

Chichester District Council

Planning Committee

Wednesday 03 February 2021

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters Between

16-Dec-2020 and 12-Jan-2021

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

Note for public viewing via Chichester District Council web site To read each file in detail,

including the full appeal decision when it is issued, click on the reference number (NB certain enforcement cases are not open for public inspection, but you will be able to see the key papers via the automatic link to the Planning Inspectorate).

* - Committee level decision.

1. NEW APPEALS (Lodged)

Reference/Procedure	Proposal
<u>20/01980/FUL</u> Fishbourne Parish Case Officer: Calum Thomas Written Representation	Parking Area South Of Black Boy Court Main Road Fishbourne West Sussex - Extension and change use of roofspace to habitable accommodation over carport to create single dwellinghouse.
<u>20/02303/FUL</u> Fishbourne Parish Case Officer: Jane Thatcher Informal Hearing	Land At Bethwines Farm And South Of Ivy Lodge Blackboy Lane Fishbourne West Sussex - Construction of 35 no. affordable residential dwellings for first-time buyers with associated access, parking, landscaping and associated infrastructure.

Reference/Procedure	Proposal
<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.

2. DECISIONS MADE

Reference/Procedure	Proposal
<u>20/00887/DOM</u> Boxgrove Parish Case Officer: Oliver Naish Householder Appeal	Flintwalls The Street Boxgrove Chichester West Sussex PO18 0EE - Retrospective boundary fence.
Appeal Decision: APPEAL DISMISSED	
<p>“The appeal is dismissed. The fence has already been erected. ... The main issue is the effect of the development on the character and appearance of the area, with particular regard to the location of the appeal site within the Boxgrove Conservation Area. ... the new fence is higher than the previous wall and the walls to either side of the property, to which it has no visual similarity. It is therefore incongruous in the street scene due to its height and plain appearance. ... the insidious replacement of flint walls with modern fencing will result in the erosion of the character and appearance of the Area. ... the fence fails to preserve or enhance the character or the appearance of the Area. ... the development conflicts with paragraphs 184, 193 and, in the absence of clear and convincing justification for the fence, 194 of the National Planning Policy Framework (the Framework). ... Therefore, with regard to paragraph 196 of the Framework, there are no public benefits to outweigh ... “</p>	

Reference/Procedure	Proposal
<p data-bbox="196 230 453 297"><u>20/00188/FUL</u> Chichester Parish</p> <p data-bbox="196 365 580 398">Case Officer: William Price</p> <p data-bbox="196 461 552 495">Written Representation</p>	<p data-bbox="639 230 1420 443">L A Fish 110 The Hornet Chichester West Sussex PO19 7JR - Change of use of residential accommodation above fish & chip shop from 1 no. habitable flat to 3 no. habitable flats, including extended first floor area partially implemented approval CC/08/00137/FUL.</p>
<p data-bbox="611 506 1007 564">Appeal Decision: APPEAL DISMISSED</p>	
<p data-bbox="196 584 1398 1055">... The main issue is the effect of the proposed development on the living conditions of future occupiers in respect of noise, vibration and odour and whether the proposal would provide suitable living conditions for future occupiers with regard to internal space provision. the proposed development would cause harm to the living conditions of future occupiers of unit 3 as a result of the potential for noise, vibration and odour from the flue that serves the ground floor commercial operation. Furthermore, the proposal would not provide suitable living conditions for the future occupiers of units 1 and 2 due to a significant shortfall in the provision of internal space. Overall, the proposed development would not provide a suitable standard of living accommodation for future occupiers. ... The Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites. ... the modest contribution that the proposal would make in housing supply terms is a matter that weighs in its favour to only a limited degree..."</p>	

Reference/Procedure	Proposal
<p data-bbox="196 230 408 300"><u>20/00967/FUL</u> Earnley Parish</p> <p data-bbox="196 365 478 434">Case Officer: Maria Tomlinson</p> <p data-bbox="196 459 552 495">Written Representation</p>	<p data-bbox="639 230 1406 371">101A First Avenue Almodington Batchmere West Sussex PO20 7LQ - Proposed cladding to walls and roof of existing horticultural building (greenhouse) and additional internal works.</p>
<p data-bbox="608 517 1011 580">Appeal Decision: APPEAL DISMISSED</p>	
<p data-bbox="180 589 1417 1171">“...The disputed condition removed permitted development rights in order to ensure that the activities in the altered building remain incidental to the existing lawful use of the site. The application is for operational development only, not for the change of use of the building. However, it would fundamentally change the nature of the building from a glasshouse to an enclosed building to make it suitable for packing and storing produce. The proposed development is therefore linked to the future use of the building. Given that, I consider that the disputed condition is relevant to the approved development. ... I consider that it is important that the Council has control over the future use of the building to allow it to fully consider the potential effects of a more intensive use of the building on the character and appearance of the area and the living conditions of the occupiers of nearby properties. Although a vegetable packing and storage operation requires a countryside location and thus complies with Policy 2 of the Local Plan, the disputed condition is necessary to ensure compliance with Policies 32 and 48. ... I am therefore satisfied that the condition is clearly justified and necessary and relevant to the development permitted with regard to the character and appearance of the area and living conditions of the occupiers of nearby dwellings. ...”</p>	

