

Chichester District Council Planning Committee

Wednesday 06 October 2021

Report of the Director Of Planning and Environment Services Schedule of Planning

Appeals, Court and Policy Matters

between 19-08-2021 - 17-09-2021

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>21/01237/DOM</u>	
East Wittering And Bracklesham Parish Case Officer: Maria Tomlinson Householder Appeal	19 Seafeld Close East Wittering PO20 8DP Demolition of rear conservatory for a rear two-storey pitched roof and single-storey flat roof extensions.
<u>21/01920/PA16A</u>	
East Wittering And Bracklesham Parish Case Officer: Calum Thomas Written Representation	Car Park Northern Crescent East Wittering West Sussex Proposed 15.0m Phase 8 monopole C/W wrapround cabinet at base and associated ancillary works.

Reference/Procedure	Proposal
<u>21/00038/CONMHC</u>	
Sidlesham Parish Case Officer: Sue Payne Written Representation	Land To The East Of Ivy Grange Keynor Lane Sidlesham West Sussex Appeal against

2. DECISIONS MADE

Reference/Procedure	Proposal
20/02178/DOM	
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.
Appeal Decision: APPEAL DISMISSED	
<p>“...The main issue is whether the scheme would preserve a Grade II listed building, or any of the features of special architectural or historic interest that it possesses. The scheme relates to Winkins Wood Farm, which is a Grade II listed building. Insofar as it is relevant to this appeal, the special interest and significance of the listed building resides in its C17th or earlier origin, its timber framed front range with C19th extension to the rear, and its historic function as a farmhouse. Modern extensions previously added to the rear of the historic farmhouse have roughly doubled the size of the building footprint. However, whilst the width of the extension is markedly less than that of the front range, and its height is generally no greater, its depth, scale and form cause it to appear like a second attached dwelling. Its relationship with the historic farmhouse cannot therefore be considered 'subservient' Perception clearly changes moving around the building, with the extension increasingly dominating the view. This in turn increasingly detracts from appreciation of the significance of the listed building. The scheme would see the conservatory and much of the 1980s extension effectively replaced by a new structure. The resulting loss of modern fabric would not give rise to any harm. Nor would any historic fabric be lost. In this regard the issue is whether the replacement structure would itself be appropriate. The scheme would see the overall footprint, scale and massing of modern additions each significantly increased. This would be a product of the greater depth and width of the new structure; the replacement of the conservatory across most of its footprint with built form standing at 1.5 storeys; and the introduction of a far more substantial roof form at the northeast end of the building. The increased height and massing of the replacement structure would however substantially increase the physical and visual presence of modern built form on the southeast side of the building. This would again see movement away from the simpler compact lines of the 1980s extension, so exacerbating the adverse visual effects which arise from the current projection of the conservatory from the southeast elevation. The result would again be more substantial encroachment on views of the main range from the south, and increased visual competition between modern and historic components of the building. The adverse effects would be far more substantial than those which arise from the current conservatory. The benefits of removing the conservatory would therefore be outweighed by the harm that the replacement structure would cause. In view of the above, the already strained balance between the historic building and modern additions would be tipped well in favour of the latter. As appreciation of the identity, prominence and historic status of the listed building would be far more greatly undermined than it is at present, it is clear that the scheme would fail to better reveal the significance of the listed building. For the reasons outlined above I conclude that the scheme would not preserve the special</p>	

Reference/Procedure	Proposal
Appeal Decision: APPEAL DISMISSED – Continued	
<p>architectural or historic interest of the listed building. In relation to Appeal A it would therefore conflict with Policy 47 of the Chichester Local Plan 2014-2029, which states that planning permission will be granted where it can be demonstrated that a proposal conserves and enhances the special interest of designated heritage assets. With regard to both Appeal A and Appeal B, the scheme would otherwise fail to satisfy the requirements of the Act, and heritage policy set out within the Framework...”</p>	
<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.
Appeal Decision: APPEAL DISMISSED	
As Above	

