

**Chichester District Council
Planning Committee**

Wednesday 27 March 2024

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

between 14-02-2024 - 05-03-2024

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
<u>23/02425/FUL</u>	
Kirdford Parish Case Officer: Sascha Haigh Written Representation	2 The Workshop Village Road Kirdford Billingshurst West Sussex RH14 0NW Erection of 1 no. timber workshop building on existing light industrial /commercial land - Removal of Condition 6 (water neutrality) and Variation of Condition 2 of Planning Permission KD/21/00427/FUL for revision to site plan omitting reference to the storage tank.
<u>23/01907/DOM</u>	
Linchmere Parish Case Officer: Miruna Turland Other	Rats Castle Linchmere Road Hammer Haslemere GU27 3QG Single storey below ground level extension
<u>23/01908/LBC</u>	
Linchmere Parish Case Officer: Miruna Turland Other	Rats Castle Linchmere Road Hammer Haslemere GU27 3QG Single storey below ground level extension

Reference/Procedure	Proposal
23/00456/FUL	
<p>Sidlesham Parish Case Officer: Emma Kierans Written Representation</p>	<p>Willow & Deanhome Nursery 41-42 Keynor Lane Sidlesham Chichester West Sussex PO20 7NL</p> <p>Change of use of land to mixed storage use comprising of general storage (Use Class B8) and storage of builders materials/scaffolding (Sui Generis) within fenced compounds (part retrospective).</p>

2. DECISIONS MADE

Reference/Procedure	Proposal
22/01164/FUL	
Birdham Parish Case Officer: Emma Kierans Written Representation	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
Appeal Decision: APPEAL DISMISSED	
<p>The Appeal is dismissed...the main issues are therefore whether the proposed location of the new dwelling within the Appeal site is appropriate with regard to flood risk, and the effect of the proposal on the character and appearance of the area...therefore, taking a precautionary approach considering the significant and irreversible harm development within areas of flood risk can cause, the ST submitted is not adequate to conclude that the proposed location of the new dwelling within the appeal site is the most appropriate regarding flood risk. Consequently, the proposal would fail to comply with LP Policy 42 and the Framework...the Appeal site is set back from the waterfront and the proposed new dwelling would be set behind where the drainage stream widens out. Here the trees and undergrowth surrounding the stream increase in density and maturity. Therefore, the proposal would not be visually intrusive when looking back from the water and would be seen as part of the existing residential development rather than as something out of character...for the reasons given above, it is found the proposal would not harm the character and appearance of the surrounding area. It would therefore comply with LP Policies 45 and 48 as far as they seek new development to respect the character of the surrounding area and landscape...whilst I have found for the Appellant in relation to the second main issue, this would be a lack of harm and thus, by definition, incapable of weighing against the harm that I have found regarding the first main issue. Consequently, the Appeal scheme would conflict with the development plan as a whole. There are no material considerations worthy of sufficient weight, including the Framework, which would indicate a decision otherwise. The Appeal should, therefore, be dismissed.</p>	

Reference/Procedure	Proposal
<u>22/02347/DOM</u>	
Fishbourne Parish Case Officer: Rebecca Perris Fast Track Appeal	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).
Appeal Decision: APPEAL ALLOWED	
<p>I have reviewed the planning history including a previous planning permission for a two storey side extension with a hipped roof ref: FB/20/01576/DOM. This is a material consideration that establishes the principle of a two storey side extension...The twin gable design is no more visually intrusive in terms of scale, bulk and mass than what already exists in the area, even with it being on a relatively open corner plot. Accordingly, the development's scale, bulk and mass does not result in material harm to the character and appearance of the area...I do, however, find that the materials that have been used with terracotta colour hanging tiles creates an unduly discordant relationship with the host property and how it appears in the street scene...I, therefore, conclude that the materials on the external surfaces of the extension as built should match as far as possible the original dwelling in order for a visually acceptable development to be achieved. This could be secured by condition...I have included time limits for both the submission of the details and subsequent installation following the local planning authority's approval to ensure the development can be completed as soon as possible.</p>	

