

**Chichester District Council
Planning Committee**

Wednesday 06 November 2024

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

between 16-10-2024 - 12-11-2024

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)

2. DECISIONS MADE

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.
Appeal Decision: APPEAL DISMISSED	
<p>The main issue is whether Condition 6 is necessary to avoid an adverse effect on the integrity of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site (the Arun Valley site), in the interests of biodiversity, and whether Condition 2 is necessary to provide certainty for all parties... The appeal site lies within the Sussex North Water Supply Zone... it is clear that the mitigation measures are necessary to achieve water neutrality, and thus, for the development to have no adverse effect on the integrity of the Arun Valley site... Because the development without the mitigation measures required by Condition 6 would not be water neutral, it would not achieve no adverse effect on the integrity of the Arun Valley site. It would be contrary to the Habitats Regulations, and the Framework which aims to conserve and enhance the natural environment... Condition 6 is necessary to avoid an adverse effect on the integrity of the Arun Valley site, in the interests of biodiversity, and that Condition 2 is necessary to provide certainty for all parties. So, I shall not remove or vary Condition 2 and I shall not remove or vary Condition 6.</p>	

Reference/Procedure	Proposal
22/00185/CONENG	
<p>North Mundham Parish Case Officer: Sue Payne Informal Hearings 01-Oct-2024 Chichester City Council North Street Chichester PO19 1LQ</p>	<p>Land Adjacent To The Spinney Pagham Road Runcton West Sussex Appeal against NM/30</p>
Appeal Decision: APPEAL DISMISSED - NOTICE UPHELD	
<p>It is directed that the enforcement notice is varied by: the deletion from paragraph 6 of the words "three months" and the substitution therefor with the words "twelve months" as the time for compliance. 2. Subject to the variation, the appeal is dismissed and the enforcement notice is upheld ... it is not just the appellant who was residing at the site. The information before me states that it is likely to be the appellant, his spouse, three children of school age, a further son as well as his wife and young child, and the appellant's mother-in-law, who occupy the mobile home, touring caravan, and motorhome... In my view, the provisions of the GPDO cannot reasonably be interpreted as permitting the occupation of a site by such an extended family group... I am conscious that, as was highlighted to me, there is nothing that explicitly states that extended family groups cannot occupy a site along with the person employed in the operations that are taking place. Nonetheless, the wording of the provision is clear in that it states: "...if that use is for the accommodation of a person or persons employed in connection with the said operations." To my mind, this is sufficient to clarify that it is only those persons undertaking the works who are permitted to occupy the land and that the provision does not extend to further individuals, or indeed an extended family as in this case. In this context, the occupation of the site by individuals other than the appellant himself, who are not involved in the undertaking of the building operation does not benefit from permitted development and requires planning permission... Rather than the three months provided by the notice, the appellant seeks a period of two years to comply with its requirements... I find that a compliance period of 3 months would be unreasonably short, however the requested 2 years would be excessive. I consider that a period of 12 months would be appropriate in this case, which in my view strikes an appropriate balance between the rights and needs of the occupiers, including the children, and the legitimate aim of remedying the breach of planning control...</p>	

Reference/Procedure	Proposal
<u>23/02150/FUL</u>	
<p>Tangmere Parish Case Officer: Sascha Haigh Written Representation</p>	<p>Land West Of Low Place Easthampnett Lane East Hampnett Tangmere West Sussex PO18 0JY</p> <p>Erection of a two bedroom detached dwelling.</p>
Appeal Decision: APPEAL DISMISSED	
<p>... there is insufficient evidence to show that the enterprise would require he appeal is dismissed a full time worker to be available on or near the business site at most times during any 24 hour period to do so. As the appellant and his family currently live in Chichester, the relatively short commute, and the unpredictable out of hours trips to and from the business site, some of which are likely to occur when the A27 is less busy, are reasonable to meet the business's needs... whilst some vehicular trips related to the business would be reduced, they would be partly replaced by the other vehicular trips of the dwelling's occupiers... There is little evidence to show that some office space and enhanced security measures could not be provided at the business site, that staff could not share some of the unsociable hours worked, and that there is no suitable dwelling for the appellant's family or a staff member, say, in Tangmere... it has not been shown that the proposal would require a countryside location and would meet an essential small scale and local need, it would be contrary to LP Policy 45... I consider that the proposed development would unacceptably conflict with the development strategy for the District.</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>23/01750/DOC</u>	
Bosham Parish Case Officer: Alicia Snook Written Representation	Ham Farm Main Road Bosham Chichester West Sussex PO18 8EH Discharge of Condition 4 (Surface Water Drainage Scheme) 5 (CEMP) and 6 (SUDs) from planning permission BO/20/01288/FUL
<u>23/02293/TPA</u>	
Chichester Parish Case Officer: Henry Whitby Fast Track Appeal	23 Harberton Crescent Chichester West Sussex PO19 5NY Fell 1 no. Blue Atlas Cedar tree (quoted as T1) within Woodland, W1 subject to CC/68/00163/TPO.
<u>24/00258/DOM</u>	
Chichester Parish Case Officer: Miruna Turland Fast Track Appeal	29 Cedar Drive Chichester West Sussex PO19 3EH 1 no. dormer to rear elevation, 5 no. rooflights to front elevation and alterations to roof to include gable end.
<u>23/01718/ELD</u>	
Chidham & Hambrook Parish Case Officer: Emma Kierans Written Representation	Long Acres Drift Lane Bosham Chichester West Sussex PO18 8PR Existing Lawful Development - hardstanding and earth bund.
<u>24/00784/FUL</u>	
Chidham & Hambrook Parish Case Officer: Emma Kierans Written Representation	Springfield Hambrook Hill South Hambrook Chidham Chichester West Sussex PO18 8UJ Erection of 1. no 3 bed dwelling.

<u>23/00209/OPEDEV</u>	
Chidham & Hambrook Parish Case Officer: Andrew George Public Inquiry 01-Apr-2025 Chichester City Council North Street Chichester PO19 1LQ	Churchers Copse Barn Hambrook Hill South Hambrook Chidham Chichester West Sussex PO18 8UJ Appeal against CH/60
<u>21/00323/CONMHC</u>	
Chidham & Hambrook Parish Case Officer: Andrew George Public Inquiry	Churchers Copse Barn Hambrook Hill South Hambrook Chidham Chichester West Sussex PO18 8UJ Appeal against CH/59
<u>23/00089/ELD</u>	
Earnley Parish Case Officer: Emma Kierans Written Representation	Batchmere Lodge 95 First Avenue Almodington Earnley West Sussex PO20 7LQ Existing lawful development certificate for the change of use of building to dwelling.
<u>23/02147/DOM</u>	
Earnley Parish Case Officer: Emma Kierans Written Representation	Tykes Farm Barn Somerley Lane Earnley East Wittering Chichester West Sussex PO20 7JB Erection of detached garage and store.
<u>23/02272/FUL</u>	
Earnley Parish Case Officer: Emma Kierans Written Representation	114 Second Avenue Batchmere Chichester West Sussex PO20 7LF Demolition of existing outbuilding and construction of annexe and garage/store to be used in connection with 114 Second Avenue alongside associated works.

<u>22/00304/CONHH</u>	
Earnley Parish Case Officer: Mr Michael Coates-Evans Written Representation	Tykes Farm Barn Somerley Lane Earnley East Wittering Chichester West Sussex PO20 7JB Appeal against E/37
<u>22/02214/FULEIA</u>	
East Wittering And Bracklesham Parish Case Officer: Jane Thatcher Public Inquiry	Stubcroft Farm Stubcroft Lane East Wittering Chichester West Sussex PO20 8PJ Erection of 280 no. residential dwellings (including affordable housing), associated highway and landscape works, open space and flexible retail and community floorspace (Use Classes E and F).
<u>* 22/02235/OUTEIA</u>	
East Wittering And Bracklesham Parish Case Officer: Jane Thatcher Public Inquiry	Land At Stubcroft Farm Stubcroft Lane East Wittering Chichester West Sussex PO20 8PJ Outline application (with all matters reserved except for Access) for the construction of sheltered living accommodation.
<u>23/00031/CONHH</u>	
East Wittering And Bracklesham Parish Case Officer: Mr Michael Coates-Evans Written Representation	Casa Jano6 Beech Avenue Bracklesham Bay Chichester West Sussex PO20 8HU Appeal against EW/52
Reference/Procedure	Proposal
<u>20/00005/CONMHC</u>	
Hunston Parish Case Officer: Sue Payne Written Representation	Grist Farm Hunston Chichester West Sussex PO20 1JL Appeal against HN/31
<u>19/01400/FUL</u>	
Loxwood Parish Case Officer: Martin Mew Written Representation	Moore's Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS Erection of a detached dwelling following demolition of free-standing garage.

