

Chichester District Council

Planning Committee Wednesday 30 March 2016 Report of the Head of Planning Services

Schedule of Planning Appeals, Court and Policy Matters

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).

- WR – Written Representation Appeal
H – Hearing
I – Inquiry
() – Case Officer Initials
* – Committee level decision

1. NEW APPEALS

Reference/Procedure	Proposal
BX/15/03922/FUL WR (FJST) IN PROGRESS	1-6 The Old Granary, The Street, Boxgrove, Chichester, West Sussex, PO18 0ES. Change of use from Class B1 business to Class B1 business and/or Class D1 private health and well-being clinic with rehabilitation centre.
CC/15/01696/FUL WR (PK) IN PROGRESS	Land North Of Stockbridge House, Stockbridge Road Chichester, West Sussex. Proposed 1 no. studio house.
CC/15/02479/FUL WR (MT) IN PROGRESS	Unit R1A, Chichester Gate, Chichester, West Sussex PO19 8EL. Proposed installation of HVAC kitchen extraction flue and air intake louvre grill.
CH/15/02332/FUL WR (FJST) IN PROGRESS	Land North of The Avenue, Hambrook, Chidham, PO18 8TZ. Erection of 6 no. dwellings and associated works.
E/15/00348/CONCOU WR (SP) IN PROGRESS	107 First Avenue, Almodington, Batchmere, Chichester West Sussex, PO20 7LQ. Change of use of land to storage of caravans, motorhomes, boats and containers. Linked to E/15/01644/FUL
E/15/01644/FUL WR (MT) IN PROGRESS	107 First Avenue, Almodington, Batchmere, Chichester West Sussex, PO20 7LQ. Retrospective application for extended hard standing to the north of the glasshouse and change of use of land to south of glasshouse for the storage of caravans, boats and storage containers. Linked to E/15/00348/CONCOU

Reference/Procedure	Proposal
PS/15/00922/COU WR (MT) IN PROGRESS	The Coach House, Oak Lane, Shillinglee, Plaistow, Godalming, West Sussex, GU8 4SQ. Change of use from existing residential garden and private amenity/sports to club use for yoga, meditation and fitness.
SY/15/04091/DOM WR (MT) IN PROGRESS	Summerdown, Medmerry, Selsey, West Sussex, PO20 9BJ. Removal of condition 3 of permission SY/15/01787/DOM.
WH/15/02785/FUL WR (CABO) IN PROGRESS	Maudlin Mill, Sidengreen Lane, Maudlin, Westhampnett, Chichester, West Sussex, PO18 0QU. Erection of B1/B2 industrial unit.
WR/15/00864/FUL WR (AM) IN PROGRESS	Land at Wilton Cottage , Kirdford Road, Wisborough Green West Sussex, RH14 0DB. Construction of a two storey detached dwelling, means of access and detached garage.
SDNP/15/04781/HOUS LURGASHALL WR (JESH) IN PROGRESS	Orchard Park Farm, Dial Green Lane, Lurgashall, West Sussex, GU28 9EU. Proposed chain link fencing around tennis court.

2. DECISIONS RECEIVED

Reference/Decision	
BI/14/02356/PLD WR (F Stevens) DISMISSED	Martins Lea Martins Lane Birdham Chichester PO20 7AU - Construction of driveway to Lock Lane, in connection with additional hard surfacing.
<p>"...This appeal is concerned with the residential property known as Martins Lea. The appellant proposes to construct a hardstanding within the curtilage of this property for the parking of a caravan and boat and wishes to provide a new and additional driveway to the property...It is accepted that the construction of the hardstanding within the curtilage of the property would be permitted development by virtue of Class F Part 1 Schedule 2 of the GPDO. The issue is whether the proposed driveway would also be permitted development...Class B Part 2 Schedule 2 of the GPDO permits "The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where the access is required in connection with development permitted by any Class in this Schedule"...I have to determine, as a matter of fact and degree, on the evidence whether, in all the circumstances, the access can properly be regarded as required. I should apply an objective test and should recognise that a simple desire on the part of the appellant would not be sufficient1...I have been given one dictionary definition of "require" as meaning "need for a particular purpose". I note this is consistent with a Court of Appeal decision2, where required, admittedly considered in a slightly different context, was said to mean "necessary in the circumstances of the case"...It is important, therefore in light of the two preceding paragraphs to recognise that the driveway has to be required in connection with the development which is permitted elsewhere within the GPDO. The other development is the provision of a hardstanding for the parking/stationing of a car and caravan. I, therefore, have to ask myself whether the driveway is required in connection with the use of the hardstanding for the parking or stationing of a car and caravan. This should</p>	

be distinguished from asking oneself whether the driveway is required for Martins Lea as a whole...I understand the appellant's desire or wish to have an improved access with better visibility. I further accept that it will make it easier for a motor vehicle to tow a caravan or boat on and off the site. At the same time, an additional or new access is not essential. There is an existing access which is used and one which I have found can be used with care...I do not, therefore, consider as a matter of fact and degree having regard to the evidence that the driveway can be said to be required in all the circumstances, given that there is an existing access which it is possible to use. The appellant has not, therefore, demonstrated on the balance of probabilities that the driveway is permitted development..."

[BX/15/02533/DOM](#)
HH (C Boddy)
DISMISSED

17 Priory Close Boxgrove Chichester West Sussex PO18 0EA - Proposed detached garage.

"... The appeal is dismissed. The main issue is the effect of the proposed garage on the character and appearance of the area. In terms of its scale, both in itself and in proportion to the host dwelling, I consider that the proposed garage would be acceptable. I take the same view as regards the design and the proposed external materials.... regards the garage's siting I consider that the combination of its angular relationship with the dwelling and position forward of the front elevation would make its appearance awkward and ungainly in the street scene. I acknowledge that the angled position reflects that of the site boundary, but the garage would nonetheless draw the eye and be perceived negatively as being obtrusive and incongruous when seen both at close quarters and in longer southward views from and beyond the area of grassed open space that forms an important element within the street scene. I do not take the view that the laurel hedge to the side would adequately screen the garage from these views.... grassed open space referred to above is specifically mentioned in the Character Appraisal of the Boxgrove Conservation Area,...I consider that the proposed garage would have a harmfully prominent effect upon this open area, I am also of the opinion that the setting of the conservation area would be adversely affected....have noted the references to other local examples of garages set forward of the buildings that they relate to. In some cases the effect is benign, in others it supports the Council's case of the harmful effect of inappropriately sited buildings....I conclude that the garage's siting would have an unacceptably harmful effect on the character and appearance of the area and the setting of the conservation area...."

[CC/14/03359/PDE](#)
WR (H Chowdhury)
DISMISSED

18 Juxon Close Chichester West Sussex PO19 7AA - Single storey rear extension (a) rear extension - 4.0m (b) maximum height - 3.7m (c) height at eaves - 2.3m.

"... The main issue is the effect of the proposal on the living conditions of occupiers of no. 19 Juxon Close with regard to light and outlook. ... With reference to the Design Guidance, both the Council and the appellant have referred to the proposed extension breaching a 60 degree angle taken from the mid-point of the nearest ground floor habitable room windows of 19 Juxon Close. ...Due to the location of the proposed extension to the south of its neighbour, the fact that it would rise above the existing boundary fence and because of the proposed length I find that the proposal would result in a loss of direct sunlight to the neighbouring dwelling for a significant part of the day. ... While the proposals would result in a change to the outlook from no.19 I do not consider that the impact would be overbearing to neighbouring occupiers or be so significant as to detract from their living conditions. ... Whilst I have not found that the proposal would be overbearing or result in a significant loss of outlook to the occupiers of no.19 Juxon Close this finding does not outweigh the harm associated with overshadowing and loss of sunlight. ..."

