

Chichester District Council Planning Committee

Wednesday 11 August 2021

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

between 17-06-2021 - 14-07-2021

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 |
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| <u>21/00785/DOM</u> | |
| Fishbourne Parish Case Officer: Alicia Snook Householder Appeal | Estoril Main Road Fishbourne PO18 AN - New vehicle access and garage. |
| <u>20/03130/FUL</u> | |
| Tangmere Parish Case Officer: William Price Written Representation | 17 Nettleton Avenue Tangmere PO20 2HZ – Change use of land from public amenity space to private garden and associated boundary treatment to side of private detached dwelling house. |

2. DECISIONS MADE

| Reference/Procedure | Proposal |
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| 20/02386/PA3Q | |
| <p>Earnley Parish Case Officer: Maria Tomlinson</p> <p>Written Representation</p> | <p>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.</p> |
| <p>Appeal Decision: APPEAL ALLOWED</p> | |
| <p>"The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (the 'Order') for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development at 112 Second Avenue, Batchmere, Chichester PO20 7LF in accordance with the application E/20/02386/PA3Q, dated 30 September 2020, and the details submitted with it..... The agricultural building is clad in cement corrugated sheeting on the roof and upper walls, above a concrete block wall, rendered on the outside. The external cladding is mounted on a steel frame. Access is gained through two large door openings. The building is enclosed on all four sides. For the conversion to a dwellinghouse, the existing steel frame, external walls and roof covering would be retained, with doors and windows inserted in the external elevations, some within existing openings and some within new openings. Internally, floor, wall and roof insulation would be installed, as would internal partitions to form the rooms, all of which would be supported by the existing steel frame and concrete base..... The insertion of windows and doors in the external elevations of the existing building necessary to light the new rooms, the installation of internal insulation including a new floor, and the construction of internal walls are all works that are consistent with paragraph Q.1(i) and the guidance. The application is accompanied by reports from an engineer¹ which state that the building is structurally sound, in good condition, and is able to bear the additional structural loads that the internal works, and insertion of doors and windows in the external elevations, would place on the building. Having regard to these reports and what I saw on my site visit, I have no reason to disagree with that assessment. The external cladding, while utilitarian in appearance, was in generally good condition. There were gaps between the cladding and blockwork walls, and between the walls and roof sheets at eaves level, but these could be filled without major changes to the appearance or function of the cladding. Similarly, openings could be cut out of the cement sheeting and doors and windows inserted and made weather tight using normal building techniques. In any case, paragraph Q.1(i) allows for the installation or replacement of windows, doors, roofs, and exterior walls where reasonably necessary for the building to function as a dwellinghouse. I acknowledge that the addition of insulation to the floor, walls and roof of the building, and construction of numerous internal partitions, would be extensive but would not in themselves be structural. They would not be freestanding or form a self-supporting shell, separate from that of the existing structure. They would be additions to the existing structure rather than its placement or rebuilding. I conclude that in this case the existing building is capable of conversion, the building operations proposed in the application are reasonably necessary to enable the building to be used as a dwellinghouse, and they do not amount to extensive rebuilding or the creation of a new building. Consequently, the use and associated works are permitted by Schedule 2, Part 3, Class Q of the Order. ...</p> | |

“Cost Decision- The appellant draws attention to the lack of technical evidence on the part of the Council to counteract the appellant’s structural engineer’s reports. The Council did criticise the condition of the existing building, describing it as poor and the steel frame as sporadic. However, the main thrust of the Council’s argument was based less around the structural integrity of the existing building, but rather whether it was suitable for conversion without requiring significant intervention, and whether the works proposed went beyond what was reasonably necessary to enable the building to be converted and in effect amounted to a new building. ... The Council acknowledged the structural engineer’s advice but nevertheless considered the works exceeded those which might reasonably be considered necessary for conversion, and provided a detailed justification for doing so in its case report and appeal statement. While I have found in favour of the appellant on this issue in the appeal, I accept that there are grounds for the Council’s argument, particularly having regard to the case law established by Hibbitt. The appellant has also drawn attention to the recent grant of costs against the Council in refusing another case for prior approval under Class Q2. I have read that decision and while I acknowledge that there are some similarities between the two cases, there are also differences in the form of the respective buildings and the works required to convert them to dwellinghouses. In that case the Inspector concluded that there was no evidence to support an argument that the proposed development amounted to a rebuild rather than a conversion, whereas in this case I consider there is at least some basis for that argument, and the Council set out evidence for its argument in its case report and appeal statement. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.”