<u>23/00428/ELD</u>	
Loxwood Parish Case Officer: Vicki Baker Written Representation	Beech Farm Roundstreet Common Wisborough Green Billingshurst West Sussex RH14 0AN Certificate of Lawfulness for operational development comprising the laying of hardstanding for use as parking area, siting of portacabin for use as toilet facilities, and erection of building used as observers stand relating to outdoor sand school, alongside the continued material change of use of buildings and land for equestrian use.
<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>23/02478/FUL</u>	
North Mundham Parish Case Officer: Rebecca Perris Written Representation	South Mundham Farm South Mundham Chichester West Sussex PO20 1LU Demolition of existing dwelling, 2 no. outbuildings, containers, shed and silo replaced with 1 no. new dwelling and additional new garage/outbuilding with ancillary landscape works and change of use of agricultural land to residential
<u>24/00697/FUL</u>	
North Mundham Parish Case Officer: Martin Mew Written Representation	Land East Of The Spinney Pagham Road Runcton West Sussex PO20 1LD No Change of use of land to a travellers caravan site for 5 no. pitches.
<u>22/01735/FULEIA</u>	
Plaistow And Ifold Parish Case Officer: Joanne Prichard Public Inquiry	Crouchlands Farm Rickmans Lane Plaistow Billingshurst West Sussex RH14 0LE Regeneration of Crouchlands Farm, comprising demolition of selected buildings, extension, refurbishment and remodelling of selected buildings and the erection of new buildings to provide up to a total of 8,788 sq m (including retained / refurbished existing buildings) comprising the existing farm hub (sui generis), a rural enterprise centre (Use Classes E(c), E(e), E(g), C1 and F1(a)), a rural food and retail centre (Use Classes E(a) and E(b)) and a glamping site (Use Class E and sui generis); provision of new hardstanding, pedestrian, cycle and vehicular access, circulation and parking, landscaping including new tree planting, maintenance and improvements to the Public Rights of Way, site infrastructure and ground remodelling.

<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.
<u>22/03114/FULEIA</u>	
Plaistow And Ifold Parish Case Officer: Joanne Prichard Public Inquiry	Crouchlands Farm Rickmans Lane Plaistow Billingshurst West Sussex RH14 0LE Erection of 108 dwellings (Use Class C3), and associated access and street network, footpaths, open spaces, plant, landscaping and site infrastructure.
<u>22/03131/OUTEIA</u>	
Plaistow And Ifold Parish Case Officer: Joanne Prichard Public Inquiry	Crouchlands Farm Rickmans Lane Plaistow Billingshurst West Sussex RH14 0LE Outline planning application (with all matters reserved except access) for the erection of up to 492 dwellings (Use Class C3), education provision including primary school (Use Class F1) and associated access, footpaths, open spaces, landscaping and site infrastructure.
<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>23/02691/ELD</u>	
Plaistow And Ifold Parish Case Officer: Sascha Haigh Written Representation	Land North Of The Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ Existing lawful development certificate for the erection of a building.
<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>23/02743/FUL</u>	
Plaistow And Ifold Parish Case Officer: Sascha Haigh Written Representation	Land North Of The Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ Demolish 1 no. existing outbuilding and erection of 1 no. new outbuilding.
<u>23/02745/FUL</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 Demolition of 1 no. existing outbuilding and erection of 1 no. new outbuilding.
<u>24/00321/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 for use of land for private amenity, storage and business use.
<u>20/00414/CONHH</u>	
Plaistow And Ifold Parish Case Officer: Sue Payne Informal Hearings	Oxencroft Ifold Bridge Lanefold Loxwood Billingshurst West Sussex RH14 0UJ Appeal against PS/72
<u>23/02490/FUL</u>	
Selsey Parish Case Officer: Emma Kierans Written Representation	Land To The Rear Of Norton Lea Chichester Road Selsey Chichester West Sussex PO20 9EA Demolition of the existing outbuilding and the erection of 2 no. detached holiday lets with associated parking.
<u>24/00279/FUL</u>	
Selsey Parish Case Officer: Emma Kierans Written Representation	140 High Street Selsey Chichester West Sussex PO20 0QE Change use of ground floor shop (Class E) to Hot Food Takeaway (Sui Generis) including installation of external ducting for extraction ventilation.

<u>23/02489/FUL</u>	
<p>Sidlesham Parish</p> <p>Case Officer: Sascha Haigh</p> <p>Informal Hearings 03-Dec-2024 Chichester City Council North Street Chichester PO19 1LQ</p>	<p>Deanhome Nursery Keynor Lane Sidlesham Chichester West Sussex PO20 7NL</p> <p>Change of use of land for siting of a mobile home for agricultural worker.</p>
<u>24/01008/DOM</u>	
<p>Sidlesham Parish Case</p> <p>Officer: Annie Gietzold</p> <p>Fast Track Appeal</p>	<p>Orchards Selsey Road Sidlesham Chichester West Sussex PO20 7QX</p> <p>Erection of a detached annex, with ASHP and solar panels built onto roof and power wall battery storage.</p>
<u>24/01314/PA3R</u>	
<p>Sidlesham Parish Case</p> <p>Officer: Emma Kierans</p> <p>Written Representation</p>	<p>82A Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG</p> <p>Change of use of a building and any land within its curtilage from the use as an agricultural building to a flexible commercial use (initially defined as class E (g) under the amended Use Class Order).</p>
<u>24/00161/CONBC</u>	
<p>Sidlesham Parish Case</p> <p>Officer: Andrew George</p> <p>Informal Hearings</p>	<p>Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW</p> <p>Appeal against SI/84</p>
<u>* 21/01910/OUT</u>	
<p>Southbourne Parish</p> <p>Case Officer: Jane Thatcher</p> <p>Written Representation</p>	<p>Willowbrook Riding Centre Hambrook Hill SouthHambrookChidham PO18 8UJ</p> <p>Outline planning permission with all matters reserved (except for access) for the demolition of all existing buildings and structures on site and the erection of 63 no. dwellings including 3 no. custom/self-build plots, parking, landscaping and associated works.</p>
<u>22/01477/FUL</u>	
<p>Southbourne Parish</p> <p>Case Officer: Martin Mew</p> <p>Written Representation</p>	<p>Gatehouse Inlands Road Nutbourne West Sussex PO18 8RJ</p> <p>Demolition of existing dwelling, replace with 5 no. flats, new access, parking, landscaping and associated works.</p>

<u>24/00261/DOM</u>	
Southbourne Parish Case Officer: Miruna Turland Fast Track Appeal	Kimlas School Lane Nutbourne Chichester West Sussex PO18 8RZ Change tile hanging to weatherboard cladding
<u>23/00207/CONHI</u>	
Southbourne Parish Case Officer: Sue Payne Written Representation	Kia Ora Main Road Nutbourne Chichester West Sussex PO18 8RT Appeal against the Council's decision not to issue a remedial notice
<u>23/00518/FUL</u>	
West Itchenor Parish Case Officer: Emma Kierans Written Representation	Church Corner Itchenor Road West Itchenor Chichester West Sussex PO20 7DL Garage building with associated landscaping including regrading land and reduce height of existing retaining wall.
<u>24/00648/DOM</u>	
West Itchenor Parish Case Officer: Emma Kierans Fast Track Appeal	Harbour View Itchenor Road West Itchenor PO20 7DH Erection of a tennis court ancillary to an existing dwelling (previously approved under application ref. WI/21/03545/FUL). Widening of existing means of access to provide additional vehicular access from Itchenor Road.
<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
<u>23/02004/FUL</u>	
Westbourne Parish Case Officer: Emma Kierans Written Representation	Land At Jubilee Wood Hambrook Hill North Hambrook West Sussex Change of use of agricultural land to storage area for 8 no. caravans.

*** 23/02921/FUL**

Westbourne Parish Case Officer: Emma Kierans Written Representation	Land East Of Rownberts Woodmancote Lane Woodmancote Emsworth Hampshire PO10 8RD Change of use of land for the siting of 1 no. showman's mobile home with storage of associated vehicles and equipment.
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23/00076/CONCOU

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
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23/00076/CONCOU

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
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4. VARIATIONS TO SECTION 106 AGREEMENTS

None.

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
Thornham Products, Southbourne	Of Enforcement Notice	Court date obtained on 6 January at Worthing Magistrates' Court
Kelly's Farm, Birdham	Of Enforcement Notice	Court date requested: awaiting to hear from the court
Windy Hill Ark, Kirdford	Of Enforcement Notice	Court date requested: awaiting to hear from the court
2 The Workshop, Kirdford	Of Enforcement Notice	Court date requested: awaiting to hear from the court

7. POLICY MATTERS