

Chichester District Council Planning Committee

Wednesday 14 June 2023

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

Appeals, Court and Policy Matters

between 03-05-2023 - 23-05-2023

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>* 21/00571/FUL</u>	
Bosham Parish Case Officer: Jeremy Bushell Public Inquiry	Land North Of Highgrove Farm Main Road Bosham West Sussex Construction of 300 dwellings (including 90 affordable dwellings), community hall, public open space, associated works and 2 no. accesses from the A259 (one temporary for construction).
<u>22/01560/DOM</u>	
Hunston Parish Case Officer: Emma Kierans Fast Track Appeal	Bell Barn Church Lane Hunston PO20 1AJ Change of use of detached garage, studio and garden room to create 1 no. annexe and alterations to fenestration.

2. DECISIONS MADE

Reference/Procedure	Proposal
<u>19/02939/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings	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.
Appeal Decision: APPEAL DISMISSED	
<p>"The appeal is dismissed and planning permission refused. ... The appeal site forms part of a wider piece of land that has been subdivided into plots. Consequently, a number of appeals were heard by way of a combined Hearing. The wider site already has the benefit of a conditional permission allowed on appeal (APP/L3815/W/19/3220300), for the stationing of five static caravans and five tourers for residential purposes, together with associated operational development. These permitted pitches are sited close to and parallel to Newells Lane. ... In summary, the Council in their statement confirmed that they would have refused the development due to the location of the development; the cumulative effect of the development on the existing settled community; and the lack of information provided regarding foul sewerage, and the effect on the Chichester and Langstone Harbours Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC). The parties agreed in the joint Statement of Common Ground (SoCG) that the gypsy status of the appellant and his family is not in dispute. I have no reason to come to a different view. Following a recent appeal decision APP/L3815/W/21/3268916) the Council confirmed that they no longer wished to pursue their first reason for refusal, namely the location of the development. I have considered the appeal on this basis. At the Hearing the appellant supplied a signed undertaking dated 25 July 2022, to pay the Council the agreed sum for the provision of access mitigation measures in respect of the Chichester and Langstone Harbours Special Protection Areas, as a planning obligation. ... In view of this, the Council confirmed that they did not wish to pursue this reason for refusal. ... The emerging Chichester Local Plan 2021 – 2039 sets out a range of mechanisms to meet the needs of the Gypsy and traveller community during the plan period up to 2039, including allocating sites and intensification of suitable existing sites. The latest consultation was completed in March 2023 and therefore it is at an early stage and attracts very little weight. ... Policy 36 of the LP specifically deals with the needs of gypsy and travellers and is therefore relevant to the assessment of these appeals. It was originally based on the Gypsy and Traveller and Travelling Showpeople Assessment that was carried out in 2013. However, the Council has carried out a further Gypsy and Traveller Accommodation Assessment (GTAA) (2022) which was published in January 2023, which provides an updated position. ... The Council have provided a limited geographical assessment of the ratios of the settled population, compared to the local Gypsy and Traveller population. However, during the discussion at the Hearing, they made it clear that their primary concerns relate more to the cumulative visual impact of the developments. ... The representative for Funtington Parish Council and the representative from Genesis Town Planning who was speaking for other residents, referred to Census data in their oral submissions. It is their case that if each pitch, where a static caravan and a tourer is permitted, was occupied by more than one family, then this would represent a disproportionate number of Gypsy and Traveller families, when compared to the settled population. I have no factual, or survey evidence before me, to support the likelihood or scale of this scenario, so it can only be treated as speculation. Moreover, if the evidence indicated that this was likely to occur, then a suitably worded condition could be imposed</p>	

Appeal Decision: APPEAL DISMISSED - continued

to restrict the occupation of the pitches to one family. . The site is located outside the settlement boundary, in an area characterised by agriculture, open countryside interspersed by some agricultural and equestrian buildings, together with sporadic residential development that includes some existing residential caravan sites. ... I do not consider that the site is 'away from existing settlements' for the purposes of the PPTS. ... Whilst the site must be considered on its own merits, it must also be assessed in the context of what is happening with the other appeals before me. In the event that all of these appeals were to be allowed and subject to conditions, there would undoubtedly be an increase in the number of pitches. ... Residential caravan development is often designed at greater density than more traditionally built residential schemes and that is the case here. However, this and the other appeal sites are generally well screened from Newells Lane and the existing sites by existing hedging and fencing. ... The development of any residential caravan site on previously undeveloped land will inevitably result in some change to the character and appearance of the area. I find the change has resulted in harm by the generally unsympathetic use of internal fencing and the extensive hard surfacing on this and the other appeal sites. Nevertheless, even when considered cumulatively with the other appeals, the identified harm could not be said to be of a magnitude that it dominates the settled community. Moreover, I consider that the appearance of the site could be improved through a suitable hard and soft landscaping condition, on this and the other appeal sites. ... It is not in dispute that the development is sited within the 5.6 km 'Zone of influence' of the SPA and as such has the potential to harm this area of conservation due to increased recreational disturbance. ... the Council confirmed that they, together with the South Downs National Park, where offsetting sites are located, are seeking to come to a new overarching mitigation strategy. This will include a re-calculation of the chargeable fees for monitoring. Consultation with Natural England on this commenced on 23 January 2023. Once this consultation is complete, a report will be taken to Committee to consider whether to adopt this, or any other, agreed mitigation strategy. In essence, this means that for an undetermined period, no further legal agreements for mitigation will be signed, including at these appeal sites and other residential schemes. ... I accept that this is a very unfortunate and unforeseen position for the appellant. ... It is clear that there is considerable uncertainty about how long this process will take, whether an agreement will be reached and then adopted. I share the Council's concerns that it would not be possible to enforce where any wastewater is disposed of, once removed from the site by a third party. ... Consequently, given both the sensitive and retrospective nature of the development, I am not satisfied that any of these options would provide an appropriate means to offset any ongoing and significant harm to the SAC. ... It is agreed that unmet need is a material consideration for this appeal. The Council has carried out a further Gypsy and Traveller Accommodation Assessment (GTAA) (2022) which was published in January 2023. This indicates a significant unmet need for 158 pitches. ... A further 82 pitches for those meeting their definition, will be required over the period 2022 to 2026. Whilst the Local Plan Review is exploring how this unmet need can be addressed, it has increased considerably since the last GTAA and represents a very significant shortfall and, to my mind, represents a failure of policy which weighs heavily in support of the development. ... The needs of the children are a primary consideration of substantial weight but are not necessarily determinative. However, as with all those who travel, a settled base would enable the family to have access to medical care and education and this undoubtedly weighs substantially in favour of the scheme. ... I have found significant harm due to the proximity of the site to the SPA and SAC. However, the site does not lie within any other nationally designated areas of landscape, historic environment or nature conservation. I have found moderate harm to the character and appearance of the area but not to the extent that it dominates the nearest settled community. I note that the Highways Authority have not raised any objection in terms of highway safety or the impact on the operation of the highway network. No objections have been raised or evidence submitted to suggest that the development would be harmful to those living on the site or nearby. ... The planning balance on this and the other sites is very finely balanced. On the one hand there are a number of factors set out above that weigh significantly in favour of the development. These include the contribution of additional gypsy and traveller pitches, meeting the personal needs for this family for a settled base, the lack of alternative sites alongside other social and economic

Appeal Decision: APPEAL DISMISSED - continued

benefits. However, on the other hand and set against these benefits, is the moderate harm I have identified to the character and appearance of the area and the clearly significant harm, stemming from the uncertain position regarding the mechanism, to offset any harm resulting from nutrient discharge to the SAC. Accordingly, I find that on balance, this identified harm is not outweighed by those matters advanced in support of the proposal. ... I have also considered whether a temporary grant of planning permission would be appropriate for these appeals. ... I have acknowledged that the matters relating to nutrient neutrality will need to be overcome at some point in the future. However, there is no evidence before me to provide any certainty over either the timescales, or the mechanisms involved. Accordingly, a temporary planning permission is not justified, given the serious risk to the Solent Maritime SAC. ..."

COST DECISION - "The application for an award of costs is refused. ... The essence of the appellants application is twofold. ... the Council requested additional survey information, having given an indication that the development would be acceptable. They then indicated that they would refuse the application. This the applicant contends has caused delay and resulted in additional costs. ... the Council's position regarding the effect of the development on the settled community was unreasonable in the light of the appeal decision APP/L3815/W/19/3220300. ... To my mind it was not unreasonable for the Council to give the applicant the opportunity to submit the results of an ecology survey to support his application, even though the final recommendation was to refuse it for other reasons. The recommendation is one which is a matter of judgement and the Council are not bound by any informal advice given by their officers. ... the PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis. I acknowledge that the Inspector in the above appeal decision considered that, the proposal would be relatively modest both numerically and in terms of area, ... In contrast for this appeal, the Council are less reliant on numerical data, asserting that the cumulative effect of the developments have an unacceptable impact on the rural character of the area, ... My decision makes it clear that I have taken a different view to that of the Council on the individual and cumulative effect of the development on the character and appearance of the area and settled community. Nonetheless, the Council defended their position in their appeal statement and at the Hearing. As matters of planning judgement the Council's arguments were not without merit. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated in this instance."

Reference/Procedure	Proposal
20/00234/FUL	
<p>Funtington Parish Case Officer: Calum Thomas Informal Hearings</p>	<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>
Appeal Decision: APPEAL DISMISSED	
<p>"The appeal is dismissed. ... The wider site already has the benefit of a conditional permission allowed on appeal APP/L3815/W/19/3220300), for the stationing of five static caravans and five tourers for residential purposes, together with associated operational development. ... The parties agreed in the joint Statement of Common Ground (SoCG) that the gypsy status of the appellant and his family is not in dispute. ... Following a recent appeal decision (APP/L3815/W/21/3268916) the Council confirmed that they no longer wished to pursue their first reason for refusal, namely the location of the development. ... At the Hearing the appellant supplied a signed undertaking dated 12 July 2022, to pay the Council the agreed sum for the provision of access mitigation measures in respect of the Chichester and Langstone Harbours Special Protection Areas, as a planning obligation. In view of this, the Council confirmed that they did not wish to pursue this reason for refusal. ... The emerging Chichester Local Plan 2021 – 2039 sets out a range of mechanisms to meet the needs of the Gypsy and traveller community during the plan period up to 2039, including allocating sites and intensification of suitable existing sites. The latest consultation was completed in March 2023 and therefore it is at an early stage and attracts very little weight. ... Policy 36 of the LP specifically deals with the needs of gypsy and travellers ... It was originally based on the Gypsy and Traveller and Travelling Showpeople Assessment that was carried out in 2013. However, the Council has carried out a further Gypsy and Traveller Accommodation Assessment (GTAA) (2022) which was published in January 2023, which provides an updated position. The policy sets out that where there is a shortfall in provision, sites will be allocated within the Gypsy, Traveller and Travelling Showpeople Site Allocation DPD. ... The Council have provided a limited geographical assessment of the ratios of the settled population, compared to the local Gypsy and Traveller population. However, ... their primary concerns relate more to the cumulative visual impact of the developments. ... The representative for Funtington Parish Council and the representative from Genesis Town Planning who was speaking for other residents, referred to Census data in their oral submissions. It is their case that if each pitch, where a static caravan and a tourer is permitted, was occupied by more than one family, then this would represent a disproportionate number of Gypsy and Traveller families, when compared to the settled population. I have no factual, or survey evidence before me, to support the likelihood or scale of this scenario, so it can only be treated as speculation. Moreover, if the evidence indicated that this was likely to occur, then a suitably worded condition could be imposed to restrict the occupation of the pitches to one family. The site is located outside the settlement boundary, in an area characterised by agriculture, open countryside interspersed by some agricultural and equestrian buildings, together with sporadic residential development that includes some existing residential caravan sites. ... I do not consider that the site is 'away from existing settlements' for the purposes of the PPTS. ... The site is set back from Newells Lane accessed from the main entrance, with its western boundary in close proximity to the established caravan site in</p>	

Appeal Decision: APPEAL DISMISSED - continued

Scant Lane. There is however, a large existing building approved under 14/03994 and intervening fences in between that retain the visual and physical separation. The Council advise that the local area has planning permission for some 43 pitches, with a further 10 unauthorised and under investigation. ... Whilst the site must be considered on its own merits, it must also be assessed in the context of what is happening with the other appeals before me. In the event that all of these appeals were to be allowed and subject to conditions, there would undoubtedly be an increase in the number of pitches. ... Residential caravan development is often designed at greater density than more traditionally built residential schemes and that is the case here. However, this and the other appeal sites are generally well screened from Newells Lane and the existing sites by existing hedging and fencing. I recognise the concern about these sites coalescing with existing sites. ... The development of any residential caravan site on previously undeveloped land will inevitably result in some change to the character and appearance of the area. I find the change has resulted in harm by the generally unsympathetic use of internal fencing and the extensive hard surfacing on this and the other appeal sites. Nevertheless, even when considered cumulatively with the other appeals, the identified harm could not be said to be of a magnitude that it dominates the settled community. Moreover, I consider that the appearance of the site could be improved through a suitable hard and soft landscaping condition, on this and the other appeal sites. ... I find moderate harm to the character and appearance of the area which conflicts with Policies 36, 45 and 48 of LP ... It is not in dispute that the development is sited within the 5.6 km 'Zone of influence' of the Chichester and Langstone Harbours Special Protection Area (SPA) ... Generally new development will use the off-site purchase of credits to offset any harm. However, the Council confirmed that they, together with the South Downs National Park, where offsetting sites are located, are seeking to come to a new overarching mitigation strategy. This will include a re-calculation of the chargeable fees for monitoring. Consultation with Natural England on this commenced on 23 January 2023. Once this consultation is complete, a report will be taken to Committee to consider whether to adopt this, or any other, agreed mitigation strategy. In essence, this means that for an undetermined period, no further legal agreements for mitigation will be signed, including at these appeal sites and other residential schemes. ... I accept that this is a very unfortunate and unforeseen position for the appellant. I have considered all of the alternatives in turn. It is clear that there is considerable uncertainty about how long this process will take, whether an agreement will be reached and then adopted. I share the Council's concerns that it would not be possible to enforce where any wastewater is disposed of, once removed from the site by a third party. The appellant acknowledges that the proposal to install a water treatment plant on site would not be adequate in the light of the nutrient issues, so would be prepared to install an alternative. However, I have not been provided with any plans or worked alternative to demonstrate how nutrient neutrality could be achieved. Consequently, ... I am not satisfied that any of these options would provide an appropriate means to offset any ongoing and significant harm to the SAC. ... The Council has carried out a further Gypsy and Traveller Accommodation Assessment (GTAA) (2022) which was published in January 2023. This indicates a significant unmet need for 158 pitches. ... Whilst the Local Plan Review is exploring how this unmet need can be addressed, it has increased considerably since the last GTAA and represents a very significant shortfall and, to my mind, represents a failure of policy which weighs heavily in support of the development. The needs of the children are a primary consideration of substantial weight but are not necessarily determinative. ... the site does not lie within any other nationally designated areas of landscape, historic environment or nature conservation. I have found moderate harm to the character and appearance of the area but not to the extent that it dominates the nearest settled community. I note that the Highways Authority have not raised any objection in terms of highway safety or the

Appeal Decision: APPEAL DISMISSED - continued

impact on the operation of the highway network. No objections have been raised or evidence submitted to suggest that the development would be harmful to those living on the site or nearby. The Council have conceded that the location of the site is acceptable and I have no reason to come to a different view. ... The planning balance on this and the other sites is very finely balanced. On the one hand there are a number of factors set out above that weigh significantly in favour of the development. These include the contribution of additional gypsy and traveller pitches, meeting the personal needs for this family for a settled base, the lack of alternative sites alongside other social and economic benefits. However, on the other hand and set against these benefits, is the moderate harm I have identified to the character and appearance of the area and the clearly significant harm, stemming from the uncertain position regarding the mechanism, to offset any harm resulting from nutrient discharge to the SAC. Accordingly, I find that on balance, this identified harm is not outweighed by those matters advanced in support of the proposal. I am very conscious of the effect that dismissing this appeal is likely to have on the appellant and his family. ... I have acknowledged that the matters relating to nutrient neutrality will need to be overcome at some point in the future. However, there is no evidence before me to provide any certainty over either the timescales, or the mechanisms involved. Accordingly, a temporary planning permission is not justified, given the serious risk to the Solent Maritime SAC. ..."

Reference/Procedure	Proposal
20/00956/FUL	
Funtington Parish Case Officer: Calum Thomas 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.
Appeal Decision: APPEAL DISMISSED	
Appeal Dismissed. Appeal linked to Enforcement Appeal. Full Appeal Decision can be found here - Appeal Decision	

Reference/Procedure	Proposal
20/03306/FUL	
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.
Appeal Decision: APPEAL DISMISSED	
"The appeal is dismissed. ..." For full Appeal Decision please find the link to the website here - Appeal Decision	

Reference/Procedure	Proposal
21/00152/CONTRV	
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
Appeal Decision: APPEAL DISMISSED - NOTICE MODIFIED	
The Appeal is Dismissed. Enforcement Notice Upheld Full Decision Notice can be found at – Appeal Decision	

Reference/Procedure	Proposal
20/00288/CONENG	
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/77
Appeal Decision: APPEAL DISMISSED - NOTICE MODIFIED	
The Appeal is Dismissed. Enforcement Notice Upheld For full Decision please find the link to the Decision here – Appeal Decision	

Reference/Procedure	Proposal
20/00288/CONENG	
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
Appeal Decision: APPEAL DISMISSED - NOTICE MODIFIED	
Appeal Dismissed. Enforcement Notice Upheld Full Appeal Decision can be found here – Appeal Decision	

Reference/Procedure	Proposal
20/00109/CONTRV	
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
Appeal Decision: APPEAL DISMISSED - NOTICE MODIFIED	
Appeal Dismissed. Enforcement Notice Upheld Full Appeal Decision can be found here – Appeal Decision	

Reference/Procedure	Proposal
<u>20/00950/FUL</u>	
<p>Funtington Parish Case Officer: Calum Thomas Informal Hearings</p>	<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>
Appeal Decision: APPEAL DISMISSED	
<p>"The appeal is dismissed. ... The wider site already has the benefit of a conditional permission allowed on appeal APP/L3815/W/19/3220300), for the stationing of five static caravans and five tourers for residential purposes, together with associated operational development. ... The parties agreed in the joint Statement of Common Ground (SoCG) that the gypsy status of the appellant and his family is not in dispute. ... Following a recent appeal decision (APP/L3815/W/21/3268916) the Council confirmed that they no longer wished to pursue their first reason for refusal, namely the location of the development. ... At the Hearing the appellant supplied a signed undertaking dated 12 July 2022, to pay the Council the agreed sum for the provision of access mitigation measures in respect of the Chichester and Langstone Harbours Special Protection Areas, as a planning obligation. In view of this, the Council confirmed that they did not wish to pursue this reason for refusal. ... The emerging Chichester Local Plan 2021 – 2039 sets out a range of mechanisms to meet the needs of the Gypsy and traveller community during the plan period up to 2039, including allocating sites and intensification of suitable existing sites. The latest consultation was completed in March 2023 and therefore it is at an early stage and attracts very little weight. ... Policy 36 of the LP specifically deals with the needs of gypsy and travellers ... It was originally based on the Gypsy and Traveller and Travelling Showpeople Assessment that was carried out in 2013. However, the Council has carried out a further Gypsy and Traveller Accommodation Assessment (GTAA) (2022) which was published in January 2023, which provides an updated position. The policy sets out that where there is a shortfall in provision, sites will be allocated within the Gypsy, Traveller and Travelling Showpeople Site Allocation DPD. ... The Council have provided a limited geographical assessment of the ratios of the settled population, compared to the local Gypsy and Traveller population. However, ... their primary concerns relate more to the cumulative visual impact of the developments. ... The representative for Funtington Parish Council and the representative from Genesis Town Planning who was speaking for other residents, referred to Census data in their oral submissions. It is their case that if each pitch, where a static caravan and a tourer is permitted, was occupied by more than one family, then this would represent a disproportionate number of Gypsy and Traveller families, when compared to the settled population. I have no factual, or survey evidence before me, to support the likelihood or scale of this scenario, so it can only be treated as speculation. Moreover, if the evidence indicated that this was likely to occur, then a suitably worded condition could be imposed to restrict the occupation of the pitches to one family. The site is located outside the settlement boundary, in an area characterised by agriculture, open countryside interspersed by some agricultural and equestrian buildings, together with sporadic residential development that includes some existing residential caravan sites. ... I do not consider that the site is 'away from existing settlements' for the purposes of the PPTS. ... The site is set back from Newells Lane accessed from the main entrance, with its western boundary in close proximity to the established caravan site in Scant Lane. There is however, a large existing building approved under 14/03994 and intervening fences in between that retain the visual and physical separation. The Council advise that the local area has planning permission for some 43 pitches, with a further 10 unauthorised and under investigation. ... Whilst the site must be considered on its own merits, it must also be assessed in the context of what is happening with the other appeals before me. In the event that all of these appeals were to be allowed and subject to conditions, there would undoubtedly be an increase in the number of pitches. ... Residential caravan development is often designed at greater density than more traditionally built residential schemes and that is the case here. However, this and the other appeal sites are generally well screened from Newells Lane and the existing sites by existing hedging and fencing. I recognise the concern about these sites</p>	

Appeal Decision: APPEAL DISMISSED - continued

coalescing with existing sites. ... The development of any residential caravan site on previously undeveloped land will inevitably result in some change to the character and appearance of the area. I find the change has resulted in harm by the generally unsympathetic use of internal fencing and the extensive hard surfacing on this and the other appeal sites. Nevertheless, even when considered cumulatively with the other appeals, the identified harm could not be said to be of a magnitude that it dominates the settled community. Moreover, I consider that the appearance of the site could be improved through a suitable hard and soft landscaping condition, on this and the other appeal sites. ... I find moderate harm to the character and appearance of the area which conflicts with Policies 36, 45 and 48 of LP ... It is not in dispute that the development is sited within the 5.6 km 'Zone of influence' of the Chichester and Langstone Harbours Special Protection Area (SPA) ... Generally new development will use the off-site purchase of credits to offset any harm. However, the Council confirmed that they, together with the South Downs National Park, where offsetting sites are located, are seeking to come to a new overarching mitigation strategy. This will include a re-calculation of the chargeable fees for monitoring. Consultation with Natural England on this commenced on 23 January 2023. Once this consultation is complete, a report will be taken to Committee to consider whether to adopt this, or any other, agreed mitigation strategy. In essence, this means that for an undetermined period, no further legal agreements for mitigation will be signed, including at these appeal sites and other residential schemes. ... I accept that this is a very unfortunate and unforeseen position for the appellant. I have considered all of the alternatives in turn. It is clear that there is considerable uncertainty about how long this process will take, whether an agreement will be reached and then adopted. I share the Council's concerns that it would not be possible to enforce where any wastewater is disposed of, once removed from the site by a third party. The appellant acknowledges that the proposal to install a water treatment plant on site would not be adequate in the light of the nutrient issues, so would be prepared to install an alternative. However, I have not been provided with any plans or worked alternative to demonstrate how nutrient neutrality could be achieved. Consequently, ... I am not satisfied that any of these options would provide an appropriate means to offset any ongoing and significant harm to the SAC. ... The Council has carried out a further Gypsy and Traveller Accommodation Assessment (GTAA) (2022) which was published in January 2023. This indicates a significant unmet need for 158 pitches. ... Whilst the Local Plan Review is exploring how this unmet need can be addressed, it has increased considerably since the last GTAA and represents a very significant shortfall and, to my mind, represents a failure of policy which weighs heavily in support of the development. The needs of the children are a primary consideration of substantial weight but are not necessarily determinative. ... the site does not lie within any other nationally designated areas of landscape, historic environment or nature conservation. I have found moderate harm to the character and appearance of the area but not to the extent that it dominates the nearest settled community. I note that the Highways Authority have not raised any objection in terms of highway safety or the impact on the operation of the highway network. No objections have been raised or evidence submitted to suggest that the development would be harmful to those living on the site or nearby. The Council have conceded that the location of the site is acceptable and I have no reason to come to a different view. ... The planning balance on this and the other sites is very finely balanced. On the one hand there are a number of factors set out above that weigh significantly in favour of the development. These include the contribution of additional gypsy and traveller pitches, meeting the personal needs for this family for a settled base, the lack of alternative sites alongside other social and economic benefits. However, on the other hand and set against these benefits, is the moderate harm I have identified to the character and appearance of the area and the clearly significant harm, stemming from the uncertain position regarding the mechanism, to offset any harm resulting from nutrient discharge to the SAC. Accordingly, I find that on balance, this identified harm is not outweighed by those matters advanced in support of the proposal. I am very conscious of the effect that dismissing this appeal is likely to have on the appellant and his family. ... I have acknowledged that the matters relating to nutrient neutrality will need to be overcome at some point in the future. However, there is no evidence before me to provide any certainty over either the timescales, or the mechanisms involved. Accordingly, a temporary planning permission is not justified, given the serious risk to the Solent Maritime SAC. ..."

Reference/Procedure	Proposal
20/00182/CONCOU	
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
Appeal Decision: APPEAL DISMISSED - NOTICE MODIFIED	
<p>“... A ground (c) appeal is that the matters alleged in the notice, namely the erection of a building, do not constitute a breach of planning control. ... Consideration of ground (c) involves a two stage process: whether the matters constitute ‘development’ requiring planning permission, and, if so, whether the ‘development’ already benefits from a grant of planning permission. ... S55(1) of the 1990 Act provides a broad definition of ‘development’ and includes building operations in, on, over or under land. S57 of the 1990 Act provides that, subject to exclusions, planning permission is required for development. ... The appellants describe the building as a sectional shed, which is 2.4m high with a footprint of 30m2. Although they state that the building should not require planning permission, having regard to its size, permanency and degree of physical attachment, it is clearly a building for the purposes of the 1990 Act. ...The appellants explain that there has been a shed in this location since 2015, but that during the winter of 2019/2020 flooding in their garden damaged the building, resulting in the need to rebuild it in the spring of 2020. As s55(1A) of the 1990 Act provides that building operations include rebuilding, planning permission was required for those operations in 2020. ...The appellants state that in 2020, a planning application was submitted and approved for the Coach House which included the appeal site and appeal building (reference 20/02096/DOM). However, the permission granted was for a first floor window to create a fire escape window in the Coach House. No reference is made in the description of development to the appeal building and merely because an outline of the appeal building is shown on the approved block plan doesn’t mean that planning permission was granted for it. Nor does it mean that the land included within the red line boundary forms the residential boundary of the Coach House. ... Therefore, on the balance of probabilities, planning permission was not granted under reference 20/02096/DOM for the building subject to the enforcement notice. For the same reasons I reach the same conclusion for planning permission reference 21/01930/FUL for a two storey extension to the existing dwelling (the Coach House). ... “</p>	

Reference/Procedure	Proposal
<u>22/00094/FUL</u>	
<p>Sidlesham Parish Case Officer: Emma Kierans Written Representation</p>	<p>Lockgate Nursery 72 Lockgate Road Sidlesham Chichester West Sussex PO20 7QQ</p> <p>Demolition of existing redundant greenhouse and construction of 2 no. detached 3 bedroom chalet bungalows.</p>
Appeal Decision: APPEAL DISMISSED	
<p>"The appeal is dismissed. ... I have taken all the evidence and information provided by the Appellant into account, but it does not persuade me that the proposed accommodation would meet an essential need for additional permanent on-site accommodation in the countryside. The proposal would therefore not accord with Policies 2, 37 and 45 of the Local Plan as set out above as well as the National Planning Policy Framework (Framework) with particular reference to paragraphs 79 and 80, all of which amongst other matters seek to promote and support sustainable development in the countryside. ... The two dwellings would introduce additional residential development into a new area of the site which has historically been in horticultural use. This would spread the extent of residential development within the site across the whole frontage and would create a more intensive residential appearance to the site. This would detract from the rural nature of the surrounding area. ... I therefore conclude that the proposed development would harm the character and appearance of this countryside area. This would conflict with Policies 2, 33 and 37 of the Local Plan as well as the Framework and in particular Section 12, all of which seek, amongst other matters for a high quality of design which respects the local context. ... I have nonetheless had regard to the lack of a five year housing land supply, and the socio-economic benefits associated with the proposal. However, I have found that the proposal would not be a sustainable form of development in terms of its location and form. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework. For the reasons given above and having regard to all other matters raised, I conclude that the scheme fails to accord with the development plan taken as a whole, and there are no material considerations, including the Framework, that indicate a decision other than in accordance with the development plan. Therefore, this appeal should be dismissed."</p>	

3. IN PROGRESS

Reference/Procedure	Proposal
<u>* 20/02066/OUT</u>	
Birdham Parish Case Officer: Jeremy Bushell Informal Hearings 05-Jul-2023 Chichester District Council East Pallant House PO19 1TY	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>* 21/01830/OUT</u>	
Birdham Parish Case Officer: Andrew Robbins Public Inquiry 12-14 and 19-21 September 2023	Land Off Main Road Birdham Chichester West Sussex PO20 7HU Outline planning application for up to 150 dwellings (including 30% affordable housing) with community park, public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.
<u>21/03659/FUL</u>	
Bosham Parish Case Officer: Rebecca Perris Written Representation	Bosham Reach Shore Road Bosham PO18 8QL Change of use of land to residential curtilage and construction of hard surfaced tennis court.
<u>22/02553/DOM</u>	
Bosham Parish Case Officer: Freya Divey Fast Track Appeal	Brooks Farm Cottage Brooks Lane Bosham West Sussex PO18 8JX Detached garage with home office above.
<u>20/00040/CONENG</u>	
Chichester Parish Case Officer: Mr Michael Coates-Evans Written Representation	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Appeal against CC/154

Reference/Procedure	Proposal
<u>20/03320/OUTEIA</u>	
<p>Chidham & Hambrook Parish Case Officer: Jane Thatcher Public Inquiry 15-19 May, 5-6 June and 12-16 June 2023 at Emsworth Baptist Church North Street Emsworth PO10 7BY</p>	<p>Land East Of Broad Road Broad Road Nutbourne West Sussex</p> <p>Outline planning application (with all matters reserved except access) for up to 132 dwellings and provision of associated infrastructure.</p>
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<u>20/03321/OUTEIA</u>	
<p>Chidham & Hambrook Parish Case Officer: Jane Thatcher Public Inquiry 15-19 May, 5-6 June and 12-16 June 2023 at Emsworth Baptist Church North Street Emsworth PO10 7BY</p>	<p>Land North Of A259 Flat Farm Main Road Chidham West Sussex</p> <p>Outline planning application (with all matters reserved except access) for up to 68 no. dwellings and provision of associated infrastructure.</p>
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<u>20/03378/OUT</u>	
<p>Chidham & Hambrook Parish Case Officer: Andrew Robbins Informal Hearings 25-Jul-2023 Chichester District Council East Pallant House PO19 1TY</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>
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<u>* 21/02303/OUT</u>	
<p>Chidham & Hambrook Parish Case Officer: Calum Thomas Written Representation</p>	<p>Caravan And Camping Site Orchard Farm Drift Lane Bosham Chichester West Sussex PO18 8PP</p> <p>Outline Application (with all matter reserved accept Access) for the demolition of caravan repair building, cessation of use of land for caravan storage and removal of hardstandings and erection of 1no 4bed, 3no 3 bed, 4no 2bed and 1no 1 bed bungalows.</p>
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Reference/Procedure	Proposal
<u>* 21/02361/FUL</u>	
Chidham & Hambrook Parish Case Officer: Jane Thatcher Written Representation	Cockleberry Farm Main Road Bosham Chichester West Sussex PO18 8PN Demolition of existing warehouse buildings, B8 container storage, residential caravans/park homes and stables and the erection of 9 no. dwellings and associated works including landscaping and access alterations.
<u>22/01366/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Calum Thomas Written Representation	Land To Rear Of Co-Op Store Bracklesham Lane Bracklesham Bay West Sussex 1 no. detached dwelling (plot 1).
<u>22/01367/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Calum Thomas Written Representation	Land To Rear Of Co-Op Store Bracklesham Lane Bracklesham Bay West Sussex 1 no. dwelling.
<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>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>18/00323/CONHI</u>	
Funtington Parish Case Officer: Sue Payne Written Representation	West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ Appeal against HH/22

Reference/Procedure	Proposal
<u>21/02428/FUL</u>	
Linchmere Parish Case Officer: Calum Thomas Written Representation	Land North Of 1 To 16 Sturt Avenue Camelsdale Linchmere West Sussex GU27 3SJ 9 no. new dwelling houses and 9 no. carports/studios with associated access, infrastructure, parking and landscaping.
<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>* 21/02849/FUL</u>	
Loxwood Parish Case Officer: Calum Thomas Written Representation	Land South West Of Willets Way Willetts Way Loxwood West Sussex 5 no. residential dwellings, vehicular and pedestrian access and hard and soft landscaping.
<u>22/00470/PA3Q</u>	
Loxwood Parish Case Officer: Sascha Haigh Written Representation	Mill House Farm Drungewick Lane Loxwood Billingshurst West Sussex RH14 0RS Proposed change of use from agricultural buildings to 4 dwellings - (C3 Use class); Class Q (a).
<u>22/00637/PA3Q</u>	
Loxwood Parish Case Officer: Sascha Haigh Written Representation	Mill House Farm Drungewick Lane Loxwood Billingshurst West Sussex RH14 0RS Proposed change of use from agricultural building to 1 dwelling - (C3 Use class).
<u>22/01565/ELD</u>	
Loxwood Parish Case Officer: Emma Kierans Informal Hearings	Loxwood Farm Brewhurst Lane Loxwood West Sussex RH14 0RJ Existing lawful development use of land as garden curtilage.

Reference/Procedure	Proposal
<u>22/00073/FUL</u>	
Oving Parish Case Officer: Emma Kierans Written Representation	Land At 1 New Cottages Coach Road (South) Shopwhyke Oving Chichester West Sussex PO20 2BG Proposed 2 storey detached 2 bedroom dwelling.
<u>21/01697/PA3Q</u>	
Plaistow And Ifold Parish Case Officer: Rebecca Perris Written Representation	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 Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ Appeal against Enforcement Notice PS/71.
<u>22/00606/FUL</u>	
Selsey Parish Case Officer: Emma Kierans Written Representation	21 Vincent Road Selsey Chichester West Sussex PO20 9DQ Erection of 1 no. 2 bed bungalow (resubmission of SY/21/01820/FUL).
<u>20/02785/ELD</u>	
Sidlesham Parish Case Officer: Emma Kierans Written Representation	Jardene Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW Use of building 3 for B1 and B8 purposes.
<u>22/01038/PA3Q</u>	
Sidlesham Parish Case Officer: Sascha Haigh Written Representation	Butskiln Street End Road Sidlesham Chichester West Sussex PO20 7QD Change of use of agricultural building to form 1 no. dwelling (Use Class C3) and associated operational development.
<u>20/02077/FUL</u>	
Southbourne Parish Case Officer: Martin Mew Written Representation	Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.

Reference/Procedure	Proposal
* 22/01283/FULEIA	
Southbourne Parish Case Officer: Jane Thatcher Public Inquiry 11-Jul-2023 Emsworth Baptist Church North Street Emsworth PO10 7BY	G And R Harris Main Road Nutbourne Chichester West Sussex PO18 8RL Demolition and mixed use development comprising 103 no. dwellings and a Childrens' Nursery, together with associated access, parking, landscaping (including provision of wildlife corridor) and associated works.
19/00103/CONCOU	
Southbourne Parish Case Officer: Mr Michael Coates-Evans Written Representation	Thornham Marina Thornham Lane Southbourne Emsworth Hampshire PO10 8DD Appeal against SB/124
21/03110/FUL	
West Wittering Parish Case Officer: Sascha Haigh Written Representation	43 Marine Close West Wittering PO20 8HG Demolition of existing dwelling and erection of replacement dwelling.
20/03164/FUL	
Westbourne Parish Case Officer: Calum Thomas Informal Hearings	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.
19/00176/CONT	
Westbourne Parish Case Officer: Shona Archer Fast Track Appeal	4 The Paddocks Common Road Hambrook Westbourne Chichester West Sussex PO18 8UP Appeal against Enforcement Notice WE/55 - removal of TPO'd trees without an application for tree works.
21/03135/FUL	
Wisborough Green Parish Case Officer: Calum Thomas Written Representation	Land Adjacent To 1 Newfields Newpound Wisborough Green RH14 0AX Change use of land to private gypsy and traveller caravan site consisting of 1 no. pitch.

4. VARIATIONS TO SECTION 106 AGREEMENTS

None.

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Birdham Site, Birdham Road	Of 4 Enforcement Notices	Injunction granted and varied in 2020/2021. Proceedings commenced for Contempt of Court for breach of Injunction by 5 occupiers. High Court has finally provided a date further to the application lodged. First hearing on 24 July 2023.

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage
Birdham Farm, Birdham Road	Of Enforcement Notice	No plea entered at Brighton Magistrates' Court on 16 May on the basis that the land had been cleared. Matter adjourned to 30 May at Crawley Magistrates' Court. Site visit carried out and Officer confirmed compliance has been achieved. Proceedings withdrawn on 30 May.

Prosecutions - continued		
Site	Breach	Stage
Crouchlands – Lagoon 3, Loxwood	Of Enforcement Notice	Not Guilty plea entered on 18 April. Matter adjourned to Trial on 23 August. Initial Prosecution evidence served on the Defendant. More evidence may be served in the meanwhile.
Land South of the Stables, Hambrook	Of Enforcement Notice	No plea entered as Defendant had lodged a planning application. Matter adjourned to 15 June at Crawley Magistrates' Court to proceed or to be withdrawn.
The Old Army Camp, Woodmancote	Of Enforcement Notice	First hearing date at Crawley Magistrates' Court on 4 July 2023

7. POLICY MATTERS