

Chichester District Council Planning Committee

Wednesday 06 July 2022

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

Appeals, Court and Policy Matters

between 25-05-2022 - 17-06-2022

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>* 20/02066/OUT</u>	
Birdham Parish Case Officer: Jeremy Bushell Written Representation	Koolbergen, Kelly's Nurseries And Bellfield Nurseries Bell Lane Birdham Chichester West Sussex PO20 7HY Outline Application with all matters reserved apart from access for the erection of up to 73 dwellings, open space and associated works, Class E(g) employment floorspace and Class E(a) retail floorspace.
<u>21/03546/DOM</u>	
Funtington Parish Case Officer: Rebecca Perris Written Representation	Densworth House Funtington Road East Ashling Chichester West Sussex PO18 9AP Extension and change use of existing garage creating ancillary self-contained annexe.
<u>21/03639/DOM</u>	
Funtington Parish Case Officer: Rebecca Perris Written Representation	Densworth House Funtington Road East Ashling Chichester West Sussex PO18 9AP Change use of existing garage to habitable ancillary accommodation (annexe).

2. DECISIONS MADE

Reference/Procedure	Proposal
19/02493/OUT	
<p>Earnley Parish Case Officer: Andrew Robbins Informal Hearings</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>
<p>Appeal Decision: APPEAL ALLOWED</p>	
<p>"... The main issues in this appeal are:</p> <ul style="list-style-type: none"> • Whether the appeal site is an appropriate location for the proposed development, with reference to the spatial strategy in the development plan; • The effect of the proposal on the character and appearance of the area; • Whether the proposal would preserve or enhance the character or appearance of the Earnley Conservation Area (CA) and the effect on the setting of the CA; and • The effect of the proposed development on European sites. <p><i>The appropriateness of the location with reference to the spatial strategy</i> - the appeal scheme would be at odds with Policies 2, 45 and 46 when taken as a whole. It would therefore conflict with the spatial strategy in the development plan. In particular, the proposal would be at odds with the settlement hierarchy by being a disproportionate addition to the village of Earnley, which itself is a bottom tier settlement in the 'rest of the plan area'. This would harmfully undermine the consistency and direction that should flow from a genuinely plan led planning system. As a result, the appeal site is not an appropriate location for the proposed development with reference to the spatial strategy in the development plan. However, the weight I attach to the conflict is reduced because several of the underlying aims of the spatial strategy would not be offended, such as preventing coalescence, siting housing in locations accessible to services and facilities and conserving the environment. Overall, the policy conflict carries moderate weight.</p> <p><i>The effect of the proposal on the character and appearance of the area.</i> - the appeal site reads as part of the fabric of the village, albeit a generally alien one. The buildings also have a noticeable and harmful presence in the landscape in views from the south and east. The appeal scheme needs to be considered against this baseline. ... The illustrative scheme would therefore appear relatively cramped and suburban, and this would jar with the spacious rural character and appearance of the village. ... I share the view of the Council that the illustrative masterplan details a scheme that would have a greater adverse impact on the character and appearance of the area than what is currently on site. However, that is not what is proposed and is a failing of form rather than the</p>	

**Appeal Decision: APPEAL ALLOWED -
continued**

quantum. When considered in the context of the existing baseline of large and generally unattractive buildings, a proposal of up to 30 homes need not inherently fail to balance an efficient use ... Accordingly, the proposal could have a net neutral impact on the character and appearance of the area or perhaps even an enhancement. As a result, and subject to the reserved matters, the provision of 30 homes need not be at odds with Policies 33 and 48 of the LP, Paragraph 130 of the Framework or guidance in The National Design Guide ... *Whether the character or appearance of the CA would be preserved or enhanced* - the pavement would have a limited adverse impact on the rural character, appearance and significance of the CA. ... However, the appeal scheme would also result in some benefits to the CA. The proposal would see the white painted metal railings and brick piers at the entrance of Earnley Place removed. ... Overall, the appeal scheme would have a net negative effect of limited magnitude on the significance of the CA. *The effect on the setting of the CA* - Overall, the appeal scheme would not inherently increase the level of harm to the setting of the CA and therefore a conflict with Policy 47 of the LP in respect of this matter need not occur. *The effect on European sites - Appropriate Assessment* - ... In conclusion, the appeal scheme would not adversely affect the integrity of the Chichester and Langstone Harbours SPA and Ramsar site, Pagham Harbour SPA and Ramsar site, or any other European designated site when considered both alone and in combination with other plans and projects. Moreover, there will be no adverse effects on Medmerry Reserve either. The proposal would therefore adhere to Policies 49, 50, 51 and 52 of the LP, which seek to conserve biodiversity. ... The proposal would be at odds with the spatial strategy in the development plan. I have afforded this moderate weight for the reasons already given. The proposal would also result in some limited residual harm to the CA. The proposal would be at odds with the development plan taken as a whole. That said, the benefits of the proposal would outweigh the harm to the CA. In fact, on an ordinary untitled balance the benefits would be of sufficient force to outweigh the totality of harm identified. This is a material consideration that suggests the proposal should be determined otherwise than in accordance with the development plan. Accordingly, the appeal has been allowed."