Reference/Procedure	Proposal
22/02821/FUL	
Fishbourne Parish Case Officer: Sascha Haigh Written Representation	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.
Appeal Decision: APPEAL DISMISSED	
<p>The appeal is dismissed... The development would result in increased use of the strategic road network, and specifically the nearby A27, which suffers from significant issues of capacity and congestion... For the reasons outlined above I conclude that the development would have an adverse effect on the operation of the strategic road network, and specifically the A27. It would therefore conflict with Policies 8 and 9 of the Local Plan, as supported by the SPD, and as set out above... The site is located within the Conservation Area... though certain details would appear well handled, the proportions and scale of the building would compare poorly, particularly given the top-heavy composition. This would be accentuated within the streetscene by the prominence of the building, and its provision with a bulky 'crown roof', the significant massing of which would be appreciable in views from the west... The building would project at ground floor level across the frontage, supporting balconies above. The character of this projecting element would be akin to that of a flat roofed rear extension, reflecting the fact that the street facing elevation of the proposed building would indeed be the rear. Both the orientation and design detailing of the proposed building would as such be directly at odds with the prevailing pattern, within which the principal elevations of most buildings face front... I conclude that the development would fail to preserve or enhance the character or appearance of the Conservation Area. It would therefore conflict with Policy 47 of the Local Plan, which amongst other things seeks to secure development which conserves and enhances the special interest and settings of conservation areas; and Policy 33 of the Local Plan, which seeks to secure the highest standards of design, including in relation to the character of the surrounding area, and such matters as proportion, form, massing, and detailed design... I conclude that the development would not have an adverse impact on the setting of the NL... I conclude that the development would not cause unacceptable harm to the living conditions of occupants of No 110A in relation to privacy and outlook... For the reasons set out above the effects of the development would be unacceptable, giving rise to conflict with the development plan.</p>	

Reference/Procedure	Proposal
23/00431/FUL	
Sidlesham Parish Case Officer: Freya Divey Written Representation	Land At Oakview Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG Erection of L-shaped stable block.
Appeal Decision: APPEAL ALLOWED	
<p>“The Appeal is allowed...The main issues are the effect of the proposed development on the character and appearance of the area, and whether the appeal site is a suitable location for the proposed development having regard to relevant policies relating to the countryside...Parcels of land facing Fletchers Lane are mainly residential dwellings, including ‘Oakview’ of which the appeal site is behind...varying sizes used for a mix of traditionally countryside uses including nurseries and equestrian...patchwork of rural buildings...rural character...This gives the Appeal site a reasonably enclosed and semi built-up setting...historically that the Appeal site may have been glass houses on it...seeks to erect a stable block towards the boundary with Bloxham Lane...location towards the site access would limit the need for excessive ancillary development, such as vehicle access ways...The semi-enclosed character of the Appeal site would ensure the proposed building would be largely screened and the hedge along the boundary would ensure any visual impact on Boxham Lane would be minimal. The proposal would therefore be well related and in keeping with the patch work of rural buildings scattered throughout the immediate area, and the equestrian use in this location would not be out of character...building is not directly next to adjacent structures. However, in this instance, would not be harmful to the overall landscape and rural character of the area, as the site is surrounded by a mix of development forms and types which inform the rural character of the area...Consequently, I find the proposal would not harm the character and appearance of the area and would comply with Policies 45 and 48 of the Chichester Local Plan: Key Policies (LP), as far as they require new development to respect the landscape and rural character of the area...Policy 55...there is scope for the exercising of horses in the immediate area and routes to access the designated bridleways if required...local area being acceptable for horse-riding without direct access to bridleways...the proposal is not seeking to fully develop the site and would concentrate development in one area...For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The Appeal is, therefore, allowed.”</p>	

Reference/Procedure	Proposal
22/02927/FUL	
<p>West Itchenor Parish Case Officer: Emma Kierans Written Representation</p>	<p>Sanderlings Spinney Lane Itchenor West Sussex PO20 7DJ</p> <p>Construction of tennis court (alternative to permission 21/03159/DOM).</p>
Appeal Decision: APPEAL DISMISSED	
<p>{The Appeal is dismissed...the main issue is the effect that the proposed development would have on the character and appearance of the surrounding area, which is within the Chichester Harbour Area of Outstanding Natural Beauty...however, the uniform appearance and residential character of the hard surfaced court, its enclosure, and the domestic activity within it would be harmfully at odds with the undeveloped rural character within the added land and within the adjoining field. Irrespective of whether the retractable parts are raised or lowered, the proposal's rectilinear form would contrast starkly with the sylvan backdrop in the lengthy north westward views from the PRow...therefore, I consider that the proposed development would harm the character and appearance of the surrounding area, and that it would fail to conserve or enhance the landscape and scenic beauty of the Area of Outstanding Natural Beauty. It would be contrary to LP Policy 33 which seeks the highest standards of design, and which aims for proposals to respect and enhance the character of the surrounding area and site, LP Policy 43 which aims to conserve and enhance the natural beauty and locally distinctive features of the Area of Outstanding Natural Beauty, and LP Policy 45 which aims to permit development where it requires a countryside location. It would also be contrary to LP Policy 48 which aims to permit development where, amongst other things, there would be no adverse impact on the tranquil and rural character of the area, and proposals respect and enhance landscape character, and do not undermine the integrity of predominantly open and undeveloped land between settlements, and the National Planning Policy Framework (Framework) which seeks to achieve well-designed and beautiful places, and for development to be sympathetic to local character including the surrounding landscape setting}</p>	

3. IN PROGRESS

Reference/Procedure	Proposal
<u>22/01918/FUL</u>	
Birdham Parish Case Officer: Sascha Haigh Written Representation	Birdham Straight House Main Road Birdham West Sussex PO20 7HS Removal of single storey sunroom to existing house and construction of 5 no. two storey houses together with garages, parking and revised access arrangements.
<u>22/02502/FUL</u>	
Bosham Parish Case Officer: Sascha Haigh Written Representation	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.
<u>22/03202/FUL</u>	
Chichester Parish Case Officer: Rebecca Perris Written Representation	2 The Gardens College Lane Chichester West Sussex PO19 6PF Construction of building for student accommodation.
<u>23/01914/ADV</u>	
Chichester Parish Case Officer: Eleanor Midlane-Ward Fast Track Appeal	Land South Of Halfords Unit A3 Barnfield Drive Chichester West Sussex PO19 7AG Erection of 1 no. digital advertisement display hoarding (D-Poster), internally illuminated.
<u>21/00323/CONMHC</u>	
Chidham & Hambrook Parish Case Officer: Andrew George Informal Hearings	Churchers Copse Barn Hambrook Hill South Hambrook Chidham Chichester West Sussex PO18 8UJ Appeal against CH/59
<u>23/00209/OPEDV</u>	
Chidham & Hambrook Parish Case Officer: Andrew George Informal Hearings	Churchers Copse Barn Hambrook Hill South Hambrook Chidham Chichester West Sussex PO18 8UJ Appeal against CH/60

Reference/Procedure	Proposal
<u>23/00117/FUL</u>	
Earnley Parish Case Officer: Emma Kierans Written Representation	Cheraw Nursery 134 Almodington Lane Almodington Earnley West Sussex PO20 7JR Demolition of 2 no. outbuildings and existing stables and erection of 1 no. dwelling.
<u>23/00788/FUL</u>	
Earnley Parish Case Officer: Emma Kierans Written Representation	Outbuilding South Of 101 First Avenue First Avenue Almodington Batchmere West Sussex Construction of detached workshop building along with associated hard standing, fence and landscaping.
<u>23/01373/FUL</u>	
Earnley Parish Case Officer: Eleanor Midlane-Ward Written Representation	Land Rear Of 114 Second Avenue Batchmere Chichester West Sussex PO20 7LF Retrospective application for 1 no. tennis court and associated fencing.
<u>22/02444/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Emma Kierans Informal Hearings 25-Apr-2024 Chichester City Council North Street Chichester PO19 1LQ	1 Field Maple South Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex Use of land as a single private travelling showperson's site.
<u>22/02995/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Sascha Haigh Written Representation	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.
<u>23/01064/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Emma Kierans Informal Hearings 23-Apr-2024 Chichester City Council North Street Chichester PO19 1LQ	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.

Reference/Procedure	Proposal
<u>23/01504/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Rebecca Perris Informal Hearings 25-Apr-2024 Chichester City Council North Street Chichester PO19 1LQ	Land South Of 1 Field Maple Bracklesham Lane Chichester Bracklesham PO20 7JE Change of use of land as proposed single travelling showperson site.
<u>23/02601/DOM</u>	
East Wittering And Bracklesham Parish Case Officer: Rebecca Perris Fast Track Appeal	Beach House Barn Walk East Wittering Chichester West Sussex PO20 8DG Proposed single-storey side extension, full property renovation, elevational and boundary wall amendments to the existing property.
<u>23/00031/CONHH</u>	
East Wittering And Bracklesham Parish Case Officer: Mr Michael Coates-Evans Written Representation	Casa Jano 6 Beech Avenue Bracklesham Bay Chichester West Sussex PO20 8HU Appeal against EW/52
<u>23/00237/CONCOU</u>	
East Wittering And Bracklesham Parish Case Officer: Andrew George Informal Hearings 23-Apr-2024 Chichester City Council North Street Chichester PO19 1LQ	Land Adjacent Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex Appeal against EW/53
<u>22/02542/FUL</u>	
Fishbourne Parish Case Officer: Calum Thomas Written Representation	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.

Reference/Procedure	Proposal
<u>22/00438/FUL</u>	
Hunston Parish Case Officer: Emma Kierans Written Representation	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).
<u>20/00005/CONMHC</u>	
Written Representation Hunston Parish Case Officer: Sue Payne	Appeal against HN/31 Grist Farm Hunston Chichester West Sussex PO20 1JL
<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>22/01216/FUL</u>	
Loxwood Parish Case Officer: Sascha Haigh Written Representation	Loxwood Hall Guildford Road Loxwood West Sussex RH14 0QP Erection of dwelling with associated parking, landscaping and ancillary structures.
<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.
<u>22/02372/FUL</u>	
Loxwood Parish Case Officer: Sascha Haigh Written Representation	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.

Reference/Procedure	Proposal
<u>23/00815/FUL</u>	
Loxwood Parish Case Officer: Vicki Baker Written Representation	Land At Loxwood Hall West Guildford Road Loxwood Billingshurst West Sussex RH14 0QP Erection of a detached dwelling.
<u>21/03448/OUT</u>	
North Mundham Parish Case Officer: Alicia Snook Informal Hearings 26-Mar-2024 CDC East Pallant House 1 East Pallant, Chichester, PO19 1TY	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.
<u>22/00185/CONENG</u>	
North Mundham Parish Case Officer: Sue Payne Informal Hearings	Land Adjacent To The Spinney Pagham Road Runcton West Sussex Appeal against NM/30
<u>23/00188/FUL</u>	
Oving Parish Case Officer: Jeremy Bushell Written Representation	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.
<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>22/02194/ELD</u>	
Plaistow And Ifold Parish Case Officer: Sascha Haigh Written Representation	The Coach House Oak Lane Shillinglee Plaistow West Sussex GU8 4SQ Existing lawful development certificate for the change of use of agricultural land to mixed use of business activities and private amenity land applicable for sui generis status.

Reference/Procedure	Proposal
<u>23/02682/ELD</u>	
Plaistow And Ifold Parish Case Officer: Freya Divey Written Representation	Land To The North Of Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ Existing lawful development - use of land for private amenity, storage and business use.
<u>23/02738/PLD</u>	
Plaistow And Ifold Parish Case Officer: Freya Divey Written Representation	Land To The North Of The Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ Replacement shed.
<u>22/02871/FUL</u>	
Selsey Parish Case Officer: Sascha Haigh Written Representation	107 East Beach Road Selsey Chichester West Sussex PO20 0EZ Demolition of existing 1 no. dwelling and replacement with 1 no. new dwelling.
<u>23/01114/FUL</u>	
Selsey Parish Case Officer: Calum Thomas Written Representation	Cranleigh 36 Park Lane Selsey Chichester West Sussex PO20 0HE Demolition of existing and erection of 1 no. replacement dwelling.
<u>23/00978/FUL</u>	
Sidlesham Parish Case Officer: Rebecca Perris Written Representation	Land North East Of The Honey House Chalder Lane Sidlesham West Sussex Erection of 1 no. additional dwelling.
<u>22/01005/FUL</u>	
Southbourne Parish Case Officer: Freya Divey Written Representation	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.
<u>22/00154/CONHI</u>	
West Itchenor Parish Case Officer: Sue Payne Written Representation	Russett Cottage Itchenor Road West Itchenor Chichester West Sussex PO20 7DD Appeal against the Council's decision not to issue a remedial notice

Reference/Procedure	Proposal
<u>22/02390/FUL</u>	
Westbourne Parish Case Officer: Emma Kierans Written Representation	Jubilee Wood Hambrook Hill North Hambrook Westbourne West Sussex PO18 8UL Change of use of land from agricultural to Class B8 for the storage of caravans and motor homes.
<u>23/00076/CONCOU</u>	
Westbourne Parish Case Officer: Andrew George Written Representation	Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ Appeal against WE/60
<u>23/00076/CONCOU</u>	
Westbourne Parish Case Officer: Andrew George Written Representation	Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ Appeal against WE/61
<u>22/02281/COU</u>	
Westhampnett Parish Case Officer: Vicki Baker Written Representation	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

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS