

# Chichester District Council Planning Committee

Wednesday 10 January 2024

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

### Appeals, Court and Policy Matters

between 19-10-2023 - 12-12-2023

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
<a href="#"><u>22/02314/FUL</u></a>	
<b>Plaistow And Ifold Parish</b> <b>Case Officer: Sascha Haigh</b> <b>Written Representation</b>	Shamba The Ride Ifold Loxwood RH14 0TQ  Demolition of existing bungalow and redevelopment of 2 no. residential units.
<a href="#"><u>22/01005/FUL</u></a>	
<b>Southbourne Parish</b> <b>Case Officer: Freya Divey</b> <b>Written Representation</b>	The Sussex Brewery 36 Main Road Southbourne West Sussex PO10 8AU  Partial demolition, conversion, and alterations of the detached outbuilding adjacent to the public house to create a 3-bedroom chalet bungalow with associated parking and landscaping.

## 2. DECISIONS MADE

Reference/Procedure	Proposal
<a href="#"><u>21/00571/FUL</u></a>	
<p><b>Bosham Parish</b>  <b>Case Officer: Jeremy Bushell</b>  <b>Public Inquiry</b></p>	<p>Land North Of Highgrove Farm Main Road Bosham West Sussex</p> <p>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).</p>
<p><b>Appeal Decision: APPEAL ALLOWED</b></p>	
<p>There is no dispute that the Council is currently unable to demonstrate a five year supply of deliverable housing land... It was agreed between the parties in advance of the Inquiry that the variation between them on the extent of the HLS shortfall is not material... The appellant accepts that there would be some residual impacts on the highway network in general and on the A27 in particular... neither National Highways or the County Council objected to the proposal, subject to mitigation, and I have no clear reason to adopt a contrary position... There is no dispute that the A27 is at capacity... Given the time that has passed since the adoption of the Local Plan and SPD, it is an inescapable fact that the required contributions do not reflect the up-to-date costs of providing the A27 improvements... Whilst I therefore have some sympathy with the Council's position, there is insufficient justification for requiring a higher level of contributions than those set out in the 2016 SPD and supported by the Local Plan. .... The proposal would provide a new community hall and allotments that would be available to the wider Bosham community and in this respect, I find it to be acceptable. Taking all of this into account ..... the proposal would accord with Policy 8 of the Local Plan and with the Framework.....The appeal site lies within the 5.6km Zone of Influence for the SPA and the SAC. Chichester Harbour forms part of the wider SPA.... The evidence tells me that ceasing the current agricultural use of the site would provide a nutrient load saving sufficient to allow for the construction of 207 of the 300 proposed ...houses before any additional nutrient loading would occur. The appellant proposes to address the shortfall by agreement with the landowner of Chilgrove Farm to take land out of agricultural use to achieve nutrient neutrality for the remaining 93 houses.... There is sufficient certainty that the land at Chilgrove Farm will be taken out of agricultural use to ensure that the proposed development would be nutrient neutral....I am therefore satisfied that the proposed development would not result in additional nutrient loading thereby ensuring there would be no likely significant adverse effect on the integrity of the SPA or the SAC.... The appeal site is also within 12km of the SCT SAC, which supports Barbastelle and Bechstein's bats within disused railway tunnels. These bat species are amongst the UK's rarest mammals.... There is no dispute that the vegetation along the site's western boundary provides a flightline for this bat species Barbastelle bats are a light sensitive species so any disturbance to the darkness of the flightline has the potential to cause harm to them.... The proposal would not result in severance of the flightline and indeed would enhance it through additional tree planting along the northern part of the western boundary, where vegetation is currently very sparse...</p>	

### Appeal Decision: Continued

.... A condition has been suggested to control the type of lighting ..... I consider this to be a satisfactory mechanism to ensure the continued darkness of the flightline.... Natural England... remains satisfied that there will not be an adverse effect on the integrity of the SAC irrespective of whether the proposed lighting measures are secured.... I conclude that subject to the retention and enhancement of the vegetation .... and the addition of a new area of unlit open space .....in combination with the control of internal and external lighting, there would be no significant impact on the integrity of the SAC in terms of the effect on flightlines..... ... a development of the scale proposed would have some effect on the character of the landscape given the change that would result from an open field becoming one occupied by built form. However, I do not find that the site or the land around it to the north of the A259 has any special landscape qualities .... There is no dispute that the site occupies the immediate setting of the Chichester Harbour AONB. ... The proposed development therefore has the potential to adversely affect the setting of this designated landscape..... Moreover, there are varied local landscapes opposite the AONB's northern boundary along its length ranging from open fields to urban edges which include the large area of housing next to the site. In this overall context, the proposed development would not appear alien or lead to adverse impacts on the designated area..... Agricultural land quality is also a matter raised at the Inquiry and ... Whilst I understand the issue of food security, there is no evidence to indicate that this is a scarce commodity in the district.... In any case, the allotments would utilise at least some of the grade 1 land and would still be productive in the growing of food in some capacity.... The suggested related conditions provide a suitable mechanism to secure additional capacity. It is then up to Southern Water to comply with the statutory duties placed upon it by the relevant Act... Planning Balance... I have found that the proposal would not harm the AONB, the SPA or the SAC. Therefore, Framework paragraph 11d)i is not engaged.... At the Inquiry, the Council confirmed that it expects the allocation to remain in the emerging plan and thus considers it a 'sound' allocation. I have no evidence to lead me to an alternative view.... ..... The proposal would provide much needed housing including affordable ones. It would provide a number of community benefits through the provision of the community hall and, open space and other recreational facilities. There would be a boost to the local economy from an increase in Bosham's population and temporarily during the construction period. All of these individually attract significant weight in favour of the proposal.... Although the development plan is out-of-date for the purposes of Footnote 8 of the Framework, the proposal nonetheless accords with it in terms of the main issues in this appeal. There are no adverse impacts that would significantly and demonstrably outweigh the scheme's benefits when assessed against the Framework taken as a whole .... I realise that this decision will come as a disappointment to many local residents. However, as I have set out, there are no compelling reasons not to allow the development to go ahead....the appeal therefore succeeds....

Reference/Procedure	Proposal
<a href="#"><u>21/02303/OUT</u></a>	
<p><b>Chidham &amp; Hambrook Parish</b>  <b>Case Officer: Calum Thomas</b>  <b>Written Representation</b></p>	<p>Caravan And Camping Site Orchard Farm Drift Lane Bosham Chichester West Sussex PO18 8PP</p> <p>Outline Application (with all matter reserved except 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>
<b>Appeal Decision: APPEAL ALLOWED</b>	
<p>The appeal is allowed and outline planning permission (with all matter reserved except access) is granted ... For the purposes of Policy 26 of the Chichester Local Plan: Key Policies 2014-2029 (Local Plan), the existing caravan storage facility and workshop is classed as a business use class (B1-B8). Policy 26 thereafter seeks to protect existing employment sites ...The appellant submits that the appeal site cannot be reasonably described as an employment site for the purpose of Policy 26. ... Moreover, it has been put to me by the appellant that the storage facility is ancillary to the existing touring caravan site and does not generate additional employment. I am told that the storage use will likely cease irrespective of the appeal proposal...planning permission has been granted by the Council for the relocation of the existing building which currently operates as a caravan repair and maintenance workshop. ....having regard to the extent of the appeal site .... I find that the overall loss would be minimal...Accordingly, whilst there is a degree of conflict with Appendix E of Policy 26 in so far as there is no marketing evidence to demonstrate that the loss is acceptable, ..., I find that the appeal development would not compromise the desire to protect existing employment sites where these continue to remain suitable for business and related employment uses...The appeal site lies within the Zone of Influence of the Chichester and Langstone Harbours SPA and Ramsar, and the Solent Maritime SAC which are designated under the Conservation of Habitats and Species Regulations 2017(Habitat Regulations).... ... The available evidence indicates that proposals which would have a recreational impact on the Solent SPAs are required to make a financial contribution towards the Solent Recreation Mitigation Strategy...I have consulted with Natural England which has confirmed that the financial contribution to mitigate recreational disturbance is sufficient to avoid an adverse impact to the integrity of the Chichester and Langstone Harbours SPA and their relevant features...To this end, woodland planting referred to as the 'Nitrates Mitigation Land' is proposed to offset the increased nitrogen and thus achieve nutrient neutrality. ... I am satisfied that the obligation is directly related to the appeal development and is necessary to make the development acceptable in planning terms. ...., I am satisfied that with the proposed avoidance and mitigation measures in place, secured through the Legal Agreement, the appeal development would not have an adverse effect on the identified designated sites....., the Legal Agreement sets out that the commuted sum ....., I find that the proposed affordable housing contribution would accord with the Policy 34...Policy LP1 of the Chidham and Hambrook Neighbourhood Plan 2016 (Neighbourhood Plan) provides for new housing in the countryside on windfall sites.... I have no reason to conclude that the proposal would conflict with this policy. .... development would not undermine the spatial strategy of the Development Plan, taken as a whole..... the proposal will not adversely affect the potential or value of the wildlife corridor based upon the mitigation and enhancements detailed within the submission..</p>	

### **Appeal Decision: Continued**

.. ... Concerns relating to highway safety, impact on protected species and the Chichester Harbour Area of Outstanding Natural Beauty ... were [not] reasons to refuse the application and I have not been provided with any substantive evidence which would prompt me to disagree with the Council's conclusions...I have no reason to conclude that the foul waste could not be disposed of via the mains sewer. ... Whilst the proposal would result in the loss of a site which currently generates income, it is not allocated for employment purposes within the development plan. I therefore afford this moderate weight... The appeal proposal would make a meaningful contribution towards housing supply ..... Future occupants would be able to access services and facilities including a primary school, public house, and village hall close to the appeal site, which would be within walking distance thus supporting the local economy... modest adverse impact of the appeal scheme would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole...

Reference/Procedure	Proposal
<a href="#">22/01819/DOM</a>	
<p><b>Donnington Parish</b>  <b>Case Officer: Rebecca</b>  <b>Perris</b>  <b>Fast Track Appeal</b></p>	<p>Herongate 53 Grosvenor Road Donnington PO19 8RT</p> <p>Demolition of existing garage and conservatory. New single storey rear extension and first floor extension and new roof.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>"... I observed on the site visit that the majority of roof types along the northern part of Grosvenor Road close to the appeal site have part gable and part hipped roofs; this includes the existing roof on the appeal property. ... I acknowledge that two dwellings No 59 and 61 have side gabled roofs but this is a separate context to the dwellings on and close to the appeal site .....the proposal to extend the width of the property close to the boundary with No 55 in conjunction with the gable end roof would result in the first-floor element appearing overly large for its plot when viewed within the street scene. Furthermore, the design of the roof ..... would result in a squat looking development that would not assimilate successfully within the prevailing street scene. .... the first floor would result in a dwelling that would appear as an over development of the site. ... I therefore conclude that the appeal proposal conflicts with Policies 2 and 33 of the Chichester Local Plan 2014-2029 (the Local Plan), ... The appeal proposal would also not be consistent with Section 12 of the National Planning Policy Framework (the Framework), which seeks to ensure that developments are sympathetic to local character. ... a window on the side elevation of No 55 .. would ...be affected...this window would appear to be secondary to the rooms that it serves. Therefore, I do not consider that any overshadowing arising from the appeal proposal would be materially harmful to the living conditions of the occupiers of No 55. However, I do consider that the scale, depth, bulk and mass of the appeal proposal would harm the outlook and enjoyment of No 55 from some of its external areas. ... In view of the harm I have identified ..... the appeal proposal conflicts with Policy 33 of the Local Plan  ..."</p>	

Reference/Procedure	Proposal
<a href="#">23/00770/DOM</a>	
<p><b>Donnington Parish</b>  <b>Case Officer: Rebecca Perris</b>  <b>Fast Track Appeal</b></p>	<p>Herongate 53 Grosvenor Road Donnington Chichester West Sussex PO19 8RT</p> <p>Demolition of existing garage and conservatory. New single storey rear extension. First floor extension and new roof.</p>
<p><b>Appeal Decision: APPEAL DISMISSED</b></p>	
<p>"... the majority of roof types along the northern part of Grosvenor Road close to the appeal site have part gable and part hipped roofs; this includes the existing roof on the appeal property. The effect of having part hipped roofs helps to reduce the bulk of the first floors in a context where detached dwellings are interspersed with bungalows. .... I consider, therefore, that the proposal to extend the width of the property close to the boundary with No 55 in conjunction with the gable end roof would result in the first-floor element appearing overly large for its plot when viewed within the street scene. ... the plot is sufficiently large to accommodate the proposed width in principle; albeit due to the roof design not being acceptable in this case, the first floor would result in a dwelling that would appear as an over development of the site. ... for the reasons set out the appeal proposal by virtue of its roof design would result in a dwelling that would appear too large for its plot and harm the character and appearance of the street scene. I therefore conclude that the appeal proposal conflicts with Policies 2 and 33 of the Chichester Local Plan 2014-2029 ... The appeal proposal would also not be consistent with Section 12 of the National Planning Policy Framework (the Framework), ... I note from the information before me and from my site visit that there is a window on the side elevation of No 55, which would be the part of the neighbouring property that would be most affected. From the information provided, this window would appear to be secondary to the rooms that it serves. In view of this being a secondary window I do not consider that any overshadowing arising from the appeal proposal would be harmful to the living conditions of No 55. ... In summary, the appeal proposal would not materially harm the living conditions of neighbouring properties and accords with Local Plan Policy 33 ..."</p>	

Reference/Procedure	Proposal
<a href="#"><u>21/02428/FUL</u></a>	
<p><b>Linchmere Parish</b>  <b>Case Officer: Calum Thomas</b>  <b>Written Representation</b></p>	<p>Land North Of 1 To 16 Sturt Avenue Camelsdale Linchmere West Sussex GU27 3SJ</p> <p>9 no. new dwelling houses and 9 no. carports/studios with associated access, infrastructure, parking and landscaping.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p><b>Appeal A</b></p> <p>The development proposed is 9 dwellinghouses together with associated access, infrastructure, parking, and landscaping.</p> <p><i>Appeal A</i></p> <p>1. The appeal is dismissed</p> <p>10. The main issues are:</p> <ul style="list-style-type: none"> <li>• whether the site is a suitable location for the proposed developments in relation to flood risk;</li> <li>• the effects of the proposed developments on biodiversity;</li> <li>• the effect of the proposed developments on the character and appearance of the area; and</li> <li>• whether the scheme subject of Appeal A would provide an appropriate mix of dwellings.</li> </ul> <p>As set out in the PPG, even where a flood risk assessment shows that a development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. In its absence the appellant has failed to demonstrate that the site is a sequentially suitable location for the development subject of Appeal A. Ecological Impact Assessment dated November 2021 (the 2021 report) was submitted with the appeal. This identified that the development would result in an overall loss of biodiversity, and that this would require off site mitigation. Insofar as further reference has been made to enhancement and 'net gain', this would also need to be delivered off site. .... A potential site has been identified for mitigation and enhancement. However, its use has not been secured, and the required measures have not been specified. Uncertainty thus exists over its future availability, whilst separate questions have been raised over its suitability. .. The PPG however states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. The scheme subject of Appeal A would therefore result in a net loss of biodiversity. The site otherwise falls within an area largely characterised by suburban housing, and its immediate setting includes housing, an elevated road and a pumping station. Though the site and some adjoining land is largely covered by trees, shrubs and other plants, there is little sense that it occupies a countryside or rural location, or a site of transitional character.... the provision of a cul-de-sac development accessed off an existing track would not be incongruous. Nor would the distinctive contemporary styling proposed. In this regard the various aspects of the proposed architectural design with which CDC has found fault are essentially stylistic. Similar is applicable to concerns expressed over scale, mass and bulk, which appear to be more directly related to the rectilinear flat roofed designs proposed than to the amount of built form. The development would otherwise be very well contained and not clearly visible within the broader streetscene.</p>	



### Appeal Decision: Continued

The overall density of development would fall within the range which exists locally. The positioning of studios/garaging forward of the main frontage of some of the proposed dwellings represents an awkward feature of the design. However, this would cause no unacceptable harm. Considered within the context of the broader scheme subject of Appeal A, and given my findings above, the bridge would not appear in any way incongruous. This would be somewhat less true if the bridge was to be constructed in isolation. I conclude that the developments subject of Appeals A, B and C would have an acceptable effect on the character and appearance of the area. CDC partly refused planning permission on the basis that the housing mix would not be in line with the Chichester Housing and Economic Development Needs Assessment 2018 (HEDNA). The HEDNA does not however form part of the development plan, and indeed postdates adoption of the CLP. paragraph 62 of the Framework states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. However, I have not been directed to any adopted policy which directly addresses the matter. I conclude that the scheme subject of Appeal A would provide an appropriate mix of dwellings. Appeal A would conflict with the CDC's development plan taken as a whole. Even so, to the extent that the policies with which I have identified a conflict address flood risk and biodiversity, I am satisfied that they broadly reflect similar considerations set out within the Framework. The development would provide 9 open market dwellings and funding towards the provision of off-site affordable housing. Even if I was to attach significant weight to the related social and economic benefits, they would not outweigh the harm I have identified above. Allocation of the site for housing has been considered in the past. It remains the case however that it was not allocated, partly on account of unresolved issues in relation to flooding. This matter thus has little bearing on my findings in relation to Appeal A above. Most can be collectively addressed within the context of a single condition (3) requiring a Construction and Environmental Management Plan; the latter as understood in relation to BS 42020:2013, and in a format broadly as proposed by WDC. I have imposed a separate condition requiring implementation of proposed enhancement measures so as to ensure that such enhancement occurs. There is no need to impose suggested conditions requiring compliance with details shown on the plans as this is covered by the plans condition. In the same way, there is no need to restrict the addition of lighting as this is not shown, and I have not been directed to any relevant permitted development right. To the extent that conflict might nonetheless arise with Thames Water in relation to shared use of the private track providing access to the site and the adjacent water works, this matter would need to be separately addressed between those parties rather than by condition.

Reference/Procedure	Proposal
<a href="#"><u>22/01593/FUL</u></a>	
<p><b>Linchmere Parish</b>  <b>Case Officer: Calum Thomas</b>  <b>Written Representation</b></p>	<p>Land North Of 1 To 16 Sturt Avenue Camelsdale Linchmere West Sussex GU27 3SJ</p> <p>New bridge access.</p>
<b>Appeal Decision: APPEAL ALLOWED</b>	
<p><b>Appeal B</b>  The development proposed is a new bridge access.</p> <p><b>Appeal C</b>  The development proposed is a new bridge access.</p> <p><i>Appeal B</i>  2. The appeal is allowed</p> <p><i>Appeal C</i>  3. The appeal is allowed</p> <p>10. The main issues are:</p> <ul style="list-style-type: none"> <li>• whether the site is a suitable location for the proposed developments in relation to flood risk;</li> <li>• the effects of the proposed developments on biodiversity;</li> <li>• the effect of the proposed developments on the character and appearance of the area; and</li> <li>• whether the scheme subject of Appeal A would provide an appropriate mix of dwellings</li> </ul> <p>The proposed bridge would be a replacement of the existing ramshackle structure which provides access to the site. It would clearly form an integral part of the overall housing scheme. In this regard, as both are shown on the plans subject of Appeal A, my findings in relation to Appeal A above necessarily encompass the bridge.</p> <p>As a replacement of the structure providing sole means of access to the site, the proposed bridge could not be located elsewhere.</p> <p>Consequently, the proposed bridge has drawn no objection from either Council. I see no reason to reach a different view. I conclude that the appellant has failed to demonstrate that the site is a suitable location for the development subject of Appeal A on grounds of flood risk. The development would therefore conflict with Policy 42 of the Chichester Local Plan: Key Policies 2014-2029 (the CLP) which supports the application of national policy. However, insofar as Appeals B and C present the bridge in isolation, the 2022 report demonstrates that mitigation could be achieved on site. As proposed by CDC, conditions could additionally be applied in relation to potential pollution.</p> <p>I conclude that the development subject of Appeal A would have an adverse effect on biodiversity. It would therefore conflict with Policy 49 of the CLP, which, whilst providing scope for adverse effects on biodiversity to be outweighed by benefits, still requires mitigation; and Policy 52 of the CLP, which sets out the expectation that developments will protect and enhance existing green infrastructure and mitigate harm. The site otherwise falls within an area largely characterised by suburban housing, and its immediate setting includes housing, an elevated road and a pumping station. Though the site and some adjoining land is largely covered by trees, shrubs and other plants, there is little sense that it occupies a countryside or rural location, or a site of transitional character.</p>	

### **Appeal Decision: Continued**

the provision of a cul-de-sac development accessed off an existing track would not be incongruous. Nor would the distinctive contemporary styling proposed. In this regard the various aspects of the proposed architectural design with which CDC has found fault are essentially stylistic. Similar is applicable to concerns expressed over scale, mass and bulk, which appear to be more directly related to the rectilinear flat roofed designs proposed than to the amount of built form. The development would otherwise be very well contained and not clearly visible within the broader streetscene. The overall density of development would fall within the range which exists locally. The positioning of studios/garaging forward of the main frontage of some of the proposed dwellings represents an awkward feature of the design. However, this would cause no unacceptable harm. Considered within the context of the broader scheme subject of Appeal A, and given my findings above, the bridge would not appear in any way incongruous. This would be somewhat less true if the bridge was to be constructed in isolation I conclude that the developments subject of Appeals A, B and C would have an acceptable effect on the character and appearance of the area.

CDC partly refused planning permission on the basis that the housing mix would not be in line with the Chichester Housing and Economic Development Needs Assessment 2018 (HEDNA). The HEDNA does not however form part of the development plan, and indeed postdates adoption of the CLP.

paragraph 62 of the Framework states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. However, I have not been directed to any adopted policy which directly addresses the matter.

I conclude that the scheme subject of Appeal A would provide an appropriate mix of dwellings.

Reference/Procedure	Proposal
<a href="#"><u>21/00051/FUL</u></a>	
<p><b>Westbourne Parish</b>  <b>Case Officer: Calum Thomas</b>  <b>Written Representation</b></p>	<p>The Stables Cemetery  Lane Woodmancote Westbourne PO10 8QB</p> <p>Increase number of permitted caravans from 1 no. static and 1 no. tourer to 2 no. static and 2 no. tourers and retention of stable block.</p>
<b>Appeal Decision: APPEAL ALLOWED</b>	
<p>"The appeal is allowed, ... The planning application sought to introduce a second static caravan, and a tourer with the retention of the stable block built to the rear of the caravans. ... during the course of the appeal, the Council took the decision to withdraw both of these reasons, conceding in the Statement of Common Ground (SoCG), that there was no longer any sound reason why planning permission should not be granted, subject to appropriate conditions. ... Thus, given the Council's changed position, the main issue remaining for the decision maker, is the effect of the development on recreational disturbance, water and nitrates. ... The appellant has provided a signed unilateral undertaking dated 7 June 2023, to pay the sum of £870.00 as a financial contribution to the Bird Aware Solent Mitigation Scheme, ... I am satisfied that any adverse impact has been mitigated via the financial contribution to the Bird Aware Solent Mitigation Scheme, in accordance with Policy 50. ... The appellant submitted a Nitrate Mitigation Proposal with the application, which identified that 0,912 kg of nitrogen per year would need to be offset. This scheme proposed that an appropriate level of mitigation could be achieved by fencing and re-wilding some 0.114 hectare (ha) of land, that lies within the appellant's ownership. ... Natural England has confirmed that this satisfactorily demonstrates that the development can achieve nitrogen neutrality. ... the Council are now raising no concerns regarding the location of the development. They have found no harm to the character and appearance of the area, or the living conditions of the site occupiers, or other local residents. No highway, flooding or any other concerns were raised. ... I have no reason to take a different view and find the development accords with Policy 36. ... Whilst I acknowledge concerns regarding the number of pitches in the area, the proposed development has already been found to be acceptable in this regard, thus it does not alter my decision. ... The Council accept that they are unable to demonstrate a 5 year supply of pitches, so this additional pitch will contribute towards the Council's unmet need. ... In the interests of protecting the environment, a condition to ensure that the nitrate mitigation scheme is carried out in full, within a reasonable timeframe and then maintained and retained for the lifetime of the permission is necessary. ... There are no material considerations that indicate that the application should be determined other than in accordance with the development plan as a whole. For the reasons given above, I therefore conclude that the appeal should be allowed, subject to the attached schedule of conditions."</p>	

### 3. IN PROGRESS

Reference/Procedure	Proposal
<a href="#"><u>* 21/01830/OUT</u></a>	
<b>Birdham Parish</b> <b>Case Officer: Andrew Robbins</b>	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.
<a href="#"><u>22/01164/FUL</u></a>	
<b>Birdham Parish</b> <b>Case Officer: Emma Kierans</b> <b>Written Representation</b>	Upper Creek End Westlands Lane Birdham West Sussex PO20 7HH  Alterations to existing 2 no. flats to create 1 no. detached house and construction of 1 no. dwelling, detached garage and associated works
<a href="#"><u>22/02502/FUL</u></a>	
<b>Bosham Parish</b> <b>Case Officer: Sascha Haigh</b> <b>Written Representation</b>	Land North Of Southfield House Delling Lane Bosham West Sussex PO18 8NN  Change of use of poultry buildings to form 1 no. new dwelling, including partial demolition of existing garage, landscaping and associated works.
<a href="#"><u>20/00040/CONENG</u></a>	
<b>Chichester Parish</b> <b>Case Officer: Mr Michael Coates-Evans</b> <b>Written Representation</b>	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex  Appeal against CC/154
<a href="#"><u>21/00323/CONMHC</u></a>	
<b>Chidham &amp; Hambrook Parish</b> <b>Case Officer: Andrew George</b> <b>Informal Hearings</b>	Churchers Copse Barn Hambrook Hill South Hambrook Chidham Chichester West Sussex PO18 8UJ  Appeal against CH/59

Reference/Procedure	Proposal
<a href="#"><u>22/02539/DOM</u></a>	
<b>Earnley Parish</b> <b>Case Officer: Emma Kierans</b> <b>Written Representation</b>	Earnley Place Clappers Lane Earnley West Sussex PO20 7JL  Removal of existing single storey extension along east elevation. Construction of single storey extension on north elevation and 2 no. single storey lean-to extensions on east Elevation, replacement link, internal alterations and fenestration changes. Alteration and repairs to existing garden wall and painting of entrance gates.
<a href="#"><u>22/02540/LBC</u></a>	
<b>Earnley Parish</b> <b>Case Officer: Emma Kierans</b> <b>Written Representation</b>	Earnley Place Clappers Lane Earnley West Sussex PO20 7JL  Removal of existing single storey extension along east elevation. Construction of single storey extension on north elevation and 2 no. single storey lean-to extensions on east Elevation, replacement link, internal alterations and fenestration changes. Alteration and repairs to existing garden wall and painting of entrance gates.
<a href="#"><u>22/02662/FUL</u></a>	
<b>Earnley Parish</b> <b>Case Officer: Emma Kierans</b> <b>Written Representation</b>	Earnley Place Clappers Lane Earnley West Sussex PO20 7JL  Demolition of existing pavilion outbuilding and erection of 1 no. dwelling with basement, detached garage and swimming pool. New vehicular access and associated works.
<a href="#"><u>23/01373/FUL</u></a>	
<b>Earnley Parish</b> <b>Case Officer: Eleanor Midlane-Ward</b> <b>Written Representation</b>	Land Rear Of 114 Second Avenue Batchmere Chichester West Sussex PO20 7LF  Retrospective application for 1 no. tennis court and associated fencing.
<a href="#"><u>22/02995/FUL</u></a>	
<b>East Wittering And Bracklesham Parish</b> <b>Case Officer: Sascha Haigh</b> <b>Written Representation</b>	Northside The Parade East Wittering Chichester West Sussex PO20 8BL  Redevelopment to provide 2 no. commercial units, 5 no. one bedroom flats and 2 no. two bedroom flats and 1 no. three bedroom flats above.

Reference/Procedure	Proposal
<a href="#"><u>23/01064/FUL</u></a>	
<p><b>East Wittering And Bracklesham Parish</b>  <b>Case Officer: Emma Kierans</b></p>	<p>Land South Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex PO20 7JE</p> <p>Change of use of land as a travellers caravan site consisting of 3 no. pitches and associated development.</p>
<a href="#"><u>23/00237/CONCOU</u></a>	
<p><b>East Wittering And Bracklesham Parish</b>  <b>Case Officer: Andrew George</b>  <b>Informal Hearings</b>  <b>21-Mar-2024</b>  <b>Chichester District Council</b>  <b>East Pallant House PO19 1TY</b></p>	<p>Land Adjacent Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex</p> <p>Appeal against EW/53</p>
<a href="#"><u>22/02347/DOM</u></a>	
<p><b>Fishbourne Parish</b>  <b>Case Officer: Rebecca Perris</b>  <b>Fast Track Appeal</b></p>	<p>Linden Lea 49 Salthill Road Fishbourne West Sussex PO19 3QD</p> <p>Demolition of existing attached garden store. Construction of a two storey side extension and lean-to, and associated works. Replacement garden store/garage (revision to permitted 20/01576/DOM - revision of roof design).</p>
<a href="#"><u>22/02542/FUL</u></a>	
<p><b>Fishbourne Parish</b>  <b>Case Officer: Calum Thomas</b>  <b>Written Representation</b></p>	<p>Land North Of Godwin Way Fishbourne West Sussex</p> <p>The development of 4 no. new dwellings (3 no. 3-beds and 1 no. 2 beds) including the provision of a new vehicular access onto Blackboy Lane, a new pedestrian crossing on Blackboy Lane, parking, landscaping and all other associated works.</p>
<a href="#"><u>22/02821/FUL</u></a>	
<p><b>Fishbourne Parish</b>  <b>Case Officer: Sascha Haigh</b>  <b>Written Representation</b></p>	<p>112 Fishbourne Road West Fishbourne West Sussex PO19 3JR</p> <p>Demolishment of existing dwelling replaced with 5 no. apartments and change of use of existing outbuilding to create 1 no. two-bedroom dwelling with alterations to fenestration, 1 no. bike/bin store, alterations to access, parking, landscaping and associated works.</p>

<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>22/00438/FUL</u></a>	
<b>Hunston Parish</b> <b>Case Officer: Emma Kierans</b> <b>Written Representation</b>	Grist Farm Pagham Road Round about Hunston West Sussex PO20 1JL  Stationing of a mobile home as ancillary accommodation in connection with Grist Farmhouse (part retrospective).
<a href="#"><u>22/02398/DOM</u></a>	
<b>Hunston Parish</b> <b>Case Officer: Emma Kierans</b> <b>Written Representation</b>	Bremere House Selsey Road Hunston West Sussex PO20 1AU  Extension to existing double garage to form larger outbuilding with ancillary accommodation.
<a href="#"><u>20/00005/CONMHC</u></a>	
<b>Hunston Parish</b> <b>Case Officer: Sue Payne</b> <b>Written Representation</b>	Grist Farm Hunston Chichester West Sussex PO20 1JL Appeal against HN/31
<a href="#"><u>19/01400/FUL</u></a>	
<b>Loxwood Parish</b> <b>Case Officer: Martin Mew</b> <b>Written Representation</b>	Moore's Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS  Erection of a detached dwelling following demolition of free-standing garage.
<a href="#"><u>22/01216/FUL</u></a>	
<b>Loxwood Parish</b> <b>Case Officer: Sascha Haigh</b> <b>Written Representation</b>	Loxwood Hall Guildford Road Loxwood West Sussex RH14 0QP  Erection of dwelling with associated parking, landscaping and ancillary structures.



Reference/Procedure	Proposal
<a href="#"><u>22/01565/ELD</u></a>	
<b>Loxwood Parish</b> <b>Case Officer: Emma Kierans</b> <b>Informal Hearings</b>	Loxwood Farm Brewhurst Lane Loxwood West Sussex RH14 0RJ  Existing lawful development use of land as garden curtilage.
<a href="#"><u>21/03448/OUT</u></a>	
<b>North Mundham Parish</b> <b>Case Officer: Alicia Snook</b> <b>Informal Hearings</b>  <b>Chichester District Council</b> <b>East Pallant House PO19 1TY</b>	Land At Streamside Farm North West Of Tumble Cottage Lagness Road Runcton West Sussex PO20 1LD  Outline application (with all matters reserved accept Access) for the development of up to 30 dwellings; provision of public open space/play area; landscaping; and modification of existing access.
<a href="#"><u>22/00185/CONENG</u></a>	
<b>North Mundham Parish</b> <b>Case Officer: Sue Payne</b> <b>Written Representation</b>	Land Adjacent To The Spinney Pagham Road Runcton West Sussex  Appeal against NM/30
<a href="#"><u>23/00188/FUL</u></a>	
<b>Oving Parish</b> <b>Case Officer: Jeremy Bushell</b> <b>Written Representation</b>	Land Off Longacre Way Chichester West Sussex PO20 2EJ  Erection of apartment building (87 units), including Class E floor space, with associated car parking, bike stores, landscaping and utilising existing access.
<a href="#"><u>21/01697/PA3Q</u></a>	
<b>Plaistow And Ifold Parish</b> <b>Case Officer: Rebecca Perris</b> <b>Written Representation</b>	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
<a href="#"><u>20/00414/CONHH</u></a>	
<b>Plaistow And Ifold Parish</b> <b>Case Officer: Sue Payne</b> <b>Public Inquiry</b> <b>19-Feb-2024</b> <b>Chichester District Council</b> <b>East Pallant House PO19 1TY</b>	Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ  Appeal against Enforcement Notice PS/71.

Reference/Procedure	Proposal
<b>* <a href="#">21/02895/FUL</a></b>	
<b>Selsey Parish Case Officer: Emma Kierans Written Representation</b>	The Boulevard3 New Parade High Street Selsey Chichester West Sussex PO20 0QA  Retention of canopy to shopfront.
<b><a href="#">23/01114/FUL</a></b>	
<b>Selsey Parish Case Officer: Calum Thomas Written Representation</b>	Cranleigh36 Park Lane Selsey Chichester West Sussex PO20 0HE  Demolition of existing and erection of 1 no. replacement dwelling.
<b><a href="#">23/00431/FUL</a></b>	
<b>Sidlesham Parish Case Officer: Freya Divey Written Representation</b>	Land At Oakview Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG  Erection of L-shaped stable block.
<b><a href="#">19/00103/CONCOU</a></b>	
<b>Southbourne Parish Case Officer: Mr Michael Coates-Evans Written Representation</b>	Thornham MarinaThornham Lane Southbourne Emsworth Hampshire PO10 8DD  Appeal against SB/124
<b><a href="#">22/02927/FUL</a></b>	
<b>West Itchenor Parish Case Officer: Emma Kierans Written Representation</b>	Sanderlings Spinney LaneltchenorWest SussexPO20 7DJ  Construction of tennis court (alternative to permission 21/03159/DOM).
<b><a href="#">20/01192/FUL</a></b>	
<b>West Wittering Parish Case Officer: Martin Mew Written Representation</b>	Edelsten Cottage 2 Marine Drive West Wittering PO20 8HE  Demolition of single dwelling house and construction of development comprising 4 no.2 bed flats, new access and associated works.

**23/00076/CONCOU**

<b>Westbourne Parish Case Officer: Andrew George Written Representation</b>	Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ Appeal against WE/61
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**23/00076/CONCOU**

<b>Westbourne Parish Case Officer: Andrew George Written Representation</b>	Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ Appeal against WE/60
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#### 4. VARIATIONS TO SECTION 106 AGREEMENTS

CH/23/00479/OBG: Chas Wood Nurseries, Main Road, Bosham, Chichester, West Sussex

The proposed amendments to the S.106 agreement sought to vary the Mortgagee Exclusion Clause at paragraph 1.7 of Part 1A of the First Schedule. This would include updating the definition of 'Chargee' and replacing the definition of 'FH Disposal' and 'RP Disposal' with the new definition of 'Disposal', along with the related revisions in the wording of Paragraph 1.7 and any other necessary amendments. The proposed amendments seek to bring the wording in line with the current National Housing Federation's precedent mortgagee exclusion clause drafting. The variation of MIP clauses on developments with a quota of affordable housing in this way has become an accepted means of allowing RP's the flexibility they require in the financial market and builds in appropriate safeguards to ensure that there is no easy loss of affordable units on a site. The changes to the mortgagee clause do not change the approved proportion or mix of affordable dwellings secured under the Section 106 agreement. There are no significant planning implications raised by the proposal and this is considered to be a reasonable change, particularly given the change in the Council's standard approach to the wording at this time.

CDC Housing supported the proposed changes. The S.106 deed of variation was completed on 5<sup>th</sup> December 2023.

#### 5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

#### 6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Land North West of Premier Park Birdham Road	Of 4 Enforcement Notices	Contempt of Court proceedings for breach of Injunction: matter settled out of court further to Consent Orders between the parties approved by the High Court as follows: Hearing on 20/21 December cancelled; Plots vacated as per Injunction and contempt of court admitted by the defendants; Injunction still remains in place and 20% of Council's costs ordered against the defendants.
Court Hearings		

Site	Matter	Stage

Prosecutions		
Site	Breach	Stage
Land South of the Stables	Of Enforcement Notice	Matter previously adjourned pending the outcome of planning application which has been refused. Hearing on 2/1/24 for plea to be entered.
Land East of Farmfield Nurseries	Of Enforcement Notice	Not Guilty plea previously entered. Court to fix a new trial date (previously given date was not suitable to all parties) on 20/12/23.
82a Fletchers Lane	Of Enforcement Notice	Matter previously adjourned for all Defendants to attend and possibility of compliance. Adjourned to 16/1/24 for all Defendants to attend and plea to be entered.
Copygrove Copse	Of Enforcement Notice	First hearing on 16/1/24 for plea to be entered
Crouchlands – Lagoon 3	Of Enforcement Notice	Not Guilty plea previously entered. Trial on 25/1/24

## 7. POLICY MATTERS