Reference/Procedure	Proposal
21/00622/FUL	
<p>Sidlesham Parish Case Officer: Maria Tomlinson Written Representation</p>	<p>Land East Of 4 Cow Lane Sidlesham West Sussex PO20 7LN</p> <p>Detailed application for an alternative 1 no. 3 bed dwelling following approval of 19/02349/FUL.</p>
Appeal Decision: APPEAL DISMISSED	
<p>...The overall height increase of the proposed building may appear relatively limited, when compared with the previously permitted scheme. However, the ridge height increase would, in combination with the changes to the eaves height and shape of the roof, but also the proposed dormer windows to the front and rear elevations, give the building a top heavy and overly bulky appearance. This would result in an incongruous form of development, which would have a detrimental impact on the rural character and appearance of the site and its surroundings. Despite the screening provided by the existing vegetation, the harm associated with the proposal would nevertheless be evident within the public realm, particularly at times of the year when trees are not in leaf. My attention has been drawn to other LSA properties with mansard roofs which can be found elsewhere in the locality, but these are generally characterised by their more modest scale and simpler design, and the appeal scheme would fail to successfully replicate these characteristics. I have also had regard to the planning approval for alterations and extensions at no 3a Cow Lane, a LSA property with mansard roof. Whilst I have been provided with copies of the approved plans, I do not know the full circumstances of this case or the policies that applied at the time of the consideration of the application, and cannot be sure that a direct parallel can be drawn with the proposal before me. Limited weight is therefore afforded to this particular scheme...</p>	

Reference/Procedure	Proposal
<u>21/00089/FUL</u>	
<p>Southbourne Parish Case Officer: Maria Tomlinson Written Representation</p>	<p>Thornham Products Thornham Lane Southbourne PO10 8DD</p> <p>Retention of existing single mobile home on the land and to continued use for applicant's place of residence, following expiry of temporary period granted under condition 2 of SB/15/01837/FUL.</p>
Appeal Decision: APPEAL DISMISSED	
<p>“...Even though this would be for a temporary period, the development is not, for the reasons detailed above, situated in an accessible and sustainable location. It therefore fails to accord with the Council’s Spatial Strategy and Settlement Hierarchy and is contrary to LP Policies 1, 2 and 45 and the sustainable development objectives of the Framework. ... Having regard to the available information and in the absence of satisfactory evidence to the contrary, I conclude that the development is not suitably located, by reason of its vulnerability in flood risk terms. The appeal scheme is therefore contrary to LP Policy 42, but also the Framework (paragraphs 155-165) and the PPG on Flood risk and coastal change. These notably seek to avoid inappropriate development in areas at current or future flood risk, and to direct development away from areas of highest risk. ... the mobile home on the site constitutes an incongruous feature in the landscape, which detracts from the rural character of its surroundings. It represents an encroaching form of development in the countryside, which has a detrimental effect on the predominantly open and flat character of this part of the Chichester Harbour AONB. The harm is exacerbated by the forms of boundary treatment and mature vegetation enclosing the structure, but also the proliferation of domestic paraphernalia associated with the use for residential living, which are alien features bringing a cluttered character and appearance to the site. I share the concerns raised by the previous Inspector in respect of the open area sited to the rear of the mobile home, which is more typical of the rural character of the area and is visible from a public footpath to the rear of the site. As the appeal site boundary appears to include this area, the grant of permission would also include this area, thus enabling the possibility of domestic use which would cause further harm to the rural and open character of the area. ... the development adversely affects the character and appearance of the surrounding area, and fails to conserve and enhance the landscape and scenic beauty of the Chichester Harbour AONB, to which I ascribe great weight, in accordance with paragraph 176 of the Framework. The appeal scheme subsequently conflicts with LP Policy 43, which seeks to ensure that the natural beauty and locally distinctive features of the AONB are conserved and enhanced. ... As I am dismissing this appeal on other substantive grounds, these are not matters which need to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to explore the necessity for undertaking an Appropriate Assessment, to ensure the development’s compliance with Habitats Regulations. The Council is presently unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11d) of the Framework, as directed by Footnote 8, advises that the policies which are most important for determining the application are considered out-of-date, and planning permission should be granted. This presumption does not however apply where the application of policies in this Framework that protect areas or assets of</p>	

