

Chichester District Council Planning Committee

Wednesday 09 June 2021

Report of the Director Of Planning and Environment Services Schedule of

Planning Appeals, Court and Policy Matters

between 14-04-2021 - 18-05-2021

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>* 20/01826/FUL</u>	
Chidham & Hambrook Parish Case Officer: Andrew Robbins Public Inquiry 01-Sep-2021 VIRTUAL	Land Adjoining A27 Scant Road West Hambrook Chidham West Sussex PO18 8UA Mixed use development comprising 118 dwellings (including 36 affordable dwellings), public open space, landscaping and associated works and a retail convenience store with community space above all accessed via Broad Road.

2. DECISIONS MADE

Reference/Procedure	Proposal
<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.
Appeal Decision: APPEAL WITHDRAWN	
<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.
Appeal Decision: APPEAL DISMISSED	
<p>“...The meaning of ‘use’ is provided in s336(1)1 however the concept of a material change of use is not defined in statute or statutory instrument. Nevertheless, for a material change of use to have occurred, there must be some significant difference in the character of the activities from what has occurred previously. Such considerations are a matter of fact and degree. That is reflected in the Planning Practice Guidance. I must consider whether overall, there would be a change in character in the use of the land. That consideration is required whether the effects, in planning terms, would be positive or negative. It is also clear that there would be a material change in the character of the use of the land. An 18-bedroom care home and all the comings and goings of staff, visitors, residents, deliveries and so on would, as a matter of fact and degree, be materially different to use as a single dwellinghouse for all the reasons argued by the appellant. Those reasons whilst all apparently positive from a planning perspective, still amount to a change of use in the character. ... the proposed change of use would be a material change of use that would require planning permission. ... For the reasons given above I conclude that the Council’s refusal to grant a certificate of lawful use or development in respect of use as a single dwelling within Use Class C3 was well-founded and that the appeal should fail.”</p>	

3. IN PROGRESS

Reference/Procedure	Proposal
<u>17/00362/CONMHC</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearing (The hearing on 08-Jun-2021 is postponed – alternative date TBC) 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. Linked to <u>17/00361/CONMHC</u> & <u>17/00356/CONMHC</u>
<u>17/00361/CONMHC</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearing (The hearing on 08-Jun-2021 is postponed – alternative date TBC) 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. Linked to <u>17/00362/CONMHC</u> & <u>17/00356/CONMHC</u>
<u>17/00356/CONMHC</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearing (The hearing on 08-Jun-2021 is postponed – alternative date TBC) 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. Linked to <u>17/00362/CONMHC</u> & <u>17/00361/CONMHC</u>
<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. Linked to <u>20/00380/CONTRV</u>

Reference/Procedure	Proposal
<u>20/00380/CONTRV</u>	
Chichester Parish Case Officer: Sue Payne Informl Hearing	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Appeal against creation of hardstandings and siting of mobile homes without planning permission. Linked to * <u>19/02579/FUL</u>
<u>* 20/00412/OUT</u>	
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>20/01235/FUL</u>	
Earnley Parish Case Officer: Maria Tomlinson Written Representation	111 Second Avenue Almodington Earnley PO20 7LF Erection of 1 no. dwelling - Alternative design to planning permission E/18/02530/FUL.
<u>20/02386/PA3Q</u>	
Earnley Parish Case Officer: Maria Tomlinson Written Representation	112 Second Avenue Batchmere Chichester West Sussex PO20 7LF Notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development.

Reference/Procedure	Proposal
<u>20/02993/FUL</u>	
Earnley Parish Case Officer: Maria Tomlinson Written Representation	The Shed Orchid Answers 113 Second Avenue Batchmere Chichester West Sussex PO20 7LF Replacement dwelling - amendments to design permitted under E/19/02956/FUL - to provide for 2 storey front extension.
<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>20/01980/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 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.

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. Linked to <u>20/00288/CONENG</u>
<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 Linked <u>20/00234/FUL</u>
<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
<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>* 20/01465/FUL</u>	
North Mundham Parish Case Officer: Martin Mew Written Representation	Land Adjacent To The Spinney Lagness Road Runcton West Sussex PO20 1LD Erection of 9 no. dwellings with access, landscaping and associated works
<u>19/02903/FUL</u>	
Plaistow And Ifold Parish Case Officer: William Price Written Representation	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.

Reference/Procedure	Proposal
<u>20/01448/FUL</u>	
Plaistow And Ifold Parish Case Officer: Dale Jones Written Representation	Land North Of Sparrowood Farm Dunsfold Road Plaistow West Sussex RH14 0QF Proposed agricultural barn.
<u>20/02178/DOM</u>	
Plaistow And Ifold Parish Case Officer: William Price Written Representation	Winkins Wood Farm Shillinglee Road Plaistow RH14 0PQ Extension and adaptation of northern wing including removal of conservatory and internal and external alterations. Linked to <u>20/02179/LBC</u>
<u>20/02179/LBC</u>	
Plaistow And Ifold Parish Case Officer: William Price Written Representation	Winkins Wood Farm Shillinglee Road Plaistow RH14 0PQ Extension and adaptation of northern wing including removal of conservatory and internal and external alterations. Linked to <u>20/02178/DOM</u>
<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.
<u>20/03159/PA3Q</u>	
Sidlesham Parish Case Officer: Maria Tomlinson Written Representation	Willowdene Nursery Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG Class Q (a) application for Prior Approval - change of use from agriculture to 1 no. large dwellinghouse (C3 Use Class).

Reference/Procedure	Proposal
<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.
<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. Linked to <u>16/00251/CONBC</u>
<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.

Reference/Procedure	Proposal
<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. Link to <u>19/02136/FUL</u>
<u>19/01985/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearing VIRTUAL	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>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.
Reference/Procedure	Proposal
<u>13/00163/CONWST</u>	
Westbourne Parish Case Officer: Shona Archer Public Enquiry 14-Sep-2021 Chichester Harbour Hotel	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex Appeal against WE/40, WE/41 and WE/42

Reference/Procedure	Proposal
<u>20/02824/OUT</u>	
Westhampnett Parish Case Officer: Andrew Robbins Public Enquiry 03-Aug-2021 Chichester City Council	Land Within The Westhampnett / North East Chichester Strategic Development Location (north Of Madgwick Lane) Chichester 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.

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 Farm	Enforcement Notices x 4	Original injunction obtained at the High Court on 10/8/20 to remove all caravans and all tracks, fixtures etc. Deadlines on the injunction were extended on 7/1/21 to 31 March and 30 April '21 due to the lockdown. This was by consent. New application by Defendants lodged to extend again to 30 June and 31 July. Waiting for the court's decision.

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.
Wildwood, 30 Southgate, Chichester	Of Conditions Enforcement Notice	Court date obtained for first hearing on 27 August 2021 at Brighton Magistrates' Court. Summons and evidence to be sent to Defendants, however court date already given to them.

7. POLICY MATTERS