[CC/15/01122/DOM](#)

[CC/15/01123/LBC](#)

WR (A Miller)

DISMISSED

28 Westgate, Chichester, West Sussex, PO19 3EU - Single storey rear extension.

Linked to [CC/15/01123/LBC](#)

The main issues are, firstly whether the proposed single story extension would preserve the special architectural or historic interest of a grade II listed building; and secondly, whether the proposal would harm the living conditions of neighbouring residents, with particular regard to outlook.... The appeal building lies within a mostly residential area... The houses within the terrace front the footway, and their similar styles and heights gives an attractive historic appearance to the street.... The proposed single storey extension would replace the existing one which was constructed in the 1960s.... However, unlike the existing extension it would extend the width of the garden, and although it would not be as deep or have as large a footprint as the existing extension, it would nevertheless have a substantial size. The full height partly glazed doors and windows would extend most of the width of the extension, and would exaggerate its breadth. It would be an overly long and wide, bulky addition to the house at odds with the tall, narrow nature of the building....The introduction of such a complex roof would be a strident and incongruous contrast to the simplicity of the form of the main house.... The introduction of such a complex roof would be a strident and incongruous contrast to the simplicity of the form of the main house....impact of the proposal on the historic fabric has not been ascertained, nor therefore how much of the garden walls could be retained.... harm should be weighed against the public benefits of the proposal.... The appellant considers the extension would adapt the house to modern living... However, this would satisfy the family needs of the appellant and would be a personal, not a public benefit... great weight should be given to the asset's conservation.... The appellant has pointed out that the extension would not be visible from the public realm. However, the statutory requirement is to preserve the special architectural or historic interest of a listed building in all cases, not just where it is prominent or highly visible. Thus, for the reasons given above, the proposed extension would unacceptably harm the special interest of the listed building.... depth would form a dominant and oppressive outlook to its occupiers, including from the garden.... unacceptably harm the living conditions of the occupiers of No 30 with regard to outlook... The appeal property lies within the Chichester Conservation Area where there is a statutory requirement to preserve or enhance the character or appearance of a conservation area. The historic terraces to either side of Westgate are positioned to the rear of the footway, and the long sinuous gently curving rows of historic houses are a striking and attractive feature of the area. To the rear of the terrace, the diversity of the extensions and outbuildings forms a contrast to the more regular and homogenous appearance of the front of the houses. Although the appeal proposal would be large and wide, it would be single storey and would be part of this more jumbled and varied nature to the rear of the terrace. As such it would preserve the character and appearance of the conservation area. The appellant has drawn my attention to a number of other developments that are considered comparable to the appeal proposal. However, I do not have the full planning history of these properties before me to ascertain if they form a direct comparison, and in any case each scheme has to be treated on its own individual merits in accordance with the requirements of the current development plan and all other material considerations, as I have undertaken in this instance...."

Reference/Decision	
CH/14/00181/CONMHC H (S Archer) DISMISSED	Land West of Five Oaks Newells Lane West Ashling West Sussex - Stationing of mobile home. Appeal against enforcement notice.

The site is used for the keeping of horses for recreational purposes,... The keeping of horses... is not expressly objected to by the Council, but it is concerned about the residential use,... Planning permission is sought to continue the residential use for a limited period of 3 years on the basis of essential need in connection with a rural enterprise... There is a gypsy and traveller site nearby..... close to a junction and a scattering of residential dwellings. In comparison, the site... is separated by a swathe of open and undeveloped pasture land..... the area is defined by mainly undeveloped fields crossed with hedgerow trees and woodlands..... the residential use with it all of the trappings associated with residential living.... The mixed use... has an adverse impact on thetranquil rural character of the area, and it undermines the integrity of the open and undeveloped quality of the land..... Agricultural need... the established enterprise would be developedthe proposed number of livestock is small in terms of a commercial flock.....does not require a 24-hour presence... I acknowledge the Appellant's concerns about ...equipment failing... However.. incubators and brooders could be kept offsite concerns for site security and animal welfareare insufficient to justify a 24-hour residential presence..... the evidence presented does not show that there is no ... alternative accommodation available in the area.... the claim is that the enterprise is up and running... However... profits may well reduce year-on-year..... The Appellant considers that permitted development ... rights... are applicable.... but these do not appear to permit the residential use of agricultural land.... There is no evidence whatsoever to suggest that the Appellant was, or is, 'employed' in permitted building or engineering operations.... There is no evidence before me to indicate that the mobile home would,... be used for the storage of animal feed or as a mess room... the residential use has a significant adverse impact on the character of this rural landscape..... Ground (f)... the breach can only be remedied by requiring the cessation of the unauthorised residential use and removal of the mobile home, which has sustained and facilitated the residential use...I conclude that the appeal on grounds (a) and (f) should not succeed. I shall uphold the enforcement notice, subject to corrections, and refuse to grant planning permission on the deemed application

Costs Decision

"The application for an award of costs is refused.... accepted that only the residential use should cease.... all of the identified deficiencies can be corrected without causing injustice to the Appellant or local planning authority. On that basis, it was not considered necessary to withdraw the issued Notice... the incorrect effective date did not prejudice the Appellant because a valid appeal had been made before the Notice took effect.... In all probability, the site was in a mixed use when the Notice was actually issued. The appeal parties agreed that no injustice arises from all of the corrections, because both parties were aware of the Notice's intent and understood that it was the residential use which it sought to cease.... discussion on the validity of the issued Notice lasted about two hours. I consider that this discussion did not unnecessarily prolong the Hearing.... Furthermore, on the planning merits my decision... have found no essential need for a temporary dwelling.... the enterprise has not been planned on a sound financial basis and so it would not endure... I conclude that unreasonable behaviour resulting in unnecessary or wasted expense...has not been demonstrated and a partial or full award of costs is unjustified."

SDNP/15/04270/HOUS EARTHAM HH (J Shore) ALLOWED	The Coach House Eartham Lane Eartham West Sussex PO18 0LP - Construction of a small oak barn for domestic storage/workshop use.
<p>"...I have found that the proposed development would preserve the character and appearance of the Eartham Conservation Area. However I have also found that it would cause less than substantial harm to the setting, and thereby the significance of a listed building, and I have to attach considerable importance and weight to this harm. There would also be conflict with policy BE4. The Framework makes clear at paragraph 134 that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the benefits of the proposal. In this case the benefit would be the living conditions of the occupiers of the host property in that a storage building/workshop facility would be provided. On balance, given these benefits, and taking into consideration only minor harm would be occasioned to the setting of the listed building from views along a private driveway, I consider that the benefits outweigh the harm. I also consider that these factors outweigh any potential conflict with policy BE4...."</p>	
EWB/14/01806/OUT * I (F Stevens) ALLOWED	Land East Of Barton Way, Clappers Lane, Earnley West Sussex - The erection of 110 residential dwellings, new vehicular access, open space, and other ancillary works.
<p>"...The appeal is allowed and outline planning permission is granted for the erection of 110 residential dwellings, new vehicular access, open space, and other ancillary works at land south of Clappers Lane... Whilst matters of appearance, layout, landscaping and scale are not formally submitted for determination as part of this application, the submission is accompanied by illustrative details to which I have regard. An agreement was presented to the inquiry made between the main parties under section 106 of the Town and Country Planning Act 1990. This agreement has been subsequently signed and completed as a deed dated 11 December 2015 and I consider the appeal on that basis. The Council's outstanding objection to the development relates solely to the matters set out in Reason 4) of its decision notice.... The main issues in this appeal are: whether the proposed development would be premature, with particular regard to the East Wittering and Bracklesham Neighbourhood Plan, and to the requirements for masterplanning, and; whether the Council is able to demonstrate a five year supply of housing land and any implications arising with regard to the National Planning Policy Framework (the Framework)... Prematurity with regard to the East Wittering and Bracklesham Neighbourhood Plan... The East Wittering and Bracklesham Neighbourhood Plan Area was designated in September 2013.... Over a year on, however, no pre-submission version of a Neighbourhood Plan has been published, but the Parish Council anticipates progress to pre-submission stage prior to 31 March 2016. Representatives of the Parish Council did not give evidence in person to the inquiry, but I have noted the explanation of progress given in its written submissions, its concerns towards the development, and its preference for development elsewhere. Relevance of the Council's Site Allocation: Preferred Approach Development Plan Document 2014-2029. The Council's Site Allocation: Preferred Approach Development Plan Document 2014-2029 (the Allocation DPD) is to be subject to public consultation in early 2016 and was very recently considered by the Council's Cabinet on 1 December 2015. Policy EW1 of the Allocation DPD identifies a site at land west of Bracklesham Lane for development of approximately 130 dwellings on some 4.3 hectares. This would account for the remaining allocation identified by Policy 24 of the Local Plan... The Council's Sustainability Appraisal which accompanies the Allocations DPD identifies the advantages of the land west of Bracklesham Lane relative to the appeal site to include</p>	