Appeal Decision: APPEAL DISMISSED

- continued

particular importance provides a clear reason for refusing the development proposed. As detailed in Footnote 6 to the Framework, such areas or assets of particular importance include land designated as an AONB and areas at risk of flooding or coastal change. The appeal scheme fails to conserve and enhance the landscape and scenic beauty in the Chichester Harbour AONB and is sited in area at risk of flooding. The policies of the Framework in these respects provide clear reasons for refusing the appeal scheme. The tilted balance set out in paragraph 11 of the Framework is therefore not engaged in this instance. Whilst I have found that the appeal scheme conflicts with the development plan, it is also necessary to consider whether the grant of a temporary or personal permission would be justified in this instance. A number of considerations have been brought to my attention in favour of the development and in particular, I have therefore had due regard to the personal circumstances of the appellants. As part of the previous appeal, the Inspector identified conflicts with the development plan but nevertheless granted planning permission on a temporary basis for three years to give the appellants sufficient time to find an alternative location or accommodation. In her decision, the Inspector referred to the PPG⁵, which states that it will rarely be justifiable to grant a second temporary permission. The rights of the appellants under the Human Rights Act 1998 is an important consideration. The dismissal of the appeal would in all likelihood lead to the loss of the appeal site's use for the stationing of the mobile home. The appellants' submissions include information to demonstrate that they have been unsuccessful in their attempts to acquire a property or find rented accommodation elsewhere. However, I have only been presented with one letter from a lettings agent. Moreover, and though rental prices may be high in the area, it remains unclear whether, having regard to the available evidence, a wider search area has been considered, where accommodation may be more affordable. ... Another temporary permission or the imposition of a personal condition, which would limit the duration of the permission to the period required by the appellants, would unacceptably prolong the harm caused by the development and risks associated with it. Whilst I have given due consideration to the personal circumstances of the appellants, these are outweighed by the harms which I have identified. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed."

Reference/Procedure	Proposal
<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 WE/51
Appeal Decision: APPEAL DISMISSED	
<p>...Summary of Decisions: the appeals are dismissed and the enforcement notice upheld Appeals A, B, C and D comprise the same grounds of appeal lodged by different Appellants. The appeals concern an Enforcement Notice (EN1) which cites the alleged breach of planning control as without planning permission the material change of use of the land to use as a residential caravan/mobile home site. Ground (c) appeals. This ground of appeal is that the matters alleged do not constitute a breach of planning control. From my inspection and all written submissions I conclude that there has been a material change of use of the land to use as a residential caravan/mobile home site. There is no planning permission in place for this change of use and there is no evidence before me that the current use is ancillary to the authorised forestry use of the land or benefits from permitted development rights and so I conclude that a breach of planning control has occurred. For the reasons given above I conclude that Appeals A,B,C and D should not succeed on ground (c).Appeals E, F, G and H comprise the same grounds of appeal lodged by different Appellants. The appeals concern an Enforcement Notice (EN2) which cites the alleged breach of planning control as without planning permission the material change of use of the land to a use for recreational purposes. As a matter of fact and degree on the evidence before me I conclude that a change of use from forestry to recreational use has occurred. There is no planning permission in place for this and there is no evidence before me that it is ancillary to the authorised forestry use of the land or benefits from permitted development rights and so I conclude that a breach of planning control has occurred. For the reasons given above I conclude that Appeals E,F,G and H should not succeed on ground (c).Ground (d) appeals. The main issue is whether the wheeled metal carriage enforced against is immune from enforcement. The Appellants argue that the wheeled metal carriage is lawful because it has been on the site for over ten years. The onus of proof rests on the Appellants and they say that they have images of the carriage dated about 7 years ago. But these are not before me in evidence. I cannot conclude on the evidence before me that the wheeled metal carriage is immune from enforcement action. Taking all of the evidence into account, I consider that on the balance of probability the wheeled metal carriage facilitates the unauthorised change of use. Regardless of whether or not on its own it might constitute development or be immune from enforcement it facilitates the unauthorised use and its removal satisfied the purpose of the notice in restoring the land to its condition before the breach of planning control took place. The appeals on ground (d) therefore fail and the enforcement notice is upheld...</p>	

Reference/Procedure	Proposal
19/00107/CONMHC	
Westbourne Parish Case Officer: Steven Pattie Written Representation	Jubilee Wood Bridle Lane Woodmancote Hambrook West Sussex Appeal against Enforcement Notices WE/50 WE/51
Appeal Decision: APPEAL DISMISSED	
As above	

Reference/Procedure	Proposal
20/02824/OUT	
<p>Westhampnett Parish Case Officer: Andrew Robbins Public Inquiry</p>	<p>Land Within The Westhampnett / North East Chichester Strategic Development Location (north Of Madgwick Lane) Chichester</p> <p>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.</p>
Appeal Decision: APPEAL ALLOWED	
<p>"...The appeal is allowed ... the main issues were agreed as:</p> <ul style="list-style-type: none"> • whether or not the appeal site is an appropriate location for development of this type, particularly with regard to the wider masterplanning for the Westhampnett/North East Chichester Strategic Development Location (SDL), physical integration with the existing settlements of Chichester and Westhampnett, and reliance on the car by future occupiers; • the effect of the proposed development on the character and appearance of the area, particularly with regard to the Lavant Valley landscape and visual integration with the existing settlements of Chichester and Westhampnett; • the effect of the proposed development on the special interest of the nearby listed buildings, in particular Old Place Farmhouse and Chichester cathedral, with regard to the effect on their settings; • whether or not the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to noise from the aerodrome and motor circuit; and, • whether or not the proposed development would create potential future risks to the operation of the aerodrome and/or motor racing circuit, including with regard to the efficient operation of the highway network in the vicinity of the appeal site with regard to events traffic related to major events at the motor racing circuit. ... <p>Location/principle - Overall, whilst future occupiers would not be overly reliant on the private car to access the services and facilities that would be required on a daily basis, the development proposed would be separated from the immediately adjoining built up areas, and would conflict with the approach to masterplanning of the SDL. The proposal would therefore conflict with the relevant parts of Policies 7, 17 and 33 of the LP in these respects. The proposal fails to comply with Policy AL4 of the emerging LP, which largely reflects Policy 17 of the LP. The proposal also conflicts with Criterion 1 of the Interim Position Statement for Housing Development, November 2020 (the IPS), which is with regard to the integration of housing development with existing settlements. Character and appearance - Although the appeal site itself is open agricultural land, it sits near to significant built form on the edge of Chichester and the village of Westhampnett which is, particularly following the construction of Phase 2, effectively joined-up to Chichester. ... The character of the area is of an edge of</p>	

**Appeal Decision: APPEAL ALLOWED -
continued**

settlement, transitional area leading outwards from Chichester, but with the circuit nearby to the north rather than significant areas of open countryside. ... There would be some harm to the landscape character of the area through the loss of the existing agricultural land and replacement with a residential development, whatever its eventual precise layout and form following consideration of reserved matters. This would negatively alter the character of the appeal site by the introduction of built form and lighting to what is currently tranquil, agricultural land. However, as set out above, the appeal site is on the edge of the built-up area of Chichester and Westhampnett, and the motor racing circuit, a large built-up facility, lies to the north. ... A new northern boundary to Chichester would be created, likely with fairly significant landscaping and/or built form. However, there needs to be a northern boundary to Chichester at some point, and I do not see moving this slightly further forward from its current position as being unduly harmful to the character and landscape of the area, ... To the east, the proposed open space would eventually be seen as in the middle of the existing development to the east of Madgwick Lane and the proposed development, albeit divorced to a degree by the road and associated hedgerow, rather than as a ring around the proposed development in isolation. ... Overall, the proposal would harm the character and appearance of the area and the Lavant Valley landscape. I judge the level of harm to be moderate, because of the existing transitional, edge-of-settlement character of the immediate surroundings and the partially mitigating factors set out above. The proposal would therefore fail to comply with Policies 7, 17 and 48 of the LP, which, amongst other criteria, require high quality design and to protect local landscape character. The proposal fails to comply with Policy AL4 of the emerging LP, which largely reflects Policy 17 of the LP. The proposal also conflicts with Criteria 1 and 5 of the IPS which relate to the integration of housing development with existing settlements and landscape character. ... that the appeal site is barely discernible from the key viewpoints in the SDNP. The proposal would therefore have a negligible effect on the landscape and scenic beauty of the SDNP, ... Heritage - To the east of the appeal site lies the grade II Listed Old Place Farmhouse and its curtilage listed outbuildings and immediate grounds. ... However, this setting has already been partially eroded through the Phase 2 development to the east, various elements of further development on the outskirts of Chichester to the south and west, and the motor racing circuit further to the north. Nevertheless, the proposed development would place substantial built form on agricultural land historically associated with the farmhouse. ... The proposal would therefore further erode the setting of the historic complex, I assess this level of harm to be at the lower end of less than substantial. ... Living conditions of future occupiers - noise - There are two principal sources of noise that would affect the future occupiers – Goodwood Aerodrome, split into fixed-wing and helicopter movements, and Goodwood Motor Circuit. ... Noise contours confirm that the appeal site would be the subject of an overall noise profile of 48 to 51 dB LAeq 16 hour on a typical summers day, ie when the aerodrome is most busy and noisy. This is a very similar noise profile to that affecting both Phase 1 and Phase 2, which is perhaps to be expected given that all three sites are a similar distance from the aerodrome. The three sites are to the south east, south and south west of the aerodrome. The prevailing wind is from the south west and therefore blowing away from all of these sites. Therefore, all of the appeal site, and all of the future occupants of the proposed dwellings, would not be subject to unacceptable noise levels from aircraft, likely not even breaching LOAEL levels. ... There would occasionally be greater noise levels from louder aircraft. However, evidence has been provided that these events are unlikely to number more than two per day. Therefore, whilst each event would potentially cause harm to the living conditions of the future occupiers, the infrequency and short duration mean that this would be acceptable. ...

