

Chichester District Council Planning Committee

Wednesday 7 April 2021

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

between 10-02-2021 - 09-03-2021

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)

None

2. DECISIONS MADE

Reference/Procedure	Proposal
20/01639/FUL	
<p>East Wittering And Bracklesham Parish Case Officer: Maria Tomlinson Written Representation</p>	<p>Land Adjacent To Neska Longlands Road East Wittering Chichester West Sussex PO20 8DD</p> <p>Demolition of existing outbuilding and erection of 2-bedroom chalet bungalow.</p>
<p>Appeal Decision: APPEAL ALLOWED</p>	
<p>“The principle of developing this plot was established through the grant of planning permission for a 1- bedroom bungalow under reference 19/02118/FUL. Since the appeal was lodged the Council has granted permission for an alternative scheme consisting of a 2-bedroom chalet bungalow. Both permissions are extant and I have attached them significant weight as fallback positions. The proposed chalet bungalow would bear a strong resemblance to the plans for the most recent permission. Council contends that the development would appear unduly cramped.form, massing and elevational treatment would be substantially similar to that of the approved chalet bungalow. The additional height would not be read by the casual observer....The proposed chalet bungalow would be no closer to the rear plot boundary than the recently approved dwelling. There would be no difference in the roof pitch and the single-storey eaves height would remain the same. The Council argues that the development would be overbearing and oppressive for the occupiers of Miggles. I acknowledge that the relationship is a sensitive one due to the proximity of built form to the boundary. Nevertheless, I am not persuaded that the proposal would cause unacceptable harm to the outlook of neighbours.there would be no conflict with CLP Policy 33 insofar as it seeks to ensure that proposals respect neighbouring amenity. There is potential for overlooking of neighbouring properties from the rooflights in the southern elevation of the dwelling and therefore a condition is necessary to require minimum sill heights. Future development within the plot has the potential to adversely impact on neighbours and therefore the Council's suggested conditions restricting the future use of permitted development rights are both reasonable and necessary.”</p>	

Reference/Procedure	Proposal
20/01045/FUL	
Plaistow And Ifold Parish Case Officer: Rebecca Perris Written Representation	Moyana The DrivelfoldLoxwoodRH14 0TD Erection of 1 no. dwelling house.
Appeal Decision: APPEAL ALLOWED	
<p>"... I am satisfied that the proposed site would be suitable in principle for a new dwelling. The retention of the good boundary screening on the south boundary with Birchwood Close would mean that the dwelling would not be either prominent or visually intrusive in views from this side. Views from other public vantage points, including The Drive, would be limited. The space retained from the dwelling to the plot boundaries, including proposed garden space, would be sufficient to provide for an appropriate setting for the dwelling and prevent it from appearing as cramped within the plot.With regard to 1 Springfield Close, the proposed garage would be close to the boundary with this property but given its modest single storey height and massing, it would not appear as unacceptably overbearing in the outlook from the rear garden or rear windows of this neighbouring property..... Furthermore, taking into account existing boundary screening, the separation distance between the respective properties would be sufficient to prevent any unreasonable impacts on privacy.The design of the proposed dwelling, with a low eaves level and sloping hipped roof would also reduce the visual impact of the proposal upon the outlook from this neighbouring property. The traffic movements and use of the proposed vehicular access from one new dwelling is likely to be very modest and would not be likely to result in unacceptable noise or disturbance Any increase in traffic would be unlikely to be so great as to result in any significant implications for highway safety.....I have amended the Council's suggested landscaping condition to ensure that the landscaping details to be submitted for the approval of the Council include protection measures for existing landscape features that are proposed to be retained. ...In these circumstances the concerns raised regarding land ownership do not carry significant weight in my determination of the appeal. ...Having regard to all other matters raised, I have found that the proposed development would accord with the development plan when considered as a whole and there are no material considerations of such weight that have led me to find that permission should be withheld."</p>	

