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| Parish: Sidlesham | Ward: Sidlesham With Selsey North |
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SI/24/01828/FUL

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| Proposal | Retention of two mobile homes for a temporary period of 24 months during construction of 1 no. 4 bedroom dwelling permitted under SI/10/01835/REM. | | |
| Site | The Fairways Brimfast Lane Sidlesham Common Chichester West Sussex PO20 7PZ | | |
| Map Ref | (E) 485496 (N) 100089 | | |
| Applicant | Mrs Smith | Agent | Mr Ben Kirk |

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site comprises a detached dwelling within the rural area. The site currently contains a dwelling that is under construction, two mobile homes, outbuildings and a large area of hardstanding.
- 2.2 The application site is set back from the highway and is accessed by a rural lane and an access track from the southeast. The Chichester Golf Course lies to the north and northeast of the site, agricultural land lies to the west, and there is a residential property to the south.
- 2.3 The site is enclosed by mature tree boundary screening and a high fence on the north eastern boundary.

3.0 The Proposal

- 3.1 Planning permission was granted for the replacement of an existing dwelling with a four bedroomed cottage, under permissions ref: 04/00225/OUT & 10/01835/REM, and in 2011 permission was granted to vary the orientation of the dwelling, under permission ref: 11/00050/FUL.
- 3.2 In 2011, planning permission was granted to retain two mobile homes for a period of two years to allow for the construction of the replacement dwelling under ref: 10/05395/FUL. The time period was further extended under permission ref: 12/04378/FUL for 18 months and again under ref: 14/02656/FUL for a further 12 months.
- 3.3 The mobile homes remain on the land and are occupied by the applicants and their family members as the dwelling is still in the process of being constructed. This application seeks permission to retain the mobile homes for a further two years to allow to complete the construction of the dwelling.
- 3.4 There is a current planning enforcement case regarding the stationing of the mobile homes on the site. This is due to a breach of condition 3 attached to permission ref: 14/02656/FUL. The condition required that the mobile homes should be removed by November 2015. A Breach of Condition Notice was served. Enforcement action has been held in abeyance while this application is determined.

4.0 History

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| 10/01835/REM | PER | Replacement of existing dwelling with 1 no. 4 bedroomed cottage. |
| 10/05395/FUL | PER | Retention of two mobile homes for a temporary period of two years during construction of 4 bedroomed cottage permitted under SI/10/01835/REM. |
| 11/00050/FUL | PER | S73 application to vary condition 1 of SI/10/01835/REM - Change in aspect of |

proposed dwelling.

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| 12/04378/FUL | PER | Retention of two mobile homes for a temporary period of 18 (eighteen) months during construction of 4 bedroomed dwelling permitted under SI/10/01835/REM (re-submission of SI/10/05395/FUL) |
| 14/02656/FUL | PER | Retention of two mobile homes for a temporary period of 12 months during construction of 1 no. 4 bedroom dwelling permitted under SI/10/01835/REM (re-submission of SI/10/05395/FUL). |
| 14/04131/DOM | WDN | Proposed double garage and annexed accommodation to the main dwelling. |
| 15/00435/DOM | PER | Proposed double garage and annexed accommodation to the main dwelling. |
| 18/01124/DOC | DOCDEC | Discharge of condition 3 from planning permission SI/15/00435/DOM. |
| 18/03429/ELD | PER | Existing lawful development certificate for use as commercial storage (B8). |
| 19/00757/PA3P | YESPAP | Notification for Prior Approval for a Change Of Use from Storage or Distribution Buildings (Class B8) and any land within its curtilage to dwellinghouses (Class C3). |
| 19/01574/FUL | WDN | Removal of existing storage building and erection of 2 no. dwellings and 1 no. car ports. |
| 20/00434/FUL | PER106 | Removal of existing building granted prior approval for change of use to C3 dwelling houses under 19/00757/PA3P and existing stable / storage building, and erection of a single storey new build dwelling and detached car port. |
| 22/01859/FUL | REF | Erection of detached dwelling and garage (alternative to that approved under application 20/00434/FUL). |
| 22/02597/FUL | PER106 | Erection of 1 no. dwelling and garage (alternative to permission 20/00434/FUL). |

5.0 Constraints

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| Listed Building | NO |
| Conservation Area | NO |
| Rural Area | YES |
| AONB | NO |
| Strategic Gap | NO |
| Tree Preservation Order | NO |
| EA Flood Zone | |
| - Flood Zone 2 | NO |
| - Flood Zone 3 | NO |

6.0 Representations and Consultations

6.1 Parish Council

Sidlesham Parish Council object to this application on the grounds that this matter has been ongoing for over 15 years and they felt the matter should be finally resolved.

6.2 Third party objection comments

No third party representations of objection have been received.

6.3 Third party support comments

No third party representations of support have been received.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Sidlesham Parish at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 33: New Residential Development
Policy 45: Development in the Countryside

Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19)

7.3 Following the Regulation 19 consultation which took place from 3 February to 17 March 2023, and consideration of all comments received, the Submission Local Plan was submitted to the Secretary of State for independent examination on 3 May 2024. In accordance with the Local Development Scheme, the examination hearings have taken place and it is anticipated that the new Plan will be adopted by the Council in early 2025. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications. The weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy in the NPPF.

7.4 Relevant Policies from the Published Emerging Local Plan 2021-2039 are:

Policy S1: Spatial Development Strategy
Policy S2: Settlement Hierarchy
Policy NE2: Natural Landscape
Policy NE10: Development in the Countryside
Policy P1: Design Principles
Policy P2: Local Character and Distinctiveness
Policy P6: Amenity

National Policy and Guidance

7.5 Government planning policy now comprises the National Planning Policy Framework (NPPF 2023). Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.**

7.6 Consideration should also be given to the following paragraph and sections: Sections 12 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

7.7 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon amenity of neighbouring properties

Assessment

i. Principle of development

- 8.2 The proposal is to retain the two mobile homes that have been on the site since the temporary permission was granted in 2011, under 10/05395/FUL. It is proposed that the mobile homes are in situ for a further two years while the construction of the dwelling is completed.
- 8.3 The replacement dwelling granted permission under 10/01835/REM is a self-build with works being undertaken during periods of time when the applicant is not working such as at weekends.
- 8.4 The applicant and his wife live in one caravan and his daughter and her children live in the other. There have been three previous permissions to retain the mobile homes on the land while the replacement dwelling is constructed.
- 8.5 There have been various site visits to the application site over the years; the photographs demonstrate a slow but steady progression of the build. Photographs taken at a site visit in February 2013 show that the groundworks and foundation trenches had been dug. A further site visit in November 2014 showed that the concrete and brick foundations and first courses of brickwork had been constructed.
- 8.6 A site visit in February 2019 found that the walls and roof structure had been substantially completed and there was scaffold erected around the build. A further site visit in September 2021 showed that the external appearance of the build appears the same as 2019, however, the site appeared abandoned with the scaffolding still erected and a pile of rubble laying in front of the dwelling. The site also looked overgrown..
- 8.7 At a site visit in September 2024, it was observed that the roof works have been completed with the roof tiles installed. The pile of rubble has partially been cleared and levelled and some of the scaffolding has been removed. The site is no longer overgrown. The internal walls have been constructed. There has therefore been some progress since the last site visit in 2021, however, there are still significant works required in order to make the dwelling habitable.
- 8.8 The applicant's personal circumstances have impacted the progress of the build including ill health, family bereavement and financial constraints, all of which have restricted the time available for progressing with the build. The applicant has informed the council that

he is now in a better position to progress the build to a point when the dwelling is habitable and the mobile homes can be removed.

8.9 There are no other buildings within the site that could provide temporary accommodation for the applicant and his family, who have occupied the site for a number of years. Therefore it is considered that temporary permission to retain the mobile homes is justified while the dwelling is constructed to a habitable standard for the applicant and his family. Consequently, the principle of the development is acceptable subject to compliance with the development plan and other material considerations.

ii. Design and impact upon character of the surrounding area

8.11 The NPPF states in paragraph 135 that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 180 advises that decisions should contribute to and enhance the natural and local environment.

8.12 Policy 33 of the Chichester Local Plan sets out that any proposed development must meet the highest standards of design and provide a high quality living environment in keeping with the character of the surrounding area and its setting in the landscape. Policy 45 of the Chichester Local Plan requires development in the countryside should be of a scale, siting, design and incorporate materials that would have minimal impact upon the landscape and rural character of the area. Policy 48 of the Chichester Local Plan requires, amongst other considerations, proposals respect and enhance the landscape character of the surrounding area and site.

8.13 Policy P2 of the Emerging Local Plan 2021-2039 advises that development should respect and enhance the character of the site and makes a positive contribution to the sense of place, street scene, local character, and distinctiveness of an area. Emerging policy NE2 advises that the impact of all development proposals will be carefully assessed to ensure the protection, conservation and enhancement of the plan area's natural landscape. NE10 advises that proposals in the countryside will be supported where the scale, form, bulk, siting, design and materials proposed are appropriate to their countryside location and will not cause unacceptable harm to their rural setting.

8.14 The application site is not visible from the highway due to its location and mature boundary screening. The mobile homes are located within the southwestern corner of the site and so are hidden from public view. Whilst permanent permission would not be granted, weight is given to the temporary nature of the mobile homes and the fact that permission has been granted previously on three occasions. It would be difficult to conclude that the mobile homes now have an impact above and beyond that judged previously to be the case. Overall, given the recommended conditions require the mobile homes to be removed after two years and the land returned to its former state, it is concluded the proposals do not result in an adverse impact on the character of the rural area.

8.15 The proposal by reason of its siting, size, design and appearance would be appropriate having regard to the existing property and would not cause significant harm or detriment to the wider area and therefore would accord with local and national development plan policies. Therefore, it is considered that the development would comply with NPPF

paragraphs 135 and 180, CLP policies 2, 33, 45 and P1, P2, NE2 and NE10 of the emerging Local Plan.

iii. Impact on neighbouring properties amenity

8.16 The NPPF states in paragraph 135 that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.

8.17 Policy P6 of the Emerging Local Plan advises that development should not result in material nuisance and or unacceptable impact on the amenity of an area, its users, neighbouring residents and occupiers, including those of the future development and that it would be likely to not be detrimental to human health.

8.18 The mobile homes are well-distanced from the dwelling to the south and would not result in a harmful impact on their amenity.

8.19 The proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook and privacy. Therefore it is considered that the development complies with paragraph 135 of the NPPF, policy 33 of the current CLP and P6 of the emerging Local Plan.

Conclusion

8.20 Based on the above, having regard to the particular circumstances relating to the proposal it is considered that the retention of the mobile homes for a temporary period of two years is acceptable as the proposal would not result in any long term harm to the character of the rural area, or have an unacceptable effect on the amenities of neighbouring occupiers. The proposal therefore complies with the development plan policies 2, 33 and 45, policies P1, P2, NE2 and NE10 of the emerging Local Plan, paragraphs 135 and 180 of the NPPF and therefore the application is recommended for approval.

Human Rights

8.21 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The use of the land hereby permitted for the stationing of two static mobile homes shall not be carried on other than by Mr and Mrs Smith and their dependents, The Fairways, Brimfast Lane, Sidlesham, Chichester, West Sussex PO20 7PZ and shall be for a limited period being the period of twenty four months from the date of this permission, or the period during which the static mobile homes are occupied by Mr and Mrs Smith and their dependents; whichever is the shorter.

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal.

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

3) The two static mobile homes hereby permitted, shall be removed within one calendar month of the date that this permission expires or within one calendar month of Mr and Mrs Smith and their dependents ceasing to occupy them, or the first occupation of the new dwellinghouse, whichever is the sooner and the land shall be restored to its original condition or such condition as agreed in writing by the Local Planning Authority.

Reason: The Local Planning Authority would not normally grant permission for such development in this location, but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow development for a limited period of time.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

| Details | Reference | Version | Date Received | Status |
|--------------------------------|----------------------|---------|---------------|----------|
| PLAN - Location and block plan | D.0424.001 REV 01 | | 15.08.2024 | Approved |

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

For further information on this application please contact Emma Kierans on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SHWC1GERKGM00>