| Reference/Procedure | Proposal |
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| <u>20/01465/FUL</u> | |
| <p>North Mundham Parish</p> <p>Case Officer: Luke Simpson</p> <p>Written Representation</p> | <p>Land Adjacent To The Spinney Lagness Road Runcton West Sussex PO20 1LD</p> <p>Erection of 9 no. dwellings with access, landscaping and associated works</p> |
| Appeal Decision: APPEAL DISMISSED | |
| <p>"... The Interim Policy Statement does not form part of the development plan, but it seeks to respond to the current situation by providing additional opportunities for housing development while retaining key planning principles and approaches to development. I consider the Interim Policy Statement to be an appropriate response to the lack of housing land supply, and I therefore give it weight in determining the appeal. ... The site ... is undeveloped, and its character is that of a rural parcel of land that forms part of the countryside. ... Although approximately half of the frontage on the south side of the road is taken up with the mature gardens of the two detached dwellings, these are isolated from the settlements by the intervening parcels of undeveloped land. These, together with the open land on the north side of the road, ensure that the two settlements are physically and visually separated. Development on the appeal site would erode the sense of separation between the settlements. It would introduce a built up frontage along Lagness Road across the width of the appeal site. The proposal was amended at the application stage to incorporate a landscaped frontage. While this would certainly be more in character with the area than a wall, the developed nature of the site would still be apparent in views along the new access drive and the height and proximity of buildings appearing above the landscaping on the road frontage. The proposed development on the site would also join the isolated dwellings to the settlement of Runcton, resulting in unbroken garden frontages along approximately three quarters of the south side of Lagness Road between the two settlements. This would reduce the perception of separation between the the villages. ... I consider the appeal proposal to be considerably more than just the development of a gap in an otherwise built up frontage, but rather the encroachment of a sizeable scheme into what is an important visual break between settlements. The Council has also criticised the layout for being too dense. In so far as the scheme makes an efficient use of land I do not raise objection to its density as a separate issue; rather it is the principle of development on the site that conflicts with the objective of preventing the actual or perceived coalescence of settlements. I am conscious that there was a difference of opinion between Planning Committee members and their officers who advised that, in their view, there would be no actual or perceived coalescence likely to arise from the development. For the reasons set out above, I disagree with that advice and consider that significant harm would be caused to the actual and perceived separation of settlements, as is considered to be the case by the Planning Committee. I conclude that the development would noticeably close the gap between the settlements of Runcton and North Mundham, and would therefore result in their coalescence causing harm to the character and appearance of the area. It would as a consequence conflict with criterion 3 of the Interim Policy Statement and also with policies 47 and 48 of the Local Plan, which require the individual identity of settlements, actual or perceived, to be maintained and the integrity of predominantly open and undeveloped land between settlements not be to undermined. For the reason given above, I do not</p> | |

Appeal Decision: APPEAL DISMISSED - continued

however consider the scheme to conflict with policy 33, which addresses various criteria including density. ... There is extant permission for a dwelling on the easternmost part of the site¹. As this part of the site lies within the settlement boundary of Runcton, different policy considerations apply to it in contrast to the remainder of the site. It does not therefore set a precedent for development on the larger part of the site. The proposal would accord with the criteria in the Interim Policy Statement other than criterion 3, although as these are necessary requirements for all new residential development, compliance with the other criteria is a neutral consideration in my decision. ... In this case the proposed development would conflict with the development plan when taken as a whole because of the erosion of the gap between settlements, which would undermine the separate identity of the two villages. ... Runcton and North Mundham are among the most closely spaced settlements in the District of Chichester. It is therefore all the more important that the limited space between them is protected to ensure their continued separate identities. Notwithstanding the need for additional housing land, I consider that in this instance the harm caused by closing the gap between the settlements would significantly and demonstrably outweigh the benefits. ..."

| Reference/Procedure | Proposal |
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| 20/01448/FUL | |
| 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. |
| Appeal Decision: APPEAL DISMISSED | |
| <p>" The appeal is dismissed. ... The evidence indicates that only the appeal site at Sparrowood Farm is owned by the appellant and they have informal agreements with landowners to farm the wider land. Whilst the evidence indicates that the appellants have farmed the wider land for a number of years, the informal nature of the lease agreements means that there is little certainty of the duration that the appellants can farm that land. Furthermore, it has not been demonstrated whether there are any existing buildings at or near to the other farms that could be used to accommodate the agricultural needs of the business. ... For the above reasons, I conclude that the proposed development would not be justified in this location and would therefore be contrary to Policies 2 and 45 of the Local Plan, the aims of which are set out above. ... I saw that new planting has been carried out along the edge of the public right of way, which would be of some benefit. However, this would take time to become established and given that it is a natural feature it cannot be relied upon in perpetuity to screen the development. ... However, the extent of screening would be reduced during months when vegetation is not in leaf and it would not adequately mitigate the visual impact that would arise from the scale of the proposed building. For the above reasons, I conclude that the proposal would cause significant harm to the character and appearance of the countryside. It would therefore conflict with Policies 45 and 48 of the Local Plan, which, amongst other things, require development proposals to protect the tranquil and rural character of the area; and recognise distinctive local landscape character, and sensitively contribute to its setting and quality. ... I conclude that the benefits of the proposal would not outweigh the adverse effects that I have identified. ..."</p> | |
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| Reference/Procedure | Proposal |
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| 20/03159/PA3Q | |
| <p>Sidlesham Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p> | <p>Willowdene Nursery Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG</p> <p>Class Q (a) application for Prior Approval - change of use from agriculture to 1 no. large dwellinghouse (C3 Use Class).</p> |
| Appeal Decision: APPEAL DISMISSED | |
| <p>"The appeal is dismissed.... In this instance, the proposed use would be contained within a structurally independent building within the existing glasshouse. It would be built on the existing concrete floor slab, but in all other respects would take no support from the frame of the glasshouse. Although glazing in the roof of the glasshouse would remain over the new structure, it would have its own roof, albeit according to the appellant not a watertight one. These structural aspects are confirmed in the structural report 2 accompanying the application, which notes that: 'The proposed dwelling will be formed by building partitions and ceilings within the existing structure and totally independent of it such that no additional load or support is applied. The proposed partitions and ceiling support only their own self weight plus insulation included to provide improved 'U' values'. In my view this does not amount to the conversion of the existing agricultural building in the sense of making use of it as a dwellinghouse, but rather the construction of a new building within it. The existing glasshouse would remain but it would play little part structurally or functionally in the construction of the new building, which would be freestanding and supporting its own weight. Whether the existing glasshouse is structurally sound is not an issue in this appeal; it is a matter of fact and degree that the existing frame of the glasshouse would play no part in supporting the new building. The appellant has argued that the proposed development amounts to a change of use only, and that no physical works requiring planning permission are required, as all building operations would be internal and would not therefore amount to development in themselves³. Paragraph 105 of the Planning Practice Guidance concludes by saying that: 'Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q'. I do not accept this argument. Section 55(2) of the Town and Country Planning Act 1990 provides that: 'the carrying out for the maintenance, improvement or other alteration of any building of works which (i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building' do not constitute development. However, the internal works proposed go far beyond the 'maintenance, improvement or other alteration' of the glasshouse; instead amounting to a freshly built building within it. For the reasons I have set out, I do not consider the appeal scheme to amount to a conversion of the existing building. ... I conclude that, because the proposed development would be a largely freestanding structure supporting its own weight, it would not amount to a conversion of the glasshouse. The development would therefore not fall within the scope of the permitted development right applicable under Schedule 2, Part 3, Class Q of the Order....</p> <p>"Cost Decision - ...As is demonstrated by my decision on the appeal, I consider the Council did have legitimate grounds to refuse the application and did not therefore behave unreasonably in opposing the proposal on the grounds that it did not fall within the terms of the permitted development right under Part Q. I am satisfied that the</p> | |

Appeal Decision: APPEAL DISMISSED - continued

reasons for refusal were concise and were backed up by further explanation in the case report and subsequent statement of case. The appellant draws attention to the lack of technical evidence on the part of the Council to counteract the appellant's structural engineer's report. However, the argument on this issue were based less around the structural integrity of the existing glasshouse, but rather whether the proposed works exceeded those that were reasonably necessary to enable the building to be converted. I consider the Council was entitled to advance such an argument and provided a well-reasoned justification for doing so in its appeal statement. The appellant has also argued that as the application was made only for a change of use under Class Q(a) and not use and operational development under Class Q(b), the question of whether prior approval should be granted under paragraph Q.2(1)(f) does not arise. For the reasons set out in its appeal statement, the Council did not agree that would be the case. Given my conclusion on the appeal, I have not had to consider this particular issue but if I had done so then it would have been necessary for me to consider the arguments that had been put by both sides. I therefore do not consider it was unreasonable for the Council to address the issue. Lastly, the appellant has criticised the Council for being inconsistent in its decision making. For the reasons set out in the appeal decision, I consider this case can be distinguished from the others on the differences between them. The Council has also made it clear that its judgement on Class Q cases (and predecessor Class MB cases) has evolved over time in response to case law and revised national planning guidance. I therefore do not accept it has been inconsistent in its approach to the appeal scheme having regard to the current context. Based on the evidence before me I find that the Council has not acted unreasonably and has provided clear and justified reasons as to why it reached its decision on the application"

| Reference/Procedure | Proposal |
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| 20/01053/FUL | |
| <p>Southbourne Parish</p> <p>Case Officer: Calum Thomas</p> <p>Written Representation</p> | <p>Mountain Ash 106 Main Road Southbourne PO10 8AY</p> <p>Erection of 1 no chalet bungalow.</p> |
| Appeal Decision: APPEAL DISMISSED | |
| <p>" The appeal is dismissed. ... there would be an increase in the total nitrogen load compared to the existing site use. A treatment plant and reedbed is proposed to address this, which would be installed adjacent to the side boundary of the site. ... this would evolve the scheme. I cannot be certain that interested parties, including neighbouring occupants, were aware of this change as it only emerged at appeal stage. The proposed plant1 does have the potential to affect them, so their interests would be prejudiced were my decision to be based on this information. I have therefore disregarded this change and dealt with the appeal based on the scheme considered by the Council. The effect on the character and appearance of the area; and on the water quality within Chichester Harbour with particular regard to nitrates. <i>Character and Appearance</i> - The site currently comprises various single storey outbuildings ... characterised by larger open fields with scattered vegetation including various mature trees. The existing outbuildings on the site are low rise structures that are visually subservient to the row of buildings that face Main Road. By contrast, the new building has been designed to broadly replicate the bulk, scale and mass of the houses that face the street. Consequently, this would not be a visually subservient structure. It would stand out due to its two-storey height, appearing as a very noticeable departure from the prevailing linear pattern of development along this part of Main Road. Because of its size it would overwhelm its immediate surroundings, including other nearby garden buildings associated with neighbouring properties. It would appear out of place in the prevailing residential garden environment. The driveway already exists, the intensification would be insignificant. They would not detract from the character or residential amenity. The acoustic fencing would not detract from the spacious and verdant character of the area or otherwise lead to an unacceptable or unexpected sense of enclosure. ... In conclusion the size and height of the proposed building, in combination with its siting, means that there would be an unacceptable effect on the character and appearance of the area. ... In this respect the proposal conflicts with policies 33 and 47 of the Chichester Local Plan which, amongst other things, seeks to achieve good design that respects the local character. The proposal also conflicts with the Chichester District Council Interim Policy Statement for Housing Development, to the extent that it shares similar objectives to the development plan policies identified above. I attach significant weight to the harm that would arise to the character and appearance of the area, as a consequence of this development. <i>Nitrates</i> - The site is close to Chichester Harbour. The Council maintain that the additional housing development proposed would have a negative impact on the level of nitrates entering this area of water, which is a point that the appellants does not dispute. In the absence of any mitigation, the proposal would be likely to adversely affect the water quality in this area. The issue cannot be overcome by planning condition. ... the National Planning Policy Framework places a strong emphasis on conserving the natural environment, and the proposal in the form before me would fail to do this. there would be an unacceptable effect on the water quality within Chichester Harbour with particular regard to nitrates. ... The proposal would provide an</p> | |

Appeal Decision: APPEAL DISMISSED - continued

additional house in a built up area in good proximity to existing services, and in doing so accords with other parts of the Development Plan that seek to encourage such development. However, there would be unacceptable harm to the character and appearance of the area. ..the lack of a 5 year housing land supply. ... Consequently the National Planning Policy Framework (the Framework), ... the presumption in favour of sustainable development, as set out in paragraph 11 d) of the Framework is engaged. The single ... house would address the established housing shortfall and would have achieved economic and social benefits including through construction activity. Such development is encouraged in the Framework. ... However, the proposal would relate poorly to its built surroundings due primarily to its excessive size. ... Overall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. ..."

3. IN PROGRESS

| Reference/Procedure | Proposal |
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| <u>17/00361/CONMHC</u> | |
| Birdham Parish Case Officer: Shona Archer Informal Hearings Awaiting date 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>17/00356/CONMHC</u> | |
| Birdham Parish Case Officer: Shona Archer Informal Hearings Awaiting date 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>17/00362/CONMHC</u> | |
| Birdham Parish Case Officer: Shona Archer Informal Hearings Awaiting date 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>* 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>20/02009/FUL</u> | |
| Chichester Parish Case Officer: Martin Mew Informal Hearings VIRTUAL | 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). |

| Reference/Procedure | Proposal |
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| <u>20/00380/CONTRV</u> | |
| Chichester Parish Case Officer: Sue Payne Informal Hearings | 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 | |
| <u>* 20/00412/OUT</u> | |
| Chidham & Hambrook Parish Case Officer: Joanna Bell Informal Hearings | 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. |
| Reference/Procedure | |
| Proposal | |
| <u>* 20/01826/FUL</u> | |
| Chidham & Hambrook Parish Case Officer: Andrew Robbins Public Inquiry 01-Sep-2021 VIRTUAL | Land Adjoining A27Scant 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. |
| Reference/Procedure | |
| Proposal | |
| <u>19/02493/OUT</u> | |
| Earnley Parish Case Officer: Jeremy Bushell Informal Hearings | 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 |

| Reference/Procedure | Proposal |
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| <u>20/01235/FUL</u> | |
| <p>Earnley Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p> | <p>111 Second Avenue Almodington Earnley PO20 7LF</p> <p>Erection of 1 no. dwelling - Alternative design to planning permission E/18/02530/FUL.</p> |
| <u>20/02993/FUL</u> | |
| <p>Earnley Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p> | <p>The Shed Orchid Answers 113 Second Avenue Batchmere Chichester West Sussex PO20 7LF</p> <p>Replacement dwelling - amendments to design permitted under E/19/02956/FUL - to provide for 2 storey front extension.</p> |
| <u>20/01980/FUL</u> | |
| <p>Fishbourne Parish</p> <p>Case Officer: Calum Thomas</p> <p>Written Representation</p> | <p>Parking Area South Of Black Boy Court Main Road Fishbourne West Sussex</p> <p>Extension and change use of roofspace to habitable accommodation over carport to create single dwellinghouse.</p> |
| <u>20/02303/FUL</u> | |
| <p>Fishbourne Parish</p> <p>Case Officer: Jane Thatcher</p> <p>Written Representation</p> | <p>Land At Bethwines Farm And South Of Ivy Lodge Blackboy Lane Fishbourne West Sussex</p> <p>Construction of 35 no. affordable residential dwellings for first-time buyers with associated access, parking, landscaping and associated infrastructure.</p> |
| <u>* 19/00445/FUL</u> | |
| <p>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</p> <p>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 |
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| <u>19/02939/FUL</u> | |
| Funtington Parish Case Officer: Calum Thomas Written Representation | <p>Old Allotment Site Newells Lane West Ashling West Sussex</p> <p>Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding.</p> |
| <u>20/00234/FUL</u> | |
| Funtington Parish Case Officer: Calum Thomas Informal Hearings | <p>Land West Of Newells Lane West Ashling PO18 8DD</p> <p>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.</p> |
| <u>20/00950/FUL</u> | |
| Funtington Parish Case Officer: Calum Thomas Written Representation | <p>Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex</p> <p>Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding and associated landscaping.</p> |
| <u>20/00956/FUL</u> | |
| Funtington Parish Case Officer: William Price Informal Hearings | <p>Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex</p> <p>Change use of land to residential for the stationing of caravans for Gypsy Travellers including stable, associated infrastructure and development.</p> |
| <u>18/00323/CONHI</u> | |
| Funtington Parish Case Officer: Sue Payne Written Representation | <p>West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ</p> <p>Appeal against HH/22</p> |

| Reference/Procedure | Proposal |
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| <u>20/00288/CONENG</u> | |
| Funtington Parish Case Officer: Tara Lang Informal Hearings | Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD Appeal against Enforcement Notice FU/77 |
| <u>20/00109/CONTRV</u> | |
| Funtington Parish Case Officer: Shona Archer Informal Hearings | Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex Appeal against Enforcement Notice FU/80 |
| <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>20/00400/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>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>20/02178/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. |

| Reference/Procedure | Proposal |
|---|--|
| <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. |
| <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>* 19/03112/FUL</u> | |
| Sidlesham Parish Case Officer: Calum Thomas Informal Hearings | 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: William Price Informal Hearings | 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. |

| Reference/Procedure | Proposal |
|---|---|
| <u>21/00397/DOM</u> | |
| Sidlesham Parish Case Officer: Alicia Snook Householder Appeal | Willow House (formerly Yeomans) Mill Lane Sidlesham Chichester West Sussex PO20 7NA Raised roof and installation of dormers to create habitable accommodation, ground floor front extension and front porch. |
| <u>19/00259/CONBC</u> | |
| Sidlesham Parish Case Officer: Emma Kierans Informal Hearings 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>20/02077/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>19/01985/FUL</u> | |
| Westbourne Parish Case Officer: Calum Thomas Informal Hearings 07-Sep-2021 VIRTU | 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. |

| Reference/Procedure | Proposal |
|---|--|
| <u>19/03206/FUL</u> | |
| Westbourne Parish Case Officer: Jane Thatcher Written Representation | Unit 2, Ten Acres Cemetery LaneWoodmancoteWestbournePO10 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 Hearings 07-Sep-2021 VIRTUAL | 4 The Paddocks Common Road Hambrook Westbourne Chichester West Sussex PO18 8UP Appeal against WE/49 |
| Reference/Procedure | Proposal |
| Westbourne Parish Case Officer: Shona Archer Public Inquiry 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 |
| <u>20/02824/OUT</u> | |
| Westhampnett Parish Case Officer: Andrew Robbins Public Inquiry 03-Aug-2021 VIRTUAL | 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