closeness for walking into the facilities of East Wittering, and also refers to the presence of water voles at the appeal site. I also note land west of Bracklesham Lane is supported by the Parish Council. The first of twelve core planning principles set out in the Framework is that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.... The advice set out in the government's Planning Practice Guidance... is that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.... Significantly, the Guidance concludes that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period... The Neighbourhood Plan does not exist as such, and therefore cannot be said to be inconsistent with any proposal for development of the appeal site. The Allocation DPD is at a very early stage of its progress as a development plan document and, in accordance with the Framework, can only be afforded very limited weight. Further, I am unconvinced regarding the respective planning merits presented of the allocated site and the appeal site... Notwithstanding any informal preferences so far expressed by the Parish Council, the early stage of the Neighbourhood Plan means that its future content cannot be known and would only be formulated following necessary publicity, consideration of representations received, and subsequent endorsement through public examination. Hence I find the appeal scheme would not give rise to any material harm in relation to the content of either the Neighbourhood Plan, which does not exist, or the Allocations DPD, which is only just emerging and the provisions of which in relation to the appeal site appear open to significant further question. The relevance of the Neighbourhood Plan, however, is not just in terms of eventual content, but also in terms of the accompanying process. In particular, in Policy 24 there is an up-to-date Local Plan policy which relies fundamentally on the delivery of an additional and complementary Neighbourhood Plan which has yet to be produced in order to implement overall development strategy. A distinction is to be made between an unpublished Neighbourhood Plan, which I find in itself is of no weight as a document, and a process of neighbourhood planning seen as a fundamental part of implementing the development strategy of the Local Plan. The proposal has emerged independently of the particular development plan process identified by the Local Plan. I therefore conclude that the proposed development would, in that specific regard, be contrary to Policy 24 of the Local Plan which anticipates Strategic Development in East Wittering and Bracklesham through an East Wittering/Bracklesham Neighbourhood Plan in-keeping with the Framework's commitment to plan-led neighbourhood planning. Prematurity with regard to masterplanning. Policy 7 of the Local Plan states that development of identified strategic locations will be through a comprehensive masterplanning process involving the active participation and input of all relevant stakeholders prior to the submission of a planning application.... The previous appeal decision concluded that the proposal should be regarded as a reasonably sustainable scheme but found the layout to be mediocre and unimaginative and that such defects outweighed the presumption in favour of the residential scheme that would otherwise pertain. The appeal proposal has been formulated in direct response to that decision.... Given the history of the appeal scheme, I therefore have little reason to conclude that a further process of 'retrospective' masterplanning would add any significant value to the development planning process in this instance. Accordingly, the development would not be harmful to the development plan masterplanning process and would not be contrary to Policy 7. Five year housing land supply The Framework requires the local planning authority to identify and update annually a supply of specific deliverable housing sites sufficient to provide five years' worth of housing relative to its full objectively assessed needs for market and affordable housing (OAN). The matters in dispute between the parties are: how OAN should be

interpreted; the relevant period for assessment of the five year housing supply; delivery rates; Southern Water's revised timetable for upgrade of Tangmere Waste Water Treatment Works (the TWWTW) and its consequences for future housing supply; and the specific housing supply forecasts for seven sites. OAN... Subject to an early review of the Plan, the Inspector was satisfied that a Plan target of 435 dwellings per annum demonstrates a positive approach to maximising delivery of new housing and that the Council can demonstrate a five year housing land supply on that basis. In contrast, the appellant contends that the requirement should be assessed with reference to a full OAN of 505 dpa. The Guidance makes clear that housing requirement figures in up-to-date, adopted Local Plans should be used as the starting point for calculating five year supply. It advises that considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. The Council has an up-date housing requirement very recently established as part of a formal development plan process. I recognise that 435 dpa is a 'policy-on' figure short of the District's full OAN but it is, nonetheless, that formally and very recently endorsed as the authority's five-year housing... I consider that to be the appropriate figure for assessment.... neither the Framework nor the Guidance provides any explicit advice as to whether the five year period should be considered from the start of the most recent monitoring period, or from the next forthcoming date, and I find issues with both approaches. Taking the period 2015-20 would not cover a full forward looking five year period, but taking 2016-21 would not be consistent with references in Footnote 11 of the Framework to site circumstances as existing now.... The Council explained how the selected reporting period reflects its current methodology consistent with previous advice and in the absence any clear prescription to the contrary. It also explained how the first year is, in any case, likely to reflect dwellings under construction and thereby offer greater robustness than forecasts for other years... I also note the Council's explanation of the particular reasons why actual completions fell short of the Council's forecasts in the last two years. Further, the Council's alternative calculations for 2015-20 still show a surplus of housing land for that period and, in overall terms, I am satisfied by the Council's approach. Delivery Rates... The Council's figures reflect local site-specific information, including development phasing information directly provided by site promoters and developers. The appellant questions the robustness of this approach and, in particular, suggests it creates over-optimistic development lead-in times and over-optimistic annual sales rate forecasts.... The appellant has put forward an alternative analysis which draws upon corporate reports and accounts backed up with independent conversations with national, regional and local developers and local agents.... Nevertheless, the Council has affirmed its forecasts and which I consider to be based upon reasonable, up-to-date data. TWWTW... At the time of the Local Plan examination, Southern Water projected the upgrade would be operational from 2019 but is now programming completion by December 2017. The appellant has provided evidence to question the timescales now being proposed... The Council has provided evidence, however, that its housing trajectory for development of the Westhampnett, West of Chichester and Tangmere Strategic Development Locations (SDL's) will be unaffected by this revised programme. I am satisfied, from the arguments presented, that the Council's forecasts still appear realistic.... Specific housing supply forecasts for seven sites. The appellant has challenged the Council's trajectory in relation to seven specific sites, and maintains the Council's figures in relation to each to be over-optimistic.... Whilst I acknowledge the potential impediments identified by the appellant towards these sites, I consider that, on balance, reasonable overall prospects for development still remain. Five year housing land supply: findings and implications.... the existence of a recently adopted statutory Local Plan with an agreed and up-to-date housing requirement is a matter to which I attach considerable importance as indicated by the Guidance. Further, the report of the Local Plan pre-dates this inquiry by a mere matter of months and the Plan is intended to serve an expected life of fifteen years.... The evidence presented by the appellant does

raise credible questions regarding some site-specific data and accompanying delivery rates presented by the Council to this appeal. In light of the appellant's evidence, I acknowledge the Council's figures may be over-optimistic. Nevertheless, I do not consider the Council's overall figures and accompanying assessment to be fundamentally flawed or so unreasonable for me to conclude that a five year supply of housing land does not exist.... The Council has offered a reasonable, up-to-date trajectory of future supply drawing upon the Local Plan findings and I find it is not improbable that delivery could be achieved. I accept that the Council will need to deliver a significant improvement upon historic performance over the coming five year period, but that it has reasonable grounds for optimism in that regard given the findings of the Local Plan Examination reached in light of a full and proper assessment of all relevant evidence, and the Council's more up-to-date site-specific forecasts.... Other Matters... A number of matters have been raised by third parties, including traffic impacts, implications for local services and infrastructure, possible consequences in connection with flooding, air quality, over-development, loss of agricultural land, the relationship to the Earnley Conservation Area, and the effect upon the living conditions of neighbouring residents.... I have little reason to conclude that such matters represent grounds to preclude development.... Section 106 agreement... The Council confirmed at the inquiry that it is satisfied with the form and drafting of the agreement as a deed, and both main parties raise no issues with its content.... I take the obligations set out in the agreement into account as considerations of my decision. Dimensions of sustainable development. The Framework makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development.... The scheme would undoubtedly provide considerable housing benefits, and not just in terms of affordable housing, but also in terms of market provision, and such benefits would be consistent with the social dimension of sustainable development.... The Council maintains the development would be at odds with other aspects of the social dimension of sustainability in the absence of support through the Neighbourhood Plan.... Whilst I acknowledge the absence of a neighbourhood plan as envisaged, the planning history of the site and of the recently adopted Local Plan have provided significant opportunity for the public to contribute views directly to relevant matters and, for the reasons already described, I am unable to identify any specific material harm arising from the scheme itself. The investment represented by the development would also be consistent with the economic dimension of sustainable development. There is also no dispute between the main parties that the location is, in principle, a sustainable one. In environmental terms, the site carries no particular designation, and no objection is raised by the Council on that basis. Development plan... The scheme would involve a procedural inconsistency with Policy 24 which identifies the need for an on-going process of neighbourhood planning as a fundamental part of implementing the development strategy of the Local Plan. For the reasons explained, I find the harm arising in that regard, given the extensive history of the site and the absence of any material harm arising from the intrinsic merits of the proposal itself, would be very limited. In summary, the development does not comply with the procedural expectations of Policy 24, but I find the scheme is otherwise broadly in accordance with the development plan when considered as a whole. Overall planning balance. I therefore conclude, having regard to the expectations of the Framework as a whole, that the proposed scheme would be sustainable development. Accordingly, the presumption in favour of sustainable development set out in paragraph 14 of the Framework is engaged, and this has two possible implications. Firstly, unless material considerations indicate otherwise, paragraph 14 makes a presumption in favour of approving proposals that accord with the development plan without delay.... The only material conflict with the development plan is a procedural one in relation to a non-existent Neighbourhood Plan. The very early stage of the Neighbourhood Plan process would also mean that a planning permission for the appeal site could be assimilated as part of any such plan-making process if and when it emerges. Whilst the permitted scheme of 50 dwellings at Beach Avenue would only

leave a further 20 dwellings to be identified within the limitation of Policy 24, the Neighbourhood Plan would still have other matters and issues to address, and including facilities to support a further 20 dwellings. The plan-making process is not static and the Framework makes clear cannot be held in undue abeyance.... I am conscious of the primacy of the development plan and, whilst the Local Plan offers a valid procedural aspiration in terms of implementing a development strategy, it is not one which, in the round, stands upon to scrutiny as a valid objection in this instance. Having overall regard to the development plan as a whole in the terms of section 38(6), I consider that the balance of other material considerations is such that planning permission should be granted.... Conclusion At the heart of the Framework is a presumption in favour of sustainable development. I find the proposed scheme would comply with that expectation having regard to the development plan and to the Framework as a whole, and that a grant of planning permission would accord with section 38(6) of the Act. For the above reasons, the appeal is allowed..."

Costs Decision:

"...The application for a full award of costs is refused.... The government's Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process.... Procedural failure to co-operate with the applicant. The applicant refers to an emergence of the Allocation DPD without forewarning. Whilst no specific details were provided, I note that reference was made in the Council's original evidence to its on-going preparation. Given the potential significance of the document, I accept that it would have been good practice for some further update to have been offered by the Council of its imminent publication. Even so, there is no obligation upon the authority to that effect, and there is also some responsibility upon the applicant to be up-to-date in relevant matters. I acknowledge that late evidence was submitted by the Council in relation to five-year housing land supply but this was largely in the form of factual updates and rebuttal. It was presented in response to matters set out in the applicant's evidence and the applicant was able, in turn, to further comment accordingly. Substantive failure by preventing development which should clearly have been permitted. It is accepted by the Council that the proposed development would incur no harm in terms of its inherent, site-specific planning merits. Nevertheless, the Council's objection instead relates largely to an up-to-date Local Plan policy which relies fundamentally on the delivery of an additional and complementary Neighbourhood Plan which has yet to be produced in order to implement overall development strategy. A distinction is also to be made between an unpublished Neighbourhood Plan, which I find can be of no weight in itself as a document, and an on-going process of neighbourhood planning as a fundamental part of implementing the development strategy of the Local Plan. I find the scheme would be contrary to the implementation of the approved development strategy of the Local Plan but, for the reasons described in my decision, that it would not be materially harmful in that regard.... Substantive failure in the absence of evidence in support of the reason for refusal in relation to masterplanning... I acknowledge the considerable history of this development and the examination and evolution of the scheme through contributions by a variety of relevant stakeholders.... Nevertheless, the commitment to masterplanning is now set out in the Local Plan and, conceptually, could have some relevance to a development plan process involving a Neighbourhood Plan. Whilst I find the substance of that objection to be limited in this instance, I do not find the general position taken by the Council to be unreasonable given that it is a requirement of the recently adopted Local Plan.... Notwithstanding the early stage of the Council's Allocation DPD and the current absence of any Neighbourhood Plan, the Council's objection was founded upon valid concerns relating to a development plan process expressly set out in a recently adopted Local Plan. Whilst I have found grounds for disagreeing with the Council's assessment of the

proposal and for granting planning permission in this instance, I do not find that the Council's position was an unreasonable one.... Hence I conclude that an award of costs is not justified and, accordingly, the application is refused."

SDNP/15/02426/HOUS FERNHURST WR (R Jones) ALLOWED	Fernwood Cottage Bell Road Kingsley Green Fernhurst GU27 3LQ - Remove existing front flat roof and porch. Construct a two storey rear extension, New pitched roof over existing front extension, new dormers (resubmission of SDNP/15/00212/HOUS).
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"....The main issues are the effect of the proposed development on the rural character and appearance of the area and the natural beauty of the South Downs National Park.... The proposed extension to the rear would significantly increase the size and massing of the property and, along with the front extension, would result in a long extended roof line running from east to west.... It would also remain as being lower than the adjacent dwelling. The design of the rear elevation with twin gables would result in this element being of a greater massing than the existing. However, it would not be visible in any public views or in views from neighbouring properties and I do not consider that its design, including the Juliette balcony would result in any significant harm to either the overall appearance of the extended dwelling or its rural surroundings. In terms of its effects upon the wider rural area within the South Downs National Park, the proposal whilst increasing the bulk and massing of the existing dwelling, would not be prominent from public vantage points and it would be partially screened by existing woodland, particularly to the south and east. It is set well back from the road and behind other properties.... Thus, I am satisfied that it would conserve the landscape and scenic beauty of the National Park. For the above reasons, the proposed extensions would not result in any significant harm to the rural character and appearance of the area and would conserve the natural beauty of the South Downs National Park. It would accord with the design and rural protection aims of policies BE11, BE12, H12 and RE1 of the Chichester District Local Plan First Review 1999, and the National Planning Policy Framework...."

