Road Sidlesham Chichester West Sussex PO20 7NE - Without planning permission the erection of a building in a ancient woodland subject to Enforcement Notice SI/73</p>
<p><u>19/01103/LBC</u> Sidlesham Parish</p> <p>Case Officer: Maria Tomlinson Written Representation</p>	<p>Highleigh Farmhouse Highleigh Road Sidlesham PO20 7NR - Installation of replacement windows to match existing.</p>
<p><u>19/01425/DOM</u> Sidlesham Parish</p> <p>Case Officer: Oliver Naish Householder Appeal</p>	<p>36 Manhood Lane Sidlesham Chichester West Sussex PO20 7LT - Retrospective application for single storey rear extension.</p>
<p><u>18/00389/CONCOU</u> Southbourne Parish</p> <p>Case Officer: Steven Pattie Written Representation</p>	<p>1 Green Acre Inlands Road Nutbourne Chichester West Sussex PO18 8RJ - Appeal against SB/117</p>

Reference/Procedure	Proposal
<p><u>18/00100/CONCOU</u> West Itchenor Parish</p> <p>Case Officer: Steven Pattie Written Representation</p>	<p>Northshore Yacht Limited The Street Itchenor Chichester West Sussex PO20 7AY - Appeal against WI/16</p>
<p><u>16/00251/CONBC</u> West Wittering Parish</p> <p>Case Officer: Steven Pattie Written Representation</p>	<p>Land East Of Brook House Pound Road West Wittering Chichester West Sussex PO20 8AJ - Appeal against breach of condition 2 to 13/02676/DOM - use of outbuilding subject to Enforcement Notice WW/49.</p>
<p>* <u>18/02708/DOM</u> West Wittering Parish</p> <p>Case Officer: Daniel Power Written Representation</p>	<p>Dolphins Rookwood Lane West Wittering Chichester West Sussex PO20 8QH - Proposed steps down through garden to a 1.5 metre long tunnel beneath public footpath rising through to another set of steps to the foreshore garden.</p>
<p>* <u>19/01622/FUL</u> West Wittering Parish</p> <p>Case Officer: Daniel Power Written Representation</p>	<p>Surbitonia 45 Howard Avenue West Wittering PO20 8EX - Demolition of an existing bungalow with a garage and erection of 2 no. replacement two storey dwellings with separate access and parking.</p>
<p><u>19/02136/FUL</u> West Wittering Parish</p> <p>Case Officer: Maria Tomlinson Written Representation</p>	<p>Land East Of Brook House Pound Road West Wittering Chichester West Sussex PO20 8AJ - Construction of 1 no. boat house with ground floor storage ancillary to first floor self-contained residential unit.</p>
<p><u>19/02302/DOM</u> West Wittering Parish</p> <p>Case Officer: William Price Householder Appeal</p>	<p>Chislehurst 53 Marine Drive West Wittering PO20 8HQ - Rear extension, loft conversion and new staircase enclosure pod.</p>

Reference/Procedure	Proposal
<u>13/00163/CONWST</u> Westbourne Parish Case Officer: Shona Archer Public Inquiry	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Appeals against WE/40, WE/41, WE/42 and WE/43
<u>19/02126/FUL</u> Wisborough Green Parish Case Officer: Daniel Power Written Representation	Goose Cottage Durbans Road Wisborough Green RH14 0DG - Change of use of 1 no. existing timber clad store room into 1 no. new dwelling. Removal of temporary tent garage and replacement with 1 no. timber clad garage.

4. VARIATIONS TO SECTION 106 AGREEMENTS

None.

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

High Court Matters		
Site	Matter	Stage
23 Southgate, Chichester (The Vestry)	Challenge to issue of planning permission dated 9 th December 2019	Consent Order has been signed on behalf of the Council but the interested party, Sussex Inns Limited, are defending the claim. Hearing date set for 15 th September 2020.
Land North West of Premier Park Birdham	Application for Injunction at High Court (Breach of Enforcement Notices)	Temporary Injunction granted on 13 March 2020. New Directions Order received from the court for both parties to comply with and submit evidence. Trial fixed for 2 days on a date to be confirmed not before 20 July.

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS