

# Chichester District Council Planning Committee

Wednesday 07 February 2024

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

### Appeals, Court and Policy Matters

between 11-12-2023 - 16-01-2024

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="#">23/00555/DOM</a>	
<b>Chichester Parish Case Officer: Eleanor Midlane-Ward Written Representation</b>	28 Cavendish Street Chichester West Sussex PO19 3BS  Partial demolition of existing ground floor rear extension and erection of additional ground floor rear extension, with various alterations including replacement of cement render with lime based render and associated roof works. Alterations to boundary treatment and replacement of bi-fold gate with sliding gate.

## 2. DECISIONS MADE

Reference/Procedure	Proposal
<a href="#">20/00040/CONENG</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
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>“Discontinue the use of the Land as a waste collection business; (vii) Remove from the Land all non-agricultural goods and items including but not limited to metal goods and all wooden pallets, sawn wood, plant pots, car seats, tyres, shower tray, oil drums, log splitter, filing cabinets, oil drum barbeques, boat and trailer, chimney pots, trailers, touring caravan, cables, trailer plates, household items, armchairs, sofa, table, washing machines, generator, awning roller blinds, hippo waste bags, uPVC doors, wooden glazed doors, fridge, pool table, building material and cement mixer; (viii) Break up and remove from the Land the earth bund and fencing; and, (ix) Following step (viii), level the Land to follow the natural gradient/slope of the Land...The appeal is dismissed and the enforcement notice is upheld subject to corrections...It would therefore be appropriate to correct the notice by omitting references to the operation of a waste collection business. Injustice would not arise from making such corrections to the notice. It would then be open to the Council to reconsider and investigate the matter afresh in respect of the items/materials that are not enforced against as a result of the remaining requirements of the enforcement notice, albeit that is a matter which is entirely for them...As a matter of fact and degree, based upon the evidence before me, the appellant has failed to demonstrate on the balance of probabilities that the stationing of a mobile home for the purposes of human habitation has not occurred as a matter of fact. However, the appellant has discharged the necessary burden of proof to demonstrate that there has not been a material change of use to include that of the operation of a waste collection business...Accordingly, the appellant is unable to demonstrate on the balance of probabilities a 10-year continuous period of use pursuant to S171B(3) of the Act and thus it was too late to take enforcement action...The appeal on ground (d) therefore fails...It is directed that the enforcement notice be corrected by: deleting the words ‘mixed’ and ‘and the operation of a waste collection business’ from section 3 of the notice; delete requirements 5 (vi) and 5 (vii); and, renumerate requirements 5 (viii) and 5 (ix) including references within accordingly. deleting the words ‘mixed’ and ‘and the operation of a waste collection business’ from section 3 of the notice; delete requirements 5 (vi) and 5 (vii); and, renumerate requirements 5 (viii) and 5 (ix) including references within accordingly. Subject to these corrections the appeal is dismissed and the enforcement notice is upheld...”</p>	

Reference/Procedure	Proposal
<a href="#">22/02398/DOM</a>	
<p><b>Hunston Parish</b>  <b>Case Officer: Emma Kierans</b>  <b>Written Representation</b></p>	<p>Bremere House Selsey Road Hunston West Sussex  PO20 1AU</p> <p>Extension to existing double garage to form larger outbuilding with ancillary accommodation.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>The appeal is dismissed... the proposed extensions to the garage would create a significantly larger building. It would be comparable to the main dwelling's footprint, similar in height, and longer in length. Therefore, when viewed from the appeal site's access it would dominate the main dwelling and visually overwhelm the parking and front garden area...Its design would include features such as the porch, large roof dormers and areas of glazing, which would be more commonly attributed to a dwelling than an outbuilding. Thus, it would also unbalance the building hierarchy of the site by failing to retain the subservient nature of the existing garage as an outbuilding...Therefore, due to its overwhelming proportions, dominant design features, and poor relationship with the appeal dwelling and its surroundings, the proposal would cause significant harm to the character and appearance of the area. It would consequently fail to comply with LP Policies 2, 33, 45 and 48 and the Framework insofar as they require new development to be well designed and to respect the character of its setting...</p>	