Reference/Procedure	Proposal
21/00397/DOM	
<p>Sidlesham Parish</p> <p>Case Officer: Alicia Snook</p> <p>Householder Appeal</p>	<p>Willow House (formerly Yeomans) Mill Lane Sidlesham Chichester West Sussex PO20 7NA</p> <p>Raised roof and installation of dormers to create habitable accommodation, ground floor front extension and front porch.</p>
Appeal Decision: APPEAL DISMISSED	
<p>“... The appeal is dismissed. Character and appearance of the surrounding area, Living conditions of the occupiers of The Stables and Johnsons Cottage regarding outlook. The compact 2-storey gable-roofed part of Johnsons Cottage is a prominent feature that marks the south east end of the western part of the historic settlement in many views including those across the quay. The much wider appeal dwelling lies some way beyond it to the south east, but its low profile form sustains the important mainly open rural character within the immediate setting of the Conservation Area. The proposal would include a front extension that would make the appeal dwelling deeper, and the proposed upper floor partly within its gabled roofspace lit by dormers would greatly increase its scale and bulk. Consequently, the proposal would unacceptably erode the open character of the countryside. The increased scale and bulk of the appeal dwelling would also make it much more prominent. Because of its siting beyond the 2-storey part of Johnsons Cottage, and further from Mill Lane, the proposal would diminish the legibility of the historic development pattern, so this development within its setting would harm the significance of the Conservation Area. Whilst the ‘cottage style’ extensions are intended to respect the rural context, there would be almost no public benefits, so they would not outweigh the ‘less than substantial harm’ that the proposal would cause. Moreover, there is insufficient clear and convincing justification to show that the proposal within its setting would be necessary to preserve or enhance the significance of the Conservation Area. The extended dwelling including its taller gabled front outshoot would be seen over the boundary wall from the south east facing windows at The Stables and from its courtyard, and its tall gable end and nearby dormers would be seen beyond the nearby garden at Johnsons Cottage. However, due to the relationships between the extended dwelling and the neighbouring dwellings and their grounds, the proposal would not be so overbearing or so oppressive that it would unacceptably harm the neighbouring occupiers’ living conditions. It would satisfy LP Policy 33 which seeks a high quality living environment. The appellant’s Flood Risk Assessment explains that the upper floor of the proposal would provide a safe refuge for the occupiers in the event of flooding. However, as the proposal would not be the only means to achieve that aim, it would not outweigh the harm that the proposal would cause...”</p>	

3. IN PROGRESS

Reference/Procedure	Proposal
<u>17/00361/CONMHC</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearings	Plot 13 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Without planning permission, change of use of the Land to the storage of a caravan and a diesel fuel oil tank.
<u>17/00362/CONMHC</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearings	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 Hearings	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>* 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 HEARING	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
<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.
* <u>20/00412/OUT</u>	
Chidham & Hambrook Parish Case Officer: Andrew Robbins Informal Hearings 23-Nov-2021 Chichester Harbour Hotel at 10 am	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>20/01826/FUL</u>	
Chidham & Hambrook Parish Case Officer: Andrew Robbins Public Enquiry 01-Sep-2021 VIRTUAL HEARING	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.
<u>20/03378/OUT</u>	
Chidham & Hambrook Parish Case Officer: Andrew Robbins Informal Hearings 23-Nov-2021 Chichester Harbour Hotel at 10 am	Land At Flat Farm Hambrook West Sussex PO18 8FT Outline Planning Permission With Some Matters Reserved (Access) - Erection of 30 dwellings comprising 21 market and 9 affordable homes, access and associated works including the provision of swales.

Reference/Procedure	Proposal
<u>19/02493/OUT</u>	
<p>Earnley Parish</p> <p>Case Officer: Andrew Robbins</p> <p>Informal Hearings 13-Oct-2021</p> <p>Chichester Harbour Hotel at 10 am</p>	<p>Earnley Concourse Clappers Lane Earnley Chichester West Sussex PO20 7JN</p> <p>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</p>
<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>20/02714/DOM</u>	
<p>East Wittering And Bracklesham Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Householder Appeal</p>	<p>Sea Shanty Charlmead East Wittering PO20 8DN</p> <p>Insertion of 2 no. dormer windows.</p>
<u>21/00502/DOM</u>	
<p>East Wittering And Bracklesham Parish</p> <p>Case Officer: Alicia Snook</p> <p>Householder Appeal</p>	<p>2 Kestrel Close East Wittering PO20 8PQ</p> <p>To extend the height of the boundary fence to the road side of the bungalow from 1 metre high to 2 metres.</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>