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>17/00356/CONMHC</u> Birdham Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing</p>	<p>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.</p>
<p><u>17/00361/CONMHC</u> Birdham Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing</p>	<p>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.</p>
<p><u>17/00362/CONMHC</u> Birdham Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing</p>	<p>Plot 14 Land North West Of Premier Business Park permission change of use of the land to use as a residential caravan site.</p>
<p><u>20/00998/FUL</u> Earnley Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>113 Second Avenue Almodington Earnley PO20 7LF - Erection of 2 no. semi-detached 4 bedroom chalet bungalows - alternative to planning permission - E/18/00578/FUL for change of use to 2no. dwellings and external works.</p>
<p><u>20/01575/FUL</u> Earnley Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>113 Second Avenue Almodington Earnley PO20 7LF - Erection of 2 no. semi-detached 3 bedroom bungalows - alternative to planning permission - E/18/00578/FUL for change of use to 2no. dwellings and external works, (resubmission 20/00998/FUL).</p>

Reference/Procedure	Proposal
<p><u>20/01639/FUL</u> East Wittering And Bracklesham Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Land Adjacent To Neska Longlands Road East Wittering Chichester West Sussex PO20 8DD - Demolition of existing outbuilding and erection of 2- bedroom chalet bungalow.</p>
<p><u>20/02001/FUL</u> East Wittering And Bracklesham Parish</p> <p>Case Officer: Vicki Baker</p> <p>Written Representation</p>	<p>Land South Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex PO20 7JE - New access to the highway.</p>
<p><u>17/00011/CONBC</u> Funtington Parish</p> <p>Case Officer: Tara Lang</p> <p>Informal Hearing 25/01/2021 10:00 Virtual Event</p>	<p>Land South Of The Stables Newells Lane West Ashling West Sussex - Appeal against Enforcement Notice FU/71</p>
<p><u>18/00323/CONHI</u> Funtington Parish</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p>	<p>West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ - Appeal against HH/22</p>
<p>* <u>19/00445/FUL</u> Funtington Parish</p> <p>Case Officer: Martin Mew</p> <p>Written Representation</p>	<p>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.</p>

Reference/Procedure	Proposal
<p data-bbox="196 230 451 297"><u>20/01726/FUL</u> Funtington Parish</p> <p data-bbox="196 365 475 432">Case Officer: Maria Tomlinson</p> <p data-bbox="196 454 555 499">Written Representation</p>	<p data-bbox="639 230 1385 376">Stockers Farm Salthill Road Fishbourne PO19 3PY - Replacement dwelling, detached car barn and associated works (alternative proposal to extant permission FU/19/02841/FUL).</p>
<p data-bbox="196 544 427 611"><u>19/01400/FUL</u> Loxwood Parish</p> <p data-bbox="196 678 579 712">Case Officer: William Price</p> <p data-bbox="196 768 555 813">Written Representation</p>	<p data-bbox="639 544 1417 689">Moore's Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS - Erection of a detached dwelling following demolition of free-standing garage.</p>
<p data-bbox="196 857 555 925"><u>19/02903/FUL</u> Plaistow And Ifold Parish</p> <p data-bbox="196 992 579 1025">Case Officer: William Price</p> <p data-bbox="196 1081 555 1126">Written Representation</p>	<p data-bbox="639 857 1369 1003">Plot 1B Land At Sparrowood Farm Shillinglee Road Plaistow West Sussex - Erection of stable barn and (25m x 50m) manege including fencing, solar photovoltaic panels and muck heap.</p>
<p data-bbox="196 1227 555 1294"><u>20/01045/FUL</u> Plaistow And Ifold Parish</p> <p data-bbox="196 1361 619 1395">Case Officer: Rebecca Perris</p> <p data-bbox="196 1451 555 1496">Written Representation</p>	<p data-bbox="639 1227 1417 1294">Moyana The Drive Ifold Loxwood RH14 0TD - Erection of 1 no. dwelling house.</p>
<p data-bbox="196 1597 411 1664"><u>20/01071/OUT</u> Selsey Parish</p> <p data-bbox="196 1731 619 1765">Case Officer: Calum Thomas</p> <p data-bbox="196 1821 555 1865">Written Representation</p>	<p data-bbox="639 1597 1401 1697">Land At Ursula Avenue Selsey West Sussex PO20 0HT - Outline planning permission all matters reserved - erection of 2 no. bungalows.</p>