Reference/Procedure	Proposal
<a href="#"><u>19/00103/CONCOU</u></a>	
<b>Southbourne Parish</b> <b>Case Officer: Mr Michael Coates-Evans</b> <b>Written Representation</b>	Thornham Marina Thornham Lane Southbourne Emsworth Hampshire PO10 8DD  Appeal against SB/124
<b>Appeal Decision: APPEAL ALLOWED - NOTICE QUASHED</b>	
<p>The appeal is allowed, and the enforcement notice is quashed ... For the ground (b) appeal to succeed the onus is on the appellant to demonstrate, on the balance of probabilities, that the alleged breach of planning control, namely the construction of two floating pod-style dwelling houses, has not occurred as a matter of fact. ... Moreover, in contrast to a building, the units were designed by a boat specialist, not a builder or architect, and comprise the common features of a boat such as a bow, stern, outboard motor and steering wheel with controls. ...The evidence is also that the units were completed in the boatyard beside the marina and then lifted into the water in the same way as a boat. Accordingly, this would not bring them within the definition of building operations as defined by the Act. .... In respect of permanence, on the balance of probabilities the evidence therefore weighs in favour of the units being buildings. ... I accept that the units are not advertised as mere boats. However, as a consequence of all the above, I do not find that this, nor the domestic appearance of the units and their use as a form of tourist accommodation, to be determinative for the purposes of my assessment. ... I have therefore found that in respect of size and physical attachment the units are not buildings. However, in respect of permanence the evidence weighs in favour of them being buildings. On the balance of probabilities, taking all my findings into account, I therefore find that the units are not buildings. As a matter of fact and degree, the appellant has therefore discharged the necessary burden of proof to demonstrate that the alleged breach of planning control has not occurred as a matter of fact. Despite my findings, it however remains open to the Council to investigate whether the units amount to a material change of use of land. This is however a matter which is entirely for them in the first instance... The appeal on ground (b) therefore succeeds for the above reasons. ... The appeal is allowed, and the enforcement notice is quashed.</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> <b>Public Inquiry</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>23/00209/OPEDV</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/60
<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>	
<p><b>Earnley Parish</b>  <b>Case Officer: Emma Kierans</b>  <b>Written Representation</b></p>	<p>Earnley Place Clappers Lane Earnley West Sussex PO20 7JL</p> <p>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.</p>
<a href="#"><u>22/02540/LBC</u></a>	
<p><b>Earnley Parish</b>  <b>Case Officer: Emma Kierans</b>  <b>Written Representation</b></p>	<p>Earnley Place Clappers Lane Earnley West Sussex PO20 7JL</p> <p>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.</p>
<a href="#"><u>22/02662/FUL</u></a>	
<p><b>Earnley Parish</b>  <b>Case Officer: Emma Kierans</b>  <b>Written Representation</b></p>	<p>Earnley Place Clappers Lane Earnley West Sussex PO20 7JL</p> <p>Demolition of existing pavilion outbuilding and erection of 1 no. dwelling with basement, detached garage and swimming pool. New vehicular access and associated works.</p>
<a href="#"><u>23/00117/FUL</u></a>	
<p><b>Earnley Parish</b>  <b>Case Officer: Emma Kierans</b>  <b>Written Representation</b></p>	<p>Cheraw Nursery 134 Almodington Lane Almodington Earnley West Sussex PO20 7JR</p> <p>Demolition of 2 no. outbuildings and existing stables and erection of 1 no. dwelling.</p>
<a href="#"><u>23/01373/FUL</u></a>	
<p><b>Earnley Parish</b>  <b>Case Officer: Eleanor Midlane-Ward</b>  <b>Written Representation</b></p>	<p>Land Rear Of 114 Second Avenue Batchmere Chichester West Sussex PO20 7LF</p> <p>Retrospective application for 1 no. tennis court and associated fencing.</p>

Reference/Procedure	Proposal
<a href="#"><u>22/02444/FUL</u></a>	
<b>East Wittering And Bracklesham Parish</b> <b>Case Officer: Emma Kierans</b> <b>Informal Hearings</b>	1 Maple Field South Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex  Use of land as a single private travelling showperson's site.
<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.
<a href="#"><u>23/01064/FUL</u></a>	
<b>East Wittering And Bracklesham Parish</b> <b>Case Officer: Emma Kierans</b> <b>Informal Hearings</b>	Land South Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex PO20 7JE  Change of use of land as a travellers caravan site consisting of 3 no. pitches and associated development.
<a href="#"><u>23/01504/FUL</u></a>	
<b>East Wittering And Bracklesham Parish</b> <b>Case Officer: Rebecca Perris</b> <b>Informal Hearings</b>	Land South Of 1 Field Maple Bracklesham Lane Chichester Bracklesham PO20 7JE  Change of use of land as proposed single travelling showperson site.
<a href="#"><u>23/00237/CONCOU</u></a>	
<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</b> <b>1TY</b>	Land Adjacent Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex  Appeal against EW/53

Reference/Procedure	Proposal
<a href="#"><u>22/02347/DOM</u></a>	
<b>Fishbourne Parish</b> <b>Case Officer: Rebecca Perris</b> <b>Fast Track Appeal</b>	Linden Lea 49 Salthill Road Fishbourne West Sussex PO19 3QD  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).
<a href="#"><u>22/02542/FUL</u></a>	
<b>Fishbourne Parish</b> <b>Case Officer: Calum Thomas</b> <b>Written Representation</b>	Land North Of Godwin Way Fishbourne West Sussex  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.
<a href="#"><u>22/02821/FUL</u></a>	
<b>Fishbourne Parish</b> <b>Case Officer: Sascha Haigh</b> <b>Written Representation</b>	112 Fishbourne Road West Fishbourne West Sussex PO19 3JR  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.
<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 Roundabout Hunston West Sussex PO20 1JL  Stationing of a mobile home as ancillary accommodation in connection with Grist Farmhouse (part retrospective).
<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>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



Reference/Procedure	Proposal
<b><u><a href="#">* 21/02849/FUL</a></u></b>	
<b>Loxwood Parish Case Officer: Calum Thomas</b> <b>Written Representation</b>	Land South West Of Willets Way Willetts Way Loxwood West Sussex  5 no. residential dwellings, vehicular and pedestrian access and hard and soft landscaping.
<b><u><a href="#">22/01216/FUL</a></u></b>	
<b>Loxwood Parish 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.
<b><u><a href="#">22/01565/ELD</a></u></b>	
<b>Loxwood Parish 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.
<b><u><a href="#">22/02372/FUL</a></u></b>	
<b>Loxwood Parish Case Officer: Sascha Haigh</b> <b>Written Representation</b>	Old School House Vicarage Hill Loxwood West Sussex RH14 0RG  Demolition of the Old School House. Construction of 3 no. dwellings with car parking and alterations to vehicle access.
<b><u><a href="#">21/03448/OUT</a></u></b>	
<b>North Mundham Parish Case Officer: Alicia Snook</b>  <b>Informal Hearings</b> <b>26-Mar-2024</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 except Access) for the development of up to 30 dwellings; provision of public open space/play area; landscaping; modification of existing access.
<b><u><a href="#">22/00185/CONENG</a></u></b>	
<b>North Mundham Parish Case Officer: Sue Payne</b> <b>Written Representation</b>	Land Adjacent To The Spinney Pagham Road Runcton West Sussex  Appeal against NM/30

Reference/Procedure	Proposal
<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 to fenestration.
<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>20-Feb-2024</b> <b>Chichester District Council</b> <b>East Pallant House PO19 1TY</b>	Oxencroft Ifold Bridge Lane Ifold Loxwood Sussex RH14 0UJ  Appeal against Enforcement Notice PS/71.
<a href="#"><u>* 21/02895/FUL</u></a>	
<b>Selsey Parish</b> <b>Case Officer: Emma Kierans</b> <b>Written Representation</b>	The Boulevard 3 New Parade High Street Selsey Chichester West Sussex PO20 0QA  Retention of canopy to shopfront.
<a href="#"><u>23/01114/FUL</u></a>	
<b>Selsey Parish</b> <b>Case Officer: Calum Thomas</b> <b>Written Representation</b>	Cranleigh36 Park Lane Selsey Chichester West Sussex PO20 0HE  Demolition of existing and erection of 1 no. replacement dwelling.
<a href="#"><u>23/00431/FUL</u></a>	
<b>Sidlesham Parish</b> <b>Case Officer: Freya Divey</b> <b>Written Representation</b>	Land At Oakview Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG  Erection of L-shaped stable block.

Reference/Procedure	Proposal
<a href="#"><u>22/02927/FUL</u></a>	
<b>West Itchenor Parish</b> <b>Case Officer: Emma Kierans</b> <b>Written Representation</b>	Sanderlings Spinney Lane Itchenor West Sussex PO20 7DJ  Construction of tennis court (alternative to permission 21/03159/DOM).
<a href="#"><u>20/01192/FUL</u></a>	
<b>West Wittering Parish</b> <b>Case Officer: Martin Mew</b> <b>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.
<a href="#"><u>23/00076/CONCOU</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Andrew George</b> <b>Written Representation</b>	Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ Appeal against WE/60
<a href="#"><u>23/00076/CONCOU</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Andrew George</b> <b>Written Representation</b>	Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ Appeal against WE/61
<a href="#"><u>22/02281/COU</u></a>	
<b>Westhampnett Parish</b> <b>Case Officer: Vicki Baker</b> <b>Written Representation</b>	Pampas Cottage Claypit Lane Westhampnett West Sussex PO18 0NU Change use of garage and workshop to guest/letting house.

#### 4. VARIATIONS TO SECTION 106 AGREEMENTS

#### 5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

#### 6. COURT AND OTHER MATTERS

<b>Injunctions</b>		
Site	Breach	Stage
Birdham, Land North-West of Premier Park	Of 3 Enforcement Notices and of High Court Injunction	Contempt of Court proceedings for breach of 2020 Injunction completed by Consent Orders whereby, upon the land having been finally cleared, the defendants have given undertakings to the court in the Orders to continue to comply with the Injunction and have admitted breaching the Injunction in the first place. Defendants ordered to pay 20% of the Council's costs.

<b>Court Hearings</b>		
Site	Matter	Stage

<b>Prosecutions</b>		
Site	Breach	Stage
Land East of Farmfield Nurseries	Of Enforcement Notice	Both defendants entered Not Guilty pleas. Trial on 22 May at Worthing Magistrates' Court

82a Fletchers Lane. Sidlesham	Of Enforcement Notice	Defendants asked for an adjournment to get legal advice. This was resisted. Court granted the adjournment but stated it is the last one. Next hearing for pleas: 27 February at Crawley Magistrates' Court at 2:00pm.
Land South of the Stables	Of Enforcement Notice	Warrant with Bail granted on the last occasion for Defendant to attend and enter plea. New date: 13 February at 2:00 at Crawley Magistrates' Court.
Crouchlands – Lagoon 3 Luxwood	Of Enforcement Notice	Trial on 25 January: Defendant found Guilty of breaching the Enforcement Notice. Court did not find his defence proven in that he had taken all reasonable steps to comply. Court accepted he needed the help of others to comply, in this case a permit to spread from the Environment Agency, but he had not made the application for it in the first place having had plenty of time to do so.

## 7. POLICY MATTERS