WR/21/00141/OBG: Land East of Winterfold, Durbans Road, Wisborough Green, West Sussex

The proposed amendments to the S.106 agreement sought to vary the tenure of the 6 affordable units. The S106 was previously subject to another deed of variation under 18/02678/OBG which varied the affordable units to shared equity. The Housing Delivery Team has been in continuous discussions with the applicant and proposed registered provider, St Arthur Homes, over the delivery of these dwellings since May 2020. The original deed of variation was drafted to suit the previously involved housing association, whose focus was to deliver shared equity dwellings. Due to unforeseen circumstances, namely Coronavirus, the previous association pulled out of negotiations which has resulted in St Arthur Homes entering in to an agreement with the applicant to deliver 6 shared ownership units. Many of the clauses contained within the agreement are not relevant to the delivery of shared ownership. The Council's Housing Delivery Team is supportive of the variation of tenure as this will arguably provide more affordable home ownership accommodation to first time buyers seeking to live within Wisborough Green Parish. Purchasers can purchase the property between 25-75% of the open market value with rent due on the unsold equity. As the amendments would remove the restriction on title, statutory declaration and certificate of compliance, the Housing Delivery Team require a nominations agreement to be completed. This will ensure that first sales and subsequent sales are provided to households who have a local connection to Chichester District.

CDC Housing supports the proposed changes. The S.106 deed of variations were completed on 30th June 2021.

5. CALLED-IN APPLICATIONS

| Reference | Proposal | Stage |
|-----------|----------|-------|
| None | | |

6. COURT AND OTHER MATTERS

| Injunctions | | |
|--------------|--------------------------|---|
| Site | Breach | Stage |
| Birdham Farm | Of 3 Enforcement Notices | Injunction granted by the High Court on 10 August 2020. Defendants obtained a 1 st extension to the deadlines on 7 January 2021 and subsequently applied for a second extension of the deadlines. Court is still considering this with proposed new deadlines of 30 June and 31 July 2021. |

| High Court Matters | | |
|--|--|---|
| Site | Matter | Stage |
| Plot A, Land north of Premier Business Centre, Birdham | Application for a Judicial Review of the Council's decision to decline to determine application ref. BI/21/00977/FUL | Proceedings issued on 22 nd June 2021. CDC's acknowledgement of service and summary grounds of defence filed on 9 th July 2021. |
| Hundredsteddle Farm, Hundredsteddle Lane, Birdham | Council's challenge of PINS decision letter and costs letter both dated 25 th March 2021. | Proceedings issued on 5 th July 2021 and draft Consent Order signed by all parties included. |

| Prosecutions | | |
|-----------------------------------|-----------------------|---|
| Site | Breach | Stage |
| Wildwood Restaurant, 30 Southgate | Of Enforcement Notice | 1 st Court hearing on 27 August at Brighton Magistrates' Court. Summons and evidence sent to all 4 Defendants (New planning application currently being considered by department) |
| Land South of The Stables | Of Enforcement Notice | 1 st Court hearing on 30 July at Brighton Magistrates' Court after some adjournments by the court due to Covid. Summons and evidence sent to the defendant. Department requested an adjournment as defendant has lodged a valid appeal to the refusal of planning permission. |
| 3 West Ashling | Of Condition Notice | 1 st Court hearing on 30 July at Brighton Magistrates' Court after some adjournments by the court due to Covid. Summons and evidence sent to the defendant. |

| Prosecutions | | |
|---------------------------|--------------------------|--|
| Site | Breach | Stage |
| Land West of Newells Lane | Of Temporary Stop Notice | 1 st court hearing at Crawley Magistrates' Court on 17 June. Defendant pleaded Not Guilty on the basis that he was not the owner of the land in question at the time of the breach. Land Registry says otherwise, still. Matter adjourned for trial on 13 October 2021. Two officers to attend and give evidence. |
| | | |

7. POLICY MATTERS

None