Reference/Procedure	Proposal
20/01071/OUT	
<p>Selsey Parish Case Officer: Calum Thomas Written Representation</p>	<p>Land At Ursula Avenue Selsey West Sussex PO20 0HT</p> <p>Outline planning permission all matters reserved - erection of 2 no. bungalows.</p>
Appeal Decision: APPEAL DISMISSED	
<p>“... The appeal site lies at the southern end of a long narrow strip of land which separates the eastern and western sides of Ursula Avenue. The front section is bounded by post and rail fencing and this gives it a more open quality which adds to the sense of space which characterises this part of Seal Road. ...original pattern of development was low density but infilling has taken place over the years Whilst they are a material consideration, these planning permissions pre-date the present local plan and also a number of dismissed appeals for housing on the site. Inspectors in the above cases concluded that the development of the site would have an adverse effect on the character and appearance of the area. There is no compelling evidence to lead me to a different conclusion. The fact that Ursula Avenue is the last remaining ‘island’ plot within Seal Road lends significant weight to the argument that it should be retained, in light of its importance to maintaining the distinctive character of this part of Selsey.I conclude that the proposal would cause significant harm to the character and appearance of the area. It would conflict with Policy 33 of the Chichester Local Plan: Key Policies 2014-2029 The scheme also conflicts with the requirement of paragraph 127 of the National Planning Policy Framework (the Framework) that development should be sympathetic to local character and history and maintain a strong sense of place. ...a material change in circumstances since earlier appeals, in that the Council is unable to demonstrate a 5 year supply of deliverable housing sites..... The delivery of new homes should be a key priority, given the current housing shortfall. However, in this particular case the adverse impacts on the character and appearance of the area would significantly and demonstrably outweigh the modest benefits of providing two additional dwellings. I have taken account of the site’s location within the Settlement Boundary and policy within the Framework regarding the effective use of land and the important contribution small sites can make to meeting the housing requirement of an area. However, these considerations do not alter my conclusions...”</p>	

Reference/Procedure	Proposal
20/00046/PA3Q	
<p>Sidlesham Parish Case Officer: William Price Written Representation</p>	<p>Land North Of 66 Street End LaneSidleshamChichesterWest SussexPO20 7RG Change of use of 2 no. agricultural buildings to 2 no. dwellings (Class C3).</p>
Appeal Decision: APPEAL ALLOWED	
<p>"The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the conversion of two agricultural buildings into two dwellinghouses. Located on the western side of Street End Lane, towards its northern end at 66 Street End Lane, Sidlesham, PO20 7RG in accordance with the terms of the Application Ref SI/20/00046/PA3Q, dated 8 January 2020, and the details submitted with it.</p> <p>Class Q of the GPDO allows for a change of use of a building and any land within its curtilage from an agricultural use to a use falling within Class C3 (dwellinghouses) and building operations reasonably necessary to convert the building. However, Class Q does not allow for the extensive rebuilding of an insubstantial structure to create what would in effect be a new building.... The units comprise single storey structures largely of timber framed constructions and under corrugated asbestos pitched roofing. Unit A is part timber framed and part load bearing block, the external wall cladding of both units is tempered board. The ground floor of each unit is of concrete construction forming part of a raft foundation. The roof of each unit features two principle timber trusses which are well triangulated and support roof cladding via timber purlins, all appear to have performed adequately to date, and upon my inspection both buildings appear suitable for conversion..... Wall and roof cladding replacement would be carried out however the National Planning Practice Guidance sets out that a Class Q conversion can include the installation or replacement of windows, doors, roofs, and exterior walls. In this case, the extent of the proposed works would not be so substantial so as to constitute a rebuild rather than a conversion. In coming to that view, I have been mindful of the High Court Judgement in the case of <i>Hibbitt v SSCLG</i> (2016) EWHC (Admin)..... For the above reasons, I conclude that the extent of the proposed works to the buildings do not go beyond those permitted under Class Q.For the reasons given above I conclude that the appeal should be allowed and prior approval is deemed to be granted."</p>	

Reference/Procedure	Proposal
<u>20/01418/FUL</u>	
<p>Sidlesham Parish Case Officer: Calum Thomas Written Representation</p>	<p>Longreach 14A Chalk Lane Sidlesham PO20 7LW</p> <p>Replacement B1/B8 unit.</p>
Appeal Decision: APPEAL ALLOWED	
<p>The appeal site lies within an agricultural holding and contains part of a large glasshouse. This building has been partitioned internally to create a separate unit no larger than 150 sqm at its northern end. The change of use of this floorspace from agriculture to Use Class B1/B8 has been established through a Class R1 notification. ... At the time of my visit the unit was being used I am thus satisfied that development under Class R has commenced within the 3 year period stipulated within the regulations and the building has entered a new planning chapter. B1 and B8 uses are lawful in perpetuity and for this reason it is perfectly legitimate to treat this as an existing employment site. ...Policy 26 states that planning permission will be granted for development of employment floorspace, refurbishment, upgrading or modernisation of existing premises, and efficient use of underused employment sites. The new portal framed building would provide comparable floorspace to the glasshouse, but the functionality and environmental performance of the accommodation would be significantly improved due to the nature of its construction. The development would represent an upgrade or modernisation of the site and as such it would be acceptable in principle under Policy 26.There is no compelling evidence to demonstrate that the appeal scheme would lead to a material increase in vehicle movements over the existing use.</p> <p>The Highway Authority has advised that there are no transport grounds to resist the proposal....The proposed building would have negligible impact on the character and appearance of the area..... there is no substantive evidence to indicate that the proposal would lead to artificial light intrusion or pollution of any kind. As such, the criteria attached to Policy 26 are met. ...There would be no conflict with CLP Policy 45 insofar as it seeks to protect landscape and rural character. ...The Council's objection is based solely on the fact that the site lies outside of a designated settlement boundary where the CLP seeks to restrict development to that which requires a countryside location However, this ignores Policy 26 and its support for the refurbishment or upgrading existing employment sitesAnd its provisions are consistent with paragraphs 83 and 84 of the National Planning Policy. ...The Council's decision is at odds with Policy 26 and with the conclusion in the officer report that the proposal is unlikely to result in a material increase in vehicular traffic. There would be no conflicts with CLP Policies 1, 2 or 45 and the proposal would comply with the development plan read as a whole. It would be a sustainable form of development in terms of the framework. I have not attached the Highway Authority's requested condition requiring the provision of an electric vehicle charging point as this is neither suggested by the Council nor justified by reference to a specific development plan policy.... I consider that it is necessary and reasonable to impose a condition restricting the development to light industry, offices and/or storage bearing in mind the description of development on the application form and the fact that the proposal is being justified solely by reference to development plan policy on the improvement of existing employment sites...."</p>	

3. IN PROGRESS

Reference/Procedure	Proposal
<u>17/00362/CONMHC</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearing 08-Jun-2021 EPH	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>17/00356/CONMHC</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearing 08-Jun-2021 EPH	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-Jun-2021 EPH	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>* 19/02579/FUL</u>	
Chichester Parish Case Officer: Martin Mew Written Representation	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.
<u>20/00380/CONTRV</u>	
Chichester Parish Case Officer: Sue Payne Written Representation	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Appeal against creation of hardstandings and siting of mobile homes without planning permission.

Reference/Procedure	Proposal
-	
Chidham & Hambrook Parish Case Officer: Joanna Bell Informal Hearing	Land Off Broad Road Broad Road Hambrook PO18 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>19/02493/OUT</u>	
Earnley Parish Case Officer: Jeremy Bushell Informal Hearing	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>* 19/00431/AGR</u>	
East Wittering And Bracklesham Parish Case Officer: Martin Mew Written Representation	Hundredsteddle Farm Hundredsteddle Lane Chichester West Sussex PO20 7BL Grain store and machinery store.
<u>20/02001/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Vicki Baker Written Representation	Land South Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex PO20 7JE New access to the highway.
Reference/Procedure	Proposal
<u>20/02002/DOM</u>	
East Wittering And Bracklesham Parish Case Officer: Vicki Baker Householder Appeal	Hazard Cottage East Bracklesham Drive Bracklesham PO20 8JH Raise roof of garage for an additional bedroom (amendments to previous permission 15/03025/FUL).

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 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 Written Representation	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.
<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.
<u>20/01726/FUL</u>	
Funtington Parish Case Officer: Maria Tomlinson Written Representation	Stockers Farm Salthill Road Fishbourne PO19 3PY Replacement dwelling, detached car barn and associated works (alternative proposal to extant permission FU/19/02841/FUL).
<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/22

Reference/Procedure	Proposal
<u>19/01400/FUL</u>	
Loxwood Parish Case Officer: William Price Written Representation	Moores Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS Erection of a detached dwelling following demolition of free-standing garage.
<u>19/01951/FUL</u>	
Oving Parish Case Officer: Jeremy Bushell Informal Hearing	Land At The Corner Of Oving Road And A27 Chichester PO20 2AG Erection of 143 dwellings, with associated access, parking, public open space, landscaping, extension to residential curtilages of existing properties along Oving Road and other associated works.
<u>19/02903/FUL</u>	
Plaistow And Ifold Parish Case Officer: William Price Written Representation	Plot 1B Land At Sparrwood Farm Shillinglee Road Plaistow West Sussex Erection of stable barn and (25m x 50m) manege including fencing, solar photovoltaic panels and muck heap.
<u>19/02999/FUL</u>	
Selsey Parish Case Officer: Martin Mew Written Representation	Hillfield House 4 Clayton Road Selsey Chichester West Sussex PO20 9DB Demolition of existing dwelling and the erection of 4 no. dwellings, 4 no. garage spaces and associated external works.
<u>* 20/01574/DOM</u>	
Selsey Parish Case Officer: Calum Thomas Householder Appeal	Park Cottage Park Road Selsey PO20 0PR Proposed single storey rear extension. Retrospective permission for outbuilding to provide ancillary accommodation and Jacuzzi shelter.

Reference/Procedure	Proposal
<u>20/02466/PLD</u>	
Selsey Parish Case Officer: Maria Tomlinson Written Representation	Ashbourne Residential Home Byways Selsey Chichester West Sussex PO20 0HY Use as a single dwelling within Use Class C3.
<u>20/01021/FUL</u>	
Sidlesham Parish Case Officer: Vicki Baker Written Representation	4 Cow Lane Sidlesham PO20 7LN Demolition of an existing agricultural storage building and the construction of 1 no. 3 bed 1.5 storey dwelling, ancillary to main dwelling.
<u>19/00259/CONBC</u>	
Sidlesham Parish Case Officer: Emma Kierans Informal Hearing 07-Sep-2021 EPH	Field South Of Green Lane Piggeries Ham Road Sidlesham West Sussex Appeal against non-compliance with the conditions of the appeal decision - temporary occupancy
<u>20/00032/FUL</u>	
Southbourne Parish Case Officer: Joanna Bell Written Representation	Gosden Green Nursery 112 Main Road Southbourne PO10 8AY Demolition of existing B8 and B1 buildings and erection of replacement buildings for a mix of B8 and B1 uses, with access, parking and landscaping.
<u>20/01053/FUL</u>	
Southbourne Parish Case Officer: Calum Thomas Written Representation	Mountain Ash 106 Main Road Southbourne PO10 8AY Erection of 1 no chalet bungalow.
<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.

Reference/Procedure	Proposal
<u>19/02136/FUL</u>	
West Wittering Parish Case Officer: Maria Tomlinson Written Representation	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.
<u>20/01200/FUL</u>	
West Wittering Parish Case Officer: Maria Tomlinson Written Representation	Seahaven West Strand West Wittering PO20 8AU Demolition of existing dwelling and construction of replacement dwelling.
<u>16/00251/CONBC</u>	
West Wittering Parish Case Officer: Steven Pattie Written Representation	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.
<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>20/00366/FUL</u>	
Westbourne Parish Case Officer: Maria Tomlinson Written Representation	Woodmancote Meadow Woodmancote Lane Westbourne West Sussex PO10 8RF Erection of a 1 no. 3 bedroom dwelling.
<u>13/00163/CONWST</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry 14-17, 21-22 September 21 Venue to be Confirmed	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex Appeal against WE/40, WE/41 and WE/42

4. VARIATIONS TO SECTION 106 AGREEMENTS

20/01903/OBG– Land North of Stane Street, Westhampnett, West Sussex.

The S106 agreement pursuant to the outline planning permissions for the Land North of Stane Street requires, amongst other things, the provision of sports pitches/pavilion and a green route. The S106 requires this infrastructure to be provided prior to occupation of the 200th dwelling.

The applicant has confirmed that due to delays and escalating costs resulting from the Covid-19 pandemic it is necessary to alter the 'trigger' to the occupation of the 225th dwelling. The applicant has confirmed, that based on the current programme, the proposed amendment would push the delivery of the sports provision and green route back by approximately 9 months. The Council's Divisional Manager for Growth and Place Spaces was consulted on the proposed amendment and raised no objection.

The proposal involves a minor delay to the provision of part of the development's supporting sport pitches/pavilion and green route, and in the circumstances the proposed revision to the 'delivery trigger' was considered acceptable. Accordingly, the applicant was advised in writing on the 17th February 2021 of the Council's agreement to the revised 'delivery trigger'.

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Land West of Birdham Farm, Birdham Road	Of 4 Enforcement Notices	Injunction granted by the High Court on 10/8/20 to: A) stop occupation of the land for residential use; B) remove all caravans; C) do not carry out any development without prior permission of the Council; D) clear & restore the land to its agricultural use. Deadlines in the above Injunction extended by Order of 7/1/21 because of Covid lockdown to 31/3/21 for A) & B) above and to 30/4/21 for D) above.

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage
Land South of The Stables, Hambrook	Of Enforcement Notice	Original First hearing adjourned by the court due to Covid restrictions to 30/7/21 at Brighton Magistrates' Court. All papers served on the Defendant.
West Ashling Road, West Ashling	Of Condition Notice	Original First hearing adjourned by the court due to Covid restrictions to 30/7/21 at Brighton Magistrates' Court. All papers served on the Defendant.
Land West of Newells Lane, West Ashling	Of Temporary Stop Notice	Original First hearing adjourned by the court due to Covid restrictions to 17/6/21 at Crawley Magistrates' Court. All papers served on the Defendant.

7. POLICY MATTERS