**Appeal Decision: APPEAL ALLOWED -
continued**

Helicopters make a markedly different noise from fixed-wing aircraft, including a percussive element. Helicopters have the potential to harm living conditions to a greater extent for any given dB reading than fixed-wing aircraft. ... Each individual helicopter flight is likely to lead to annoyance to a significant proportion of the future residents of the appeal site. ... Using the data provided, this has, in recent years, resulted in an average of nine fly-overs per day of the appeal site in the summer, and as low as two per day in the winter. ... Overall, given that the majority of the site would be below the LOAEL, and all of it comfortably below the SOAEL, the noise from use of the circuit, even allowing for occasional more noisy and intrusive elements, would be within acceptable limits to ensure that the living conditions of future occupiers would not be unduly harmed. ... Given the relatively low levels of noise I have identified, and in particular noting that it is only at LOAEL and not SOAEL levels, I do not foresee the mitigation measures being extensive or in themselves harming the living conditions of future occupiers. ... Noise from the aerodrome and the motor racing circuit often occurs simultaneously. The cumulative effect must therefore be considered. ... I have considered this carefully, and I am comfortable that the combined noise effects would remain within a LOAEL range, in the sense that they would not result in a significant adverse impact, given the headroom before SOAEL levels of noise would be likely to be experienced by the future occupiers. ... Overall, the noise from fixed-wing aircraft would be either below, or at the lower end of, the LOAEL. The noise from helicopter flights, despite their relatively loud noise and qualitative annoyance, would be infrequent. Given that the majority of the site would be below the LOAEL, and all of it comfortably below the SOAEL, the noise from the motor racing circuit, even allowing for occasional more noisy and intrusive elements, and noise considered in combination, would be within acceptable limits. Modest mitigation measures to counteract effects at a LOAEL level may be required at the detailed design stage, ... Consequently, the proposal would provide satisfactory living conditions for future occupiers, with particular regard to noise from the aerodrome and circuit. This is either as it operates currently or as it is likely to do so in the future, and it would not unacceptably harm the living conditions of the future ... Agent of Change – risk to operations at The Estate - Paragraph 187 of the Framework introduces the concept of the ‘agent of change’ principle. The key test is that existing businesses should not have unreasonable restrictions placed on them as a result of new development. In this instance, the two relevant businesses are the Goodwood Motor Circuit and Goodwood Aerodrome. ... the evidence from the only aircraft safety expert witness at the inquiry was that the appeal site would not prevent safe landing options due to remaining safe landing options and the ‘stepping stones’, where the pilots identify the next emergency landing spot they would head to if necessary, that are part and parcel of how a helicopter pilot would react to such a situation. On this basis, it has been demonstrated that the proposal would not lead to unacceptable safety concerns ... even if small changes were required to the air display routes, there is no compelling evidence before me that this could not be accommodated, Overall, there could be some negative effects on traffic on major event days, ... However, it would likely be minor. ... I consider that the proposal would not create potential future risks to the reasonable operation of the aerodrome or the motor racing circuit, and conclude that the proposal complies with paragraph 187 of the Framework. Housing land supply - ... I calculate the supply of deliverable dwellings to be 3,536 (the Council’s figure) minus 762 dwellings as set out above, leaving 2,774 dwellings. The need is 3,330 dwellings, based on my conclusion of 666 dpa. The extent of the shortfall is therefore 556 dwellings. This equates to a housing land supply of some 4.17 years. ...

**Appeal Decision: APPEAL ALLOWED -
continued**

PLANNING BALANCE AND CONCLUSION - ... The need for housing is therefore pressing. Providing more housing is one of, if not the most, important aspirations of local and national planning policy. I therefore place substantial positive weight on the proposed market housing. ... There is therefore an acute requirement for affordable housing and I place substantial positive weight on the proposed affordable housing. The proposal includes substantial areas of landscaped public open space, and a play area. These areas and facilities would be available for use by the public, as well as the future occupants of the development. A new view of the cathedral would also be created, which would be both a heritage and character and appearance benefit of the proposal. I place moderate positive weight on these factors. ... The proposed biodiversity net gain therefore goes significantly beyond policy requirements. I place significant positive weight on this factor. There would be economic benefits in the short term through construction employment, and in the longer term through expenditure by future occupants in the area. ... I attribute significant positive weight to the proposed employment generation that would support economic growth and productivity. Proposing housing on the appeal site conflicts with the masterplanning of the SDL and would be physically divorced from the surrounding built-up areas. There would also be harm to the character and appearance of the area, including to landscape character. However, these harms would be tempered because the appeal site sits in an area with an edge-of-settlement, hinterland character, with residential and commercial development close by, and because the separation to the existing development to the east would be a managed landscaped area, rather than open, agricultural land. Importantly, the identified deficit in housing land is only likely to be rectified through the granting of permission for housing on sites not identified in the LP, such as the appeal site. In addition, the LP was adopted on the basis of a housing need figure of 435 dpa, even though the objectively assessed need was 505 dpa, due to an insufficient evidence base in relation to transport. The LP Inspector therefore adopted the LP at the lower figure but only subject to an updated transport study being produced and the LP being reviewed within five years. The LPA are currently about three years behind schedule on this review. The policies in the LP affected by this awaited review, and in particular those relating to the location of housing, such as Policy 17 and the SDL, therefore carry reduced weight. The acceptability, or otherwise, of a proposal in other regards forms part of the overall planning balance, as I consider in this section, and should not be used to increase the weight to be attached to the conflict with the masterplanning of the SDL. Consequently, I only place moderate negative weight on these factors. ... The proposal would erode the setting of the Old Place Farmhouse historic complex, harming its special interest and heritage significance. I assess this level of harm to be at the lower end of less than substantial. ... I place great weight on the harm to the Old Place Farmhouse complex, limited though it may be. The public benefits of the proposal include the provision of up-to 165 homes, including affordable housing, and the creation of significant areas of public open space, amongst others. These benefits clearly outweigh the lower end of less than substantial harm to the heritage asset that I have identified and the proposal complies with paragraph 202 of the Framework. Subject to relatively minor mitigation measures that could be secured by condition, the proposal would provide satisfactory living conditions for future occupiers, with particular regard to noise from the aerodrome and motor circuit. This factor weighs neutrally in the planning balance. ... As the housing land supply is 4.17 years and none of the assets of particular importance as set out in the Framework¹³ provide a clear reason for refusing the development proposed, paragraph 11d, and the 'tilted balance', is therefore engaged.