Reference/Procedure	Proposal
<p><u>19/00259/CONBC</u> Sidlesham Parish</p> <p>Case Officer: Emma Kierans</p> <p>Informal Hearing Virtual event 10/03/21 at 10am</p>	<p>Field South Of Green Lane Piggeries Ham Road Sidlesham West Sussex - Appeal against non-compliance with the conditions of the appeal decision - temporary occupancy</p>
<p><u>19/03043/FUL</u> Sidlesham Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation – appeal turned away</p>	<p>Field South Of Green Lane Piggeries Ham Road Sidlesham West Sussex - Change of use of land as private gypsy and traveller caravan site (variation of condition 2 of planning permission SI/14/04058/COU (APP/L3815/W/3019459- to make the temporary permission permanent).</p>
<p><u>20/00046/PA3Q</u> Sidlesham Parish</p> <p>Case Officer: William Price</p> <p>Written Representation</p>	<p>Land North Of 66 Street End Lane Sidlesham Chichester West Sussex PO20 7RG - Change of use of 2 no. agricultural buildings to 2 no. dwellings (Class C3).</p>
<p><u>20/01418/FUL</u> Sidlesham Parish</p> <p>Case Officer: Calum Thomas</p> <p>Written Representation</p>	<p>Longreach 14A Chalk Lane Sidlesham PO20 7LW - Replacement B1/B8 unit.</p>
<p><u>20/00215/CONTRV</u> Southbourne Parish</p> <p>Case Officer: Tara Lang</p> <p>Written Representation</p>	<p>Plot 8 Priors Leaze Lane Hambrook Chidham West Sussex - 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 in the approximate positions shown on the plan</p>

Reference/Procedure	Proposal
<p data-bbox="196 230 485 297"><u>20/01053/FUL</u> Southbourne Parish</p> <p data-bbox="196 365 614 398">Case Officer: Calum Thomas</p> <p data-bbox="196 454 552 488">Written Representation</p>	<p data-bbox="639 230 1420 297">Mountain Ash 106 Main Road Southbourne PO10 8AY - Erection of 1 no chalet bungalow.</p>
<p data-bbox="196 544 485 611"><u>20/02077/FUL</u> Southbourne Parish</p> <p data-bbox="196 678 475 745">Case Officer: Maria Tomlinson</p> <p data-bbox="196 768 552 801">Written Representation</p>	<p data-bbox="639 544 1396 689">Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ - Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.</p>
<p data-bbox="196 857 512 925"><u>16/00251/CONBC</u> West Wittering Parish</p> <p data-bbox="196 992 584 1025">Case Officer: Steven Pattie</p> <p data-bbox="196 1081 552 1115">Written Representation</p>	<p data-bbox="639 857 1409 1003">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 data-bbox="196 1227 512 1294"><u>19/02136/FUL</u> West Wittering Parish</p> <p data-bbox="196 1361 475 1429">Case Officer: Maria Tomlinson</p> <p data-bbox="196 1451 552 1485">Written Representation</p>	<p data-bbox="639 1227 1404 1406">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 data-bbox="196 1541 512 1608"><u>20/01200/FUL</u> West Wittering Parish</p> <p data-bbox="196 1675 475 1742">Case Officer: Maria Tomlinson</p> <p data-bbox="196 1765 552 1798">Written Representation</p>	<p data-bbox="639 1541 1369 1641">Seahaven West Strand West Wittering PO20 8AU - Demolition of existing dwelling and construction of replacement dwelling.</p>

Reference/Procedure	Proposal
<p><u>13/00163/CONWST</u> Westbourne Parish</p> <p>Case Officer: Shona Archer</p> <p>Public Inquiry 27/04/2021 Chichester City Council North Street Chichester PO19 1LQ</p>	<p>The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Appeal against WE/40, WE/41 and WE/42</p>
<p><u>20/00366/FUL</u> Westbourne Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Woodmancote Meadow Woodmancote Lane Westbourne West Sussex PO10 8RF - Erection of a 1 no. 3 bedroom dwelling.</p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

None.

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Land West of Birdham Road, Birdham	Of 3 Enforcement Notices	Injunction granted by the High Court on 10 August. Application made by some of the Defendants to vary the Injunction due to Covid Lockdown. Application granted and Injunction varied so that they must clear the land of caravans, mobile homes etc. by 31 March 2021 and remove all fixtures, fences, tracks by 30 April 2021. The rest of the original Injunction stands in its entirety.

Prosecutions		
Site	Breach	Stage
20/00299/CONENF Land South Of The Stables Newells Lane West Ashling West Sussex	Non-compliance with Enforcement Notice FU/70	Listed for court on 29.01.21 at Brighton Magistrates Court
19/00231/CONBC 3 West Ashling Road Hambrook Funtington West Sussex	Non-compliance with Breach of Condition Notice FU/73	Listed for court on 29.01.21 at Brighton Magistrates Court
20/00288/CONENG Land west of Newells Lane West Ashling Chichester West Sussex	Non-compliance with Temporary Stop Notice	Listed originally for 21.01.21. Matter re-listed by the court on 13 January due to lockdown to: 17 June 2021 at Crawley Magistrates' Court at 11:00

High Court Hearings		
Site	Matter	Stage
23 Southgate, Chichester (The Vestry)	Challenge to issue of planning permission dated 9 th December 2019 ref CC/19/01288/FUL.	Virtual Hearing held on 15 th September 2020. The Council did not defend this matter (and had signed a consent to judgement order) but the interested third party, Sussex Inns Limited, did defend the case. Judgement handed down on 15 th January 2021. Planning permission CC/19/01288/FUL quashed and Sussex Inns Limited ordered to pay the claimant's costs. No costs were awarded against the Council.

7. POLICY MATTERS