Reference/Procedure	Proposal
<u>21/00785/DOM</u>	
Fishbourne Parish Case Officer: Alicia Snook Householder Appeal	Estoril Main Road Fishbourne PO18 8AN New vehicle access and garage.
<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>19/02939/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Written Representation	Old Allotment Site Newells Lane West Ashling West Sussex Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding.
<u>20/00234/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings	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.
<u>20/00534/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings	Land South Of The Stables Scant Road East Hambrook Funtington West Sussex Change of use of land to use as a residential caravan site for 2 no. gypsy families and construction of 2 no. ancillary amenity buildings, including the laying of hardstanding, erection of boundary wall.

Reference/Procedure	Proposal
<u>20/00950/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Written Representation	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding and associated landscaping.
<u>20/00956/FUL</u>	
Funtington Parish Case Officer: William Price Informal Hearings	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex Change use of land to residential for the stationing of caravans for Gypsy Travellers including stable, associated infrastructure and development.
<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>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>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 Enforcement Notices HN28 & 30

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>19/02999/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>21/00207/DOM</u>	
Selsey Parish Case Officer: Alicia Snook Householder Appeal	The Coach House 2 Manor Road Selsey PO20 0SD Replacement roof to existing outbuildings (retrospective).
<u>21/00218/DOM</u>	
Selsey Parish Case Officer: Alicia Snook Householder Appeal	8 Beach Road Selsey PO20 0LU Front two storey extension with pitched roof.
<u>19/03043/FUL</u>	
Sidlesham Parish Case Officer: Maria Tomlinson Informal Hearings	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).
<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).

Reference/Procedure	Proposal
<u>20/01389/FUL</u>	
Sidlesham Parish Case Officer: Vicki Baker Written Representation	Land North Of Swan Cottage Selsey Road Sidlesham West Sussex Erection of 2 storey dwelling, garage and vehicular access off Selsey Road.
<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.
<u>19/00259/CONBC</u>	
Sidlesham Parish Case Officer: Emma Kierans Informal Hearings	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.

Reference/Procedure	Proposal
<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>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.
<u>19/01985/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearings	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>* 20/00047/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Written Representation	Hopedene Common Road Hambrook Westbourne PO18 8UP Change use of land to a single private gypsy pitch with associated hardstanding and day room.

Reference/Procedure	Proposal
<u>13/00163/CONWST</u>	
Westbourne Parish Case Officer: Shona Archer Public Enquiry	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex Appeal against WE/40, WE/41 and WE/42
<u>19/00217/CONCOU</u>	
Westbourne Parish Case Officer: Steven Pattie Informal Hearings	4 The Paddocks Common Road Hambrook Westbourne Chichester West Sussex PO18 8UP Appeal against Enforcement Notice WE-49
<u>19/00107/CONMHC</u>	
Westbourne Parish Case Officer: Steven Pattie Written Representation	Jubilee Wood Bridle Lane Woodmancote Hambrook West Sussex Appeal against Enforcement Notices WE/50 and WE/51
<u>20/02824/OUT</u>	
Westhampnett Parish Case Officer: Andrew Robbins Public Enquiry	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

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

7. Injunctions		
Site	Breach	Stage
Land North West of Premier Park, Birdham Road	Breach of 4 Enforcement Notices	Injunction to vacate the land and restore it to agricultural use granted by the High Court on 10.8.20. Extension of deadlines granted on 7.1.21. New application lodged by Defendants on 28.4.21 not proceeded with by the Defendants as confirmed by The High Court. LPA has written to the remaining residents asking for their intentions and giving them 14 days to reply.

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage
Land South of The Stables, Newells Lane	Breach of Enforcement Notice	First hearing was on of 30.7.21. Council asked for an adjournment as an appeal against refusal of planning permission has been made by Defendant. Court provided new date: 25/11/21 at Crawley Magistrates' Court
Wildwood Restaurant, Chichester	Breach of Enforcement Notice	Proceedings withdrawn on 27 August in The Interest Of Justice. New Planning Permission and Listed Building Consent granted.
Land West of Newells Lane	Breach of a Temporary Stop Notice	Not Guilty plea entered on 17.6.21. Matter adjourned to trial at Horsham Magistrates' Court on 13.10.21.

8. POLICY MATTERS