**Appeal Decision: APPEAL ALLOWED -
continued**

For the appeal scheme, the adverse impacts I have identified are moderate harm to character and appearance, conflicts with wider masterplanning and physical and visual integration, and harm to the Old Place Farmhouse complex. Taken together, these would not significantly and demonstrably outweigh the many benefits, in particular the provision of housing, including affordable housing, and the creation of new areas of publicly accessible open and play space including significant biodiversity net gain. ...”

3. IN PROGRESS

Reference/Procedure	Proposal
<u>* 20/02899/FUL</u>	
Birdham Parish Case Officer: Calum Thomas Written Representation	Houseboat Water Gypsy Chichester Marina Birdham Chichester West Sussex PO20 7EJ Installation of a replacement houseboat at Berth No. 16 of Chichester Canal.
<u>20/03034/OUT</u>	
Birdham Parish Case Officer: Jane Thatcher Informal Hearings	Land And Buildings On The South Side Of Church Lane Birdham West Sussex Erection of 25 no. dwellings comprising 17 open market and 8 affordable units with access, landscaping, open space and associated works (all matters reserved except for access and layout)
<u>21/00833/FUL</u>	
Birdham Parish Case Officer: Andrew Robbins Written Representation	Chichester Marina Birdham Chichester West Sussex PO20 7EJ Demolition of three workshops/sheds for the comprehensive redevelopment of the South-West area of the marina comprising four purpose built buildings including marine related workshops, offices, storage, reprovision and extension of the retail (chandlery) and a cafe/restaurant together with an additional 23 car parking spaces, boat parking and storage and appropriate landscaping - Variation of Condition 3 of planning permission BI/12/00475/FUL - Class use variation on buildings A to D allowing greater flexibility in the use of the existing business units, to enable retention and creation of employment opportunities.
<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.

Reference/Procedure	Proposal
<u>20/00379/CONCOU</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearings	Plot 13 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Appeal against BI/47
<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>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>21/02354/ELD</u>	
Bosham Parish Case Officer: Alicia Snook Written Representation	Land West Of Walton House Main Road Bosham PO18 8QB Use of the land for the storage of boats, boat trailers and sundry items.
<u>* 19/02579/FUL</u>	
Chichester Parish Case Officer: Martin Mew Informal Hearings	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	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>21/02110/FUL</u>	
Chichester Parish Case Officer: Martin Mew Written Representation	23 Lavant Road Chichester PO19 5RA Redevelopment of the site with creation of 5 no. flats and parking, landscaping and associated works. (Variation of condition 2 for permission CC/20/03226/FUL - amendments to rear roof slope to create a concealed roof terrace).
<u>21/02193/DOM</u>	
Chichester Parish Case Officer: Maria Tomlinson Fast Track Appeal	21 Worcester Road Chichester PO19 5DW Demolishment of existing garage replaced with proposed single and two storey front and side extension, incorporating new garage, with alterations to fenestration.
<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>20/03320/OUTEIA</u>	
Chidham & Hambrook Parish Case Officer: Jane Thatcher Public Inquiry 18-Aug-2022 Multiple Venues	Land East Of Broad Road Broad Road Nutbourne West Sussex Outline planning application (with all matters reserved except access) for up to 132 dwellings and provision of associated infrastructure.
<u>20/03321/OUTEIA</u>	
Chidham & Hambrook Parish Case Officer: Jane Thatcher Public Inquiry 18-Aug-2022 Multiple Venues	Land North Of A259 Flat Farm Main Road Chidham West Sussex Outline planning application (with all matters reserved except access) for up to 68 no. dwellings and provision of associated infrastructure.

Reference/Procedure	Proposal
<u>20/03378/OUT</u>	
<p>Chidham & Hambrook Parish Case Officer: Andrew Robbins Informal Hearings</p>	<p>Land At Flat Farm Hambrook West Sussex PO18 8FT</p> <p>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.</p>
<u>20/03125/OUT</u>	
<p>Earnley Parish Case Officer: Jeremy Bushell Public Inquiry To be reconvened 28/06/22</p>	<p>Land South Of Clappers Lane Clappers Lane Earnley West Sussex</p> <p>Outline Application for the erection of up to 100 dwellings with associated access, landscaping and public open space. All matters reserved other than access.</p>
<u>22/00112/DOM</u>	
<p>Earnley Parish Case Officer: Emma Kierans Fast Track Appeal</p>	<p>Blackthorn Barn 101B First Avenue Almodington Earnley PO20 7LQ</p> <p>Raise roof height by 1.55m to provide rooms in roof (resubmission of E/21/00118/DOM).</p>
<u>21/01920/PA16A</u>	
<p>East Wittering And Bracklesham Parish Case Officer: Calum Thomas Written Representation</p>	<p>Car Park Northern Crescent East Wittering West Sussex</p> <p>Proposed 15.0m Phase 8 monopole C/W wrapround cabinet at base and associated ancillary works.</p>
<u>21/03279/FUL</u>	
<p>East Wittering And Bracklesham Parish Case Officer: Emma Kierans Fast Track Appeal</p>	<p>Land South Of Tranjoeen1 Field Maple Bracklesham Lane Bracklesham Bay West Sussex</p> <p>Proposed vehicle crossover (means of access to a highway Class B).</p>

Reference/Procedure	Proposal
<u>21/03313/DOM</u>	
East Wittering And Bracklesham Parish Case Officer: Emma Kierans Fast Track Appeal	Coromandel Longlands Road East Wittering Chichester West Sussex PO20 8DD Construction of a single attached garage to the western side of the approved 2 bedroom chalet bungalow currently being constructed.
<u>* 21/02509/FUL</u>	
Fishbourne Parish Case Officer: Martin Mew Written Representation	Black Boy Court Main Road Fishbourne PO18 8XX Creation of 4 no. parking spaces, dropped kerb, boundary treatment and landscaping.
<u>21/02553/FUL</u>	
Fishbourne Parish Case Officer: Joanne Prichard Written Representation	Bethwines Farm Blackboy Lane Fishbourne PO18 8BL Change of use of land to provide facility for 'doggy day care', including the provision of 3 no. portakabins and perimeter fence.
<u>21/03215/DOM</u>	
Fishbourne Parish Case Officer: Rebecca Perris Fast Track Appeal	Westfield Mill Lane Fishbourne PO19 3JN Remodel and alteration works including first floor rear extension and front and rear dormer windows to existing roof accommodation
<u>22/00142/FUL</u>	
Fishbourne Parish Case Officer: Jane Thatcher Written Representation	Bethwines Farm Blackboy Lane Fishbourne Chichester West Sussex PO18 8BL Re-grading of existing agricultural land to create natural grass and wetlands.
<u>22/00575/PA3R</u>	
Fishbourne Parish Case Officer: Jane Thatcher Written Representation	Bethwines Farm Blackboy Lane Fishbourne Chichester West Sussex PO18 8BL Prior Approval - Change of use of existing agricultural building to storage use (B8).

Reference/Procedure	Proposal
* 19/00445/FUL	
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.
19/02939/FUL	
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.
20/00234/FUL	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 10-Aug-2022 Chichester Community Development Trust	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.
20/00534/FUL	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 29-Nov-2022 Chichester District Council East Pallant House PO19 1TY	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.
20/00950/FUL	
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.

Reference/Procedure	Proposal
<u>20/00956/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 09-Aug-2022 Chichester District Council East Pallant House PO19 1TY	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>20/03306/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings	Land To The West Of Newells Farm Newells Lane West Ashling West Sussex The stationing of caravans for residential purposes together with the formation of hardstanding and utility/dayrooms ancillary to that use for 3 no. pitches.
<u>20/00288/CONENG</u>	
Funtington Parish Case Officer: Tara Lang Informal Hearings 10-Aug-2022 Chichester Community Development Trust	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 High Hedge Remedial Notice HH/25
<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>20/00288/CONENG</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearings	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD Appeal against Enforcement Notice FU/89

Reference/Procedure	Proposal
<u>21/00152/CONTRV</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearings	Land West Of Newells Farm Newells Lane West Ashling West Sussex Appeal against Enforcement Notice FU/87
<u>20/00109/CONTRV</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearings 09-Aug-2022 Chichester District Council East Pallant House PO19 1TY	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex Appeal against Enforcement Notice FU/80
<u>19/01400/FUL</u>	
Loxwood Parish Case Officer: Martin Mew 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>21/00300/FUL</u>	
Loxwood Parish Case Officer: Robert Young Written Representation	Land At Loxwood Hall West Guildford Road Loxwood Billingshurst West Sussex RH14 0QP Erection of a detached dwelling.
<u>21/02547/DOC</u>	
Oving Parish Case Officer: Jeremy Bushell Written Representation	Former Portfield Quarry And Uma House Shopwhyke Road Shopwhyke Chichester West Sussex PO20 2AD Discharge of condition 3 (foul water disposal) from planning permission O/19/02030/FUL.
<u>21/00077/FUL</u>	
Plaistow And Ifold Parish Case Officer: Sascha Haigh Written Representation	Oxencroft Ifold Bridge Lanelfold Loxwood RH14 0UJ New entrance gate at Oxencroft retrospective).

Reference/Procedure	Proposal
<u>21/01697/PA3Q</u>	
Plaistow And Ifold Parish Case Officer: Rebecca Perris Public Inquiry	Premier Treecare & Conservation Ltd Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ Prior notification for the change of use of agricultural buildings to 1 no. dwelling (C3 Use Class) with alterations to fenestration.
<u>20/00414/CONHH</u>	
Plaistow And Ifold Parish Case Officer: Sue Payne Public Inquiry	Oxencroft Ifold Bridge Lanefold Loxwood Billingshurst West Sussex RH14 0UJ Appeal against Enforcement Notice PS/71.
<u>20/00182/CONCOU</u>	
Plaistow And Ifold Parish Case Officer: Sue Payne Written Representation	The Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ Appeal against PS/70
<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: Calum Thomas 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.

Reference/Procedure	Proposal
<u>21/01163/PA3Q</u>	
Sidlesham Parish Case Officer: Maria Tomlinson Written Representation	Johnsons Barn Mill Lane Sidlesham Chichester West Sussex PO20 7NA Class Q(b) Application for Prior Approval. Change of Use of Agricultural Building from Agriculture to 1 no. Dwelling (C3 Use Class).
<u>21/01963/PA3Q</u>	
Sidlesham Parish Case Officer: Maria Tomlinson Written Representation	11 Cow Lane Sidlesham Chichester West Sussex PO20 7LN Prior approval of proposed change of use of an existing agricultural building former piggery building to 1 no. dwelling.
<u>20/00301/CONMHC</u>	
Sidlesham Parish Case Officer: Sue Payne Written Representation	M & Y Fruit Limited 82A Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG Appeal against Enforcement Notice SI/77.
<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>21/02238/FULEIA</u>	
Southbourne Parish Case Officer: Jane Thatcher Written Representation	Gosden Green Nursery 112 Main Road Southbourne PO10 8AY Erection of 29 no. (8 no. affordable and 21 no. open market) new dwellings, public open space, landscaping, parking and associated works (following demolition of existing buildings).
<u>21/02363/DOM</u>	
Southbourne Parish Case Officer: Rebecca Perris Fast Track Appeal	Slipper Mill Cottage 53 Slipper Road Southbourne PO10 8BS Installation of 3 no dormers.

Reference/Procedure	Proposal
<u>21/03665/FUL</u>	
Southbourne Parish Case Officer: Calum Thomas Informal Hearings 19-Jul-2022 Chichester City Council North Street Chichester PO19 1LQ	Land East Of Priors Orchard Inlands Road Nutbourne Chichester West Sussex PO18 8RJ Construction of 9 no. dwellings.
<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.
<u>20/00785/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearings 02-Aug-2022 Chichester District Council East Pallant House PO19 1TY	Meadow View Stables Monks Hill Westbourne PO10 8SX Change of use of land for use as extension to Gypsy caravan site for the stationing of 6 additional caravans, including 3 pitches, each pitch consisting of 1 no. mobile home, 1 no. touring caravan and a utility building together with laying of hardstanding
<u>20/03164/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearings 03-Aug-2022 Chichester District Council East Pallant House PO19 1TY	Land East Of Monk Hill Monks Hill Westbourne West Sussex Change of use of land to 1 no. private gypsy and traveller caravan site consisting of 1 no. mobile home, 1 no. touring caravan, 1 no. utility dayroom and associated development.
<u>21/02159/FUL</u>	
Westbourne Parish Case Officer: Martin Mew Written Representation	Land Adjacent To 15 The Shire Long Copse Lane Westbourne West Sussex Erection of 7 no. dwellings, access, landscaping and associated works.

Reference/Procedure	Proposal
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/53
<u>13/00163/CONWST</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry 18-Oct-2022 Chichester District Council East Pallant House PO19 1TY	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex Appeal against WE/40, WE/41 and WE/42
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/54
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/59
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/58
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/57

Reference/Procedure	Proposal
<u>13/00163/CONWST</u>	
<p>Westbourne Parish Case Officer: Shona Archer Public Inquiry 18-Oct-2022 Chichester District Council East Pallant House PO19 1TY</p>	<p>The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex Appeal against WE/40, WE/41 and WE/42</p>
<u>21/00169/CONDWE</u>	
<p>Westbourne Parish Case Officer: Tara Lang Public Inquiry</p>	<p>Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/52</p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

None.

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Birdham Farm, Birdham	Of 4 Enforcement Notices	Injunction obtained at the High Court. Alleged breach of Injunction by some 3 defendants with families. Others have left the site. File with counsel to seek specialist advice as to potential contempt of court proceedings.

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage
Oakham Farmhouse, Oving	Of Enforcement Notice	First hearing on 9 June. Defendants did not enter a plea but asked for an adjournment to obtain legal advice and stated they now know what to do to achieve compliance. Court agreed to an adjournment but not keen to adjourn again. Next hearing on 1 September at Crawley Magistrates' Court.

Prosecutions		
Site	Breach	Stage
Crouchlands – Lagoon 3	Of Enforcement Notice	File with specialist counsel on the viability of initiating potential prosecution proceedings. Awaiting to hear.

7. POLICY MATTERS

None