LX/13/03809/OUT I (N Langford) DISMISSED	Land South of Loxwood Farm Place High Street Loxwood – erection of 25 no residential dwellings comprising of 14 no private residential dwellings and 11 no affordable residential dwellings, associated private amenity space and parking.
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Secretary of State decision:

"...The Inspector recommends that the appeal be dismissed... Having carefully considered the Inspector's arguments at IR219-232, the Secretary of State agrees with his overall conclusion at IR233 that the appeal scheme is not in accordance with the policies of the development plan on the location of residential development... he has gone on to consider whether there are any material considerations which might indicate that it should be determined otherwise.... He therefore also agrees with the appeal Inspector's acceptance at IR243 that the LP figure should be the relevant starting point for considering the five year supply rather than the OAN. Furthermore, for the reasons given at IR 244, the Secretary of State agrees with the Inspector's support at IR246 for the Council's methodology in respect of the appropriate backlog and, for the reasons given at IR245, with the Inspector's conclusion that there is no need to add past shortfalls against the South East Plan to the requirement constituting the OAN.... The Secretary of State therefore also agrees with the Inspector's conclusions at IR251 that there is no compelling basis on which to conclude that the LP finding that there is a five year housing land supply for the Plan area no longer applies. The Secretary of State therefore also agrees with the Inspector that relevant policies for the supply of land of

housing in the LP and NP should not be regarded as out-of-date for the reason of such a supply not being demonstrated... that there would be a degree of conflict with those LP policies which seek to conserve and enhance the rural character of the area and its landscape, but that only minor localised harm would result from the loss of open undeveloped land at the edge of the settlement and the contribution that that makes to the countryside setting.... there would be no harm to the significance of the listed buildings on the east side of the High Street across the road from the appeal site or any other non-designated heritage assets by way of impact on their settings... The Secretary of State agrees with the Inspector that the provision of 25 dwellings including 11 affordable homes would provide an economic benefit to which he gives significant positive weight (IR259).... Secretary of State agrees with the Inspector... that the loss of undeveloped land and erosion of the countryside would represent an element of harm so that, overall, the appeal scheme can be rated as performing moderately well on the environmental aspects... the Secretary of State agrees with the Inspector that there is not an established current shortfall in the District's five year housing land supply, but he nevertheless gives significant positive weight to the potential gain, particularly with regard to affordable housing... The Secretary of State considers that there is no compelling basis on which to conclude that the LP finding that there is a five year housing land supply for the Plan area no longer applies. Therefore, as the appeal scheme fails to comply with the policies of the LP and the NP on the location of new residential development, the Secretary of State concludes that it does not comply with the development plan as a whole and so, having regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, he has gone on to consider whether there are any material considerations which might nevertheless indicate that the scheme should be allowed. The Secretary of State gives the economic benefits of the scheme significant positive weight and, on balance, moderate weight to the environmental and social benefits. However, his overall conclusion is that the proposal does not represent fully sustainable development and, having regard to paragraph 198 of the Framework, he concludes that there is no overriding reason to reach a decision other than as indicated by the development plan...."

Inspector's Planning Balance:

"...Having regard to the Council's reasons for refusal of the application, the relevant policy context and the evidence to the inquiry, the main considerations that need to be addressed are as follows:

- a) whether the proposal is consistent with the policies of the development plan on the location of residential development;
- b) the implications for consideration of the proposal of the current housing land supply position in the District;
- c) the effect the development would have on the character and appearance of the locality and the significance of heritage assets in the vicinity by way of the effect on their settings;
- d) whether the proposal overall amounts to sustainable development;
- e) the planning conditions and planning obligations that are required in the event of permission being granted and the likely effectiveness of these with respect to mitigation of impacts on infrastructure and the environment.... there is nothing in the development plan to suggest that the local housing need of Loxwood cannot be met within the defined Settlement Boundary. Despite the appeal site being adjacent to an existing settlement, and there being no evidence of harm to agricultural operations from the proposal, there is no reason why the appeal development requires a countryside location. The proposal is therefore not one that complies with the terms of policy 45.... Given the purposeful nature of the Settlement Boundary in the NP, I agree with the Council that the high level statement of policy in paragraph 55 should not be regarded as overriding the restriction on development outside the Boundary to that which requires a countryside location or

meets an essential local rural need or supports rural diversification as set out in LP policy 2.... The NP was clearly prepared with an awareness of the strategic need and the potential of the appeal site for residential development of the order now proposed, being one of the assessed sites identified as having such potential. The NP was subsequently made with the site excluded from the Settlement Boundary and not allocated, while providing for expansion of the village in other locations. Notwithstanding that the figure of 60 is not a maximum; it would be inconsistent and not in accordance with the evident intention of the NP to now regard the proposal as acceptable under the rural areas policy.... The NP accommodated the amount of housing required in Loxwood by the LP. The Settlement Boundary now forms part of the development plan. There is nothing to suggest that the approach indicated in policy 2 of the LP for the review of Settlement Boundaries should be taken to undermine the location of the Boundary as drawn in the NP by reason of this being out-of-date or inconsistent.... Overall I find that the proposal is not in accordance with the policies of the development plan on the location of residential development.... The implications for consideration of the proposal of the current housing land supply position in the District. The NPPF sets out an aim in paragraph 47 to boost significantly the supply of housing.... part of the preparation of the LP, a study of objectively assessed need (OAN) was carried out for the Council. This identified a need for 505 homes per year for the area covered by the Plan. The LP refers to a number of constraints which it explicitly states mean that it is not considered that the area's objectively assessed housing need over the Plan period can be met in full, in a way that is compatible with the principles of sustainable development (paragraph 7.5).... The Plan target is therefore based on the level of housing that can be realistically and sustainably delivered within the period, having regard to the identified constraints and potential development capacity... There is therefore no reason to add past shortfalls against the South East Plan to the requirement, as distinct from those arising against the LP requirement since 2012 which the Council properly adds in its five-year supply calculations.... However, in the September assessment the identified supply (i.e. excluding windfalls) has been increased from 2,963 to 3,269, with a calculated supply of 5.3 years. The Council advises that this is based on more recent information on the likely programme of completions from individual sites obtained from discussions with developers... There is therefore no compelling basis on which to conclude that the LP finding that there is a five year housing land supply for the Plan area no longer applies. Relevant policies for the supply of housing in the LP and NP should therefore not be regarded as out-of-date for the reason of such a supply not being demonstrated. The effect the development would have on the character and appearance of the locality and the significance of heritage assets in the vicinity by way of the effect on their settings... Only minor localised harm would result from the loss of open undeveloped land at the edge of the settlement that is part of the countryside... There are a number of listed buildings on the east side of the High Street across the road from the site.... There is no evidence of any functional or other relationship of the buildings to the appeal site. The vegetated enclosed nature of the road adjacent to the site contributes a small part to the significance of the listed buildings by way of a setting of loose ribbon development. As set out above, this would be largely unaffected by the proposal... Overall I assess that there would be no harm to the significance of the listed buildings by way of impact on their settings... With the layout of the development as shown in the plans, and subject to the details of the reserved matters, these objectives could largely be achieved. However, there would be a degree of conflict with the policies by way of minor harm to character through loss of the existing open and undeveloped nature of the site and the contribution that this makes to the countryside setting on the edge of the settlement. Nevertheless, there is no reason why the reserved matters could not achieve the detailed design requirement of policies 9 and 10 of the NP.... d) Whether the proposal overall amounts to sustainable development.... In economic terms, the proposal would provide 25 dwellings, including 11 affordable homes. The potential economic benefits of this development have not been quantified, but there is no dispute that there would be benefits of this

nature. The NPPF aims to support growth, and this includes by way of new housing development. The potential economic benefits can be given significant positive weight.... The sustainability of the location is common ground, although there would be a need to travel further afield for higher order facilities.... Infrastructure requirements necessary for the development could be met, as addressed below, and no serious adverse cumulative effects have been identified, despite the reservations expressed by the Parish Council. Conversely, the loss of undeveloped land and erosion of countryside would represent an element of harm. Overall the scheme can be rated as performing moderately well on the environmental aspects.... The social dimension includes the supply of housing. As found under the second main consideration, there is not an established current shortfall in the District's five year housing land supply.... As an aspect of the social dimension of sustainable development, the lack of accord with a neighbourhood plan that has undergone the full process of being made amounts to considerably more than just the dislike of some local people for a proposal described by the appellant. Having regard to the importance given by the Government to neighbourhood planning, as well as the statutory status of the development plan, the conflict with the NP carries very substantial weight. Bringing these factors together, I reach an overall judgment having regard to the NPPF as whole that the proposal does not represent fully sustainable development.... I have found that the proposal does not comply with the policies of the Local Plan and the Neighbourhood Plan on the location of new residential development. Given the fundamental nature of this finding, the proposal is not in accordance with the development plan as whole It has not been established that the recent conclusion reached in the preparation of the Local Plan that there is a five year housing land supply for the plan area no longer applies. Relevant policies for the supply of housing in the Local Plan and Neighbourhood Plan should therefore not be regarded as out-of-date based on an absence of a five-year supply. There would be only minor harm to the character and appearance of the area involving the loss of the existing undeveloped countryside. There would be no material harm to heritage assets in the vicinity. In many respects the proposal would contribute positively to sustainable development objectives as set out in the NPPF, and conditions and obligations or CIL could deal satisfactorily with infrastructure and environmental impacts. However, as part of the social dimension of sustainable development, the lack of accord with a Neighbourhood Plan that has undergone the full process of being made carries very substantial weight. As an overall judgment having regard to the NPPF as a whole, the proposal does not represent fully sustainable development. There is no overriding reason to reach a decision other than as indicated by the development plan..."

Reference/Decision	
SDNP/14/05019/FUL LURGASHALL WR (R Grosso Macpherson) DISMISSED	Leigh Barton Brook Hill Lurgashall Petworth GU28 9HB - Construction of tennis court on land to north. Resubmission of SDNP/13/02074/FUL .
<p>"The appeal is dismissed.... Whilst there are currently no substantial means of enclosure or boundary features between the residential curtilage of Leigh Barton and the appeal site, there is a noticeable change in character from the well-manicured grounds of Leigh Barton to the grassland field that the appeal site forms part of.... has as strong connection to the wider countryside and therefore positively contributes to the landscape and natural scenic beauty of the SDNP.... tennis court and associated fencing would be well screened from public views... Nevertheless... with its combined attributes of hard machined surface, strident geometric form and rigid fencing, would introduce a suburban character to the north of Leigh Barton that would erode the countryside character that exists beyond its curtilage.... would therefore result in harm to the character and</p>	

appearance of the area and to the landscape and natural scenic beauty of the SDNP... conflicting... with the first statutory purpose of the SDNP... effect of spreading residential uses into the countryside with the resulting incremental erosion of the landscape... My concerns in this regard apply notwithstanding that the proposal would be well screened from public views.... Appellant's claim... for sport and recreation for the health and wellbeing of communities.... the Inspector concluded that the harm arising to the character and appearance of the area would be outweighed by the opportunity for sport and recreation provided by a tennis court, where there were no tennis facilities nearby.... Council has provided a list of tennis courts for hire or for public use in the area.... Appellant has not provided any substantive reasons as to why these facilities would not adequately serve their needs.... the proposed tennis court would result in harm to the character and appearance of the area, that would not be outweighed by any other benefits, and would fail to conserve the landscape and natural scenic beauty of the SDNP...."

[SDNP/14/02271/HOUS](#)
[SDNP/14/02272/LIS](#)
 Midhurst
 WR (M Mew)
 ALLOWED

The Old Cottage, Bepton, Midhurst, GU29 0JB –
 Conservatory

"..It would be visible from the northern part of the property's rear garden and be seen in conjunction with the timber framing on the dwelling's north elevation, and it would alter the cottage's rear elevation. However, from this viewpoint it would be largely screened by the more dominant catslide extension and would not harm the special interest of the dwelling's timber framed north elevation. The conservatory would also preserve the majority of the rear extension's lean-to roof and the first floor windows above. It would tie into the vertical hanging tiles on the return side elevation of the main catslide projection, but its eaves cornice detailing would be offset. This would give it a symmetrical and freestanding appearance, which would have minimal impact on the integrity of the main catslide projection. The conservatory would not therefore dominate the rear elevation of the listed building. The lantern rooflight would partly impede the view of the first floor windows, especially the central one, but this would not seriously obscure the view of these windows from the dwelling's rear garden. No significant amount of existing fabric would be lost because the existing dining room door and window and the south facing kitchen window would be retained. I conclude for the above reasons that the proposed conservatory would preserve the special architectural and historic interest of the listed building. The conservatory would be wider than the one next door and would be seen from the side and rear garden of the property and also glimpsed from the rear garden of Park Cottage. But it would be shielded from adjacent property to the north by the high roofed garage building that abuts this boundary and would not be seen from the road frontage. For these reasons, and those set out above in relation to its effect on the listed building itself, I conclude that it would preserve the character and appearance of the Conservation Area..."

[SDNP/13/03583/OUT](#)
 PETWORTH
 WR (MM)
 DISMISSED

Appletrees, A283 Pipers Lane To Valentines Lea
 Valentines Hill, Northchapel, Petworth, West Sussex, GU28
 9HW. Construction of 2 bedroom bungalow in the garden.

"... In this case, the application includes no description of the significance of the designated heritage asset or even to acknowledge that the site lies within a conservation area. A full assessment of the impact of the development cannot be made because no details are included for formal consideration and the illustrative layout is not based on an accurate representation of the application site. However, it is clear that the application is

for a single storey building and the illustrative drawing shows it with a narrow frontage to Petworth Road. The building would be visible from Petworth Road, but would be partially screened by the retained front boundary wall and hedge. The principal elevation would face the private drive, from which it would also be partially screened by the existing hedge. The footprint, comprising two staggered rectangles, would not lend itself to a traditional roof form. All of these characteristics would be out of keeping with the predominant character and appearance of development in the Conservation Area....the applicant has not demonstrated the effect of the development on the significance of the designated heritage asset, but has supplied details that indicate that it would be likely to be harmful to the character and appearance of the Northchapel Conservation Area by reason of its layout, scale, form and design....The most private area, to the south of the building, would be a particularly narrow space that would be overshadowed for much of the day by the immediately adjacent pitched roof garage. I also share the concern expressed by the occupiers of other properties served by the private drive that a vehicle emerging from the illustrative access point between high hedges would be potentially hazardous. Any removal or substantial lowering of the boundary hedges or repositioning of the access to improve visibility would further reduce the utility and privacy of the garden areas. My conclusion on this issue is that, although only a small two-bedroom bungalow is proposed, it has not been demonstrated that satisfactory living conditions could be created for future occupants in terms of the amount, quality and privacy of private amenity space. The development would therefore conflict with one of the core planning principles in the NPPF that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings...."

[SDNP/14/04194/HOUS](#)
[SDNP/14/04195/LIS](#)
 ROGATE
 WR (M Mew)
 DISMISSED

Tollgate Cottage Durleighmarsh Petersfield Hampshire
 GU31 5AX - Single storey rear extension and various works.

"...the extension as a whole would read as an unsympathetically designed add-on, unrelated in any meaningful way with the form and footprint of the existing listed building. The proposal would also lessen the gap between the existing building and the ancillary curtilage listed outbuilding, which in visual terms would contribute to an unwelcome sprawling plan form of structures on the site... Whilst I acknowledge that the extension would be subsidiary in general terms to the existing cottage, its projection beyond the building's eastern wall, its flats roofs, and its sprawling plan form would seriously harm the character of the listed building, particularly its simple plan form and despite its existing rear extension... although screening would mean that the proposal would not harm the wider landscape of the National Park, it would not lessen its harmful effect on the character and significance of the listed building... NPPF paragraph 134 requires such harm to be weighed against any public benefits of the proposal, including securing the optimum viable use of the designated heritage asset. In this case the benefits of the proposal would be to improve the residential accommodation for the appellant and his family, but this does not constitute a public benefit and must be weighed against the constraints of the listed tollhouse.
 In particular, adding yet another extension to it would seriously harm its character and damage its significance as a designated heritage asset for the reasons given above. There is no suggestion that refusing to allow the proposed extension would prevent the long term use of the building as a viable dwelling... Although the proposal would not adversely affect the wider landscape of the National Park it would adversely affect the listed building and therefore the Park's cultural heritage. It would therefore be contrary to the first purpose of designation of the South Downs National Park, as well as to Sections 7, 11 and 12 of the NPPF..."

<p>SDNP/15/01863/HOUS ROGATE HH (R Jones) ALLOWED</p>	<p>The Hug House Durlieghmarsh Rogate West Sussex GU31 5AY - Erection of an oak framed garden room to rear elevation, reduction of door-set to rear elevation, replacement doors to side elevation and new wall off side elevation.</p>
<p>"...The main issue relates to the effects of the proposed development on the character and appearance of the host property and local area.... A 'double-gable' form extension is not untypical of those found on traditional properties or properties designed to reflect rural architecture. An extension of the type proposed would, in my view, appear subservient and be in keeping with the host property.... As noted, there would be no public views of the extension either from private properties within the hamlet or from public rights of way. The property and the proposal would not be discernible from the main road.... I consider that the proposed extension would not undermine the architectural integrity of the host dwelling and would respect the character of the area to which it relates.... Overall I am satisfied that the proposal represents an acceptable design solution that would not materially harm the character and appearance of the host property or surrounding area...."</p>	
<p>SDNP/15/00136/OPDEV SINGLETON WR (A Simpson) DISMISSED</p>	<p>Manor Farm A286 Town Lane to the Grove Singleton Chichester West Sussex PO18 0EX – Sand school and earth works – appeal against enforcement notice.</p>
<p>"The main issue is the effect of the riding arena on the character and appearance of the area and in particular the landscape of the South Downs National Park... The riding arena surface is a mixture of sand and shredded material with an overall light yellow colour.... In terms of the local impact of the arena from the local environs of Manor Farm, I do not consider that the slightly elevated land form is materially out of place in the setting of the farmstead.... the new form of the arena is... not dissimilar to the visual effect of the walled garden of the farmhouse... in views from the higher land... visual impact of the arena is more prominent... light yellow colour of the arena surface was an alien feature in the landscape... no evidence before me to suggest that this overall colour would significantly mellow soon.... I conclude that the riding arena has a significantly harmful visual impact on the special landscape character of the national park and does not conserve or enhance the natural beauty of the area... This has to be balanced with the positive aspects of the development... On balance... the benefits of the development do not outweigh the adverse impacts... The appeal on ground (g) The appeal on this ground is that the period specified for compliance, at three months, is too short... In my view a period of 9 months would be a reasonable period.... Further, as I have concluded that it is the surface treatment of the arena that causes the unacceptable visual impact, such a period would enable the appellant to agree an appropriate surface material with the Council and make an application for planning permission for the arena on this basis, as an alternative means of resolving the issue.... It is directed that the enforcement notice is varied by increasing the period for compliance... to 'nine' months'. Subject to this variation the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended."</p>	
<p>SB/15/00113/FUL WR (F Stevens) DISMISSED</p>	<p>Land between Meadowsweet and Appletrees Lumley Road Southbourne West Sussex - Construction of a dwelling.</p>

"The appeal is dismissed.... The main issues are firstly, whether the proposal would provide a suitable site for a dwelling having regard to the aims of national and local planning policies for new residential development in the countryside and the effect of the proposed dwelling on the character and appearance of the area; and secondly, the effect of the proposal on the ecology of the nearby Chichester and Langstone Harbours Special Protection Area.... The appellants consider the Council have not substantiated their claim of having a housing land supply, but nor has evidence to the contrary been provided, with a reliance being made on assumptions of non-delivery. On the basis of the evidence before me, including the recent adoption of the LP, it appears as if the Council have a supply. As such housing applications must be considered against the policies within the current LP.... For planning purposes the site is in the countryside where the provision of an additional single dwelling has to be justified by special circumstances, in accordance with the LP and paragraph 55 of the Framework.... Although there are some short residential cul-de-sacs extending from Lumley Road, a distinct characteristic around the appeal site is the sporadic nature of the development, where small clusters of housing are separated by agricultural fields, paddocks, and woodlands. To the north of the railway, the houses and bungalows are positioned in large gardens and this, along with the paddocks, mature trees, orchards and fields around them, gives a loose knit rural character and appearance to the area. The proposed dwelling would be constructed of brick and flint under a clay tiled roof, reflecting materials found within the area, and would have a lower ridge height than the neighbouring semi-detached houses. However, unlike the properties nearby, the proposed house would occupy much of the width of its plot, with very narrow gaps to the side boundaries. Compared to the other dwellings in the area, it would appear unduly cramped, an effect which would be harmfully exaggerated by the elevated position of the proposed dwelling and its proximity to its neighbours. The rural nature of the area would be eroded. I noticed at my visit that the site had been enclosed by timber fencing. The appellants have pointed out that the appeal site is no longer part of the garden of Appletrees, and that its development would not cause a coalescence of settlements. Whilst the Framework encourages the effective use of land by reusing that which was previously developed, it excludes private residential gardens. Despite the substantial depth of the site, the elevated positioning of the house and the alignment with the buildings either side would intensify the row of development to the north of the railway. The retention of existing trees in the grass verge to the front of the site and additional planting proposed within it would be a positive aspect of the scheme contributing to the sylvian nature of the area. Nevertheless, an additional dwelling would erode the intermittent development pattern, with the provision of an additional parking area and the domestic paraphernalia associated with a dwelling exaggerating this harm.... The site would be within walking and cycling distance of the facilities in Emsworth, and there may be additional footpath linkages created. However, near the appeal site Lumley Road is a single width, unlit road with no footway, whilst existing nearby footpaths are unsurfaced and unlit. As such I am not convinced there would be safe and convenient access to nearby settlements, particularly in the dark, to offer occupiers of the proposed house an alternative to the private car. Whilst the additional dwelling would make a contribution towards housing supply and the vitality of Emsworth, it would be an open market dwelling, available for anyone to live in, not just a local family. As such the benefit of the proposed dwelling would be modest and would not outweigh the environmental harm I have found.... I therefore share the Council's concern about the adverse urbanising effect of the proposed development, which would intensify and consolidate existing sporadic development outside settlement limits. This objection applies even though there are not extensive views of the site, as the LP and NP Policies referred to above, with which the proposal conflicts, are concerned to protect the character and quality of the environment and the countryside in all cases and not just where development would be prominent or highly visible. Given my findings, it follows that the proposed development would cause significant harm to the character and appearance of the surrounding

countryside and would not be the sustainable development sought by the Framework.... During the appeal process the appellants submitted a signed, dated and completed Unilateral Undertaking (UU) obliging the making of a financial contribution for, subject to provisos, access mitigation measures. The Council have accepted that the UU meets their requirements.... the required contribution would satisfy the three tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the Framework. As such it would comply with LP Policy 50 that seeks to protect the integrity of the SPA.... Local residents are concerned the submitted drawings inaccurately depict a neighbouring property, and that the proposed access would obstruct and cause problems within Lumley Road.... proposal would include off street parking provision, and the dead-end nature of the road means it is lightly trafficked. In the absence of any technical substantiation to support the concerns of the residents, and noting the lack of objection from the Council, I have no evidence before me that there would be an unacceptable impact on highway safety within the area...."

[WE/14/04206/FUL](#)
(P Kneen)

COSTS ALLOWED

Land North of Recreation Ground Monks Hill Westbourne West Sussex PO10 8SX - Material change of use of land for stationing of caravans for residential occupation with associated hard standing and utility block.

Costs Decision:

"The Application for an award of costs is allowed in the terms set out below... I consider it was unreasonable for the Council to have expected the appellant to carry out extensive habitat and ecological impact studies for the site, especially as it was only in preparing for the Hearing that the Council ascertained the conservation interest of the SNCI which led to the designation, and no cogent reason was given as to why that interest might be harmed. With regard to the balancing in the decision there was no consideration in the Council's appeal statement about the appellant's needs and circumstances.... there was no explicit reasoning to demonstrate how the needs of the appellant or his family, particularly the needs of any children at the site, were balanced against the perceived harm to the landscape and the possible, but unspecified, harm to the SNCI. Nor was there any consideration as to whether a temporary permission might be appropriate to allow time for additional sites to be identified and allocated through the Local Plan process.... As for the landscape issue, I agree that the Council did not identify any particular views from the National Park which would be harmed, or demonstrate that any essential features of the nationally designated landscape would be compromised as required by Local Plan policy 36 which sets out criteria for the location of gypsy sites. However, with regard to the more localised impact the Council identified the views from the nearby public footpath and from Monks Hill. Although I have not agreed with the Council that there would be unacceptable harm to these views and the character of the local landscape in this area such that the development would conflict with Local Plan policy 45, this is a subjective judgement and I do not consider that it represents unreasonable behaviour on the Council's part.... I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Practice Guidance, has been demonstrated with regard to the effect on the SNCI and the overall balancing of the planning issues with the appellant's circumstances and needs and that a partial award of costs is justified...."

WE/15/00134/CONACC
WR (S Pattie)
DISMISSED

Hambrook Car Wash Common Road Hambrook Westbourne West Sussex - Use of the land as a car wash.
Linked to [WE/15/01814/FUL](#)

"...The appeal is made by Mr T Ferati against an enforcement notice issued by Chichester District Council..... The main issues are whether the car wash business on this site accords with development plan policy and the effect of the car wash on the character and appearance of the area.... The appeal site comprises areas of concrete and gravel hardstanding set in a belt of woodland adjacent to Common Road. The area can be described as open countryside although within the wider vicinity of the site I observed at my visit a caravan site; various agricultural holdings including extensive pig rearing farms, and assorted buildings and structures on land forming a QinetiQ research establishment. The South Downs National Park lies to the north of Common Road.... Policy 2 of the Local Plan identifies locations where sustainable development will be accommodated and in the main these are the sub-regional centre of Chichester and specified settlement hubs and service villages. Outside of these areas, development is restricted to that which requires a countryside location or meets an essential local need or supports rural diversification. In terms of the location of the appeal site, as it lies in open countryside well away from any settlement the site should be treated as a 'rest of the plan area' to which Policies 45-46 apply.... Although the evidence submitted by the appellant's agent suggests that some form of hardstanding may have previously existed for parking and/or turning, there is no real evidence of the land having had some commercial use. Further, the appellant's agent refers to other places where hand washing takes place in the district, but the examples quoted (such as garden centres or retail outlets, or on former garage forecourts) are where the car wash is likely to be ancillary to a larger planning unit with a different principal use. These circumstances are materially different to the appeal site which is relatively remote from existing commercial development.... I therefore conclude that the use does not accord with the locational criteria in favour of sustainable development set out in the Policy 2 and Policy 45 of the adopted Local Plan.... The car wash use and attendant facilities gives rise to a low key but nevertheless intrusive visual feature in the open countryside. In my view the visual impact of the development harms the tranquil and rural character of this area of countryside.... On the basis of my observations on the site I find on this issue that the development does not accord with the provisions of Policy 48 of the Local Plan which seeks to prevent any adverse impact on the character of the area and maintain the predominately open and undeveloped character of land between settlements.... I have found that the use of the land as a car wash conflicts with Policies 2 and 45 of the Local Plan because of the local harmful visual impact that the use results in, and because it has not been demonstrated that the use needs to be located in the countryside or that other sites within settlements are not available for the use. To be balanced with this is the employment generation that the use provides, which is generally supported under Policy 3 of the Local Plan and the service given to local people and passing trade.... creation of employment opportunities to sustain economic growth is also reflected in the National Planning Policy Framework. This supports sustainable development with job creation and a prosperous rural economy, however, the Framework has a core principle that planning should take account of the character of different areas and recognises the intrinsic character and beauty of the countryside.... the benefits arising from the use are not specific to and dependent on the appeal site itself. Such benefits could also be realised in a more sustainable location in a settlement... Further, the Framework indicates that to be 'sustainable' development' the three dimensions of the economic role; the social role and the environmental role should apply jointly and simultaneously but for the reasons I have given above, I do not consider that the car wash use on this site would achieve all of these factors I conclude therefore that the use undertaken does not constitute sustainable development..... Appeal A - Appeal on ground (f)The appellant submits that the requirements of the notice are excessive... On the evidence before me, and on the balance of probabilities, I do not consider that the appellant has fulfilled the onus of proof on him to demonstrate that the requirements of the notice are excessive and that lesser steps would remedy the breach of planning control. The appeal on this ground therefore fails. Appeal A - Appeal on ground (g) The appeal on this ground is that

the period for compliance is too short and that a period of 12 months is necessary in order for the hand car wash business to relocate to other premises.... Given that the nature of the use involves relatively modest facilities on site, I am satisfied that one month is a reasonable period in which to cease the use and remove the storage container, catering van and portable toilet from the land. The appeal on this ground therefore fails.... The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended...."

[WE/15/01814/FUL](#)
WR (F Stevens)
DISMISSED

Hambrook Car Wash Common Road Hambrook
Westbourne West Sussex - Creation of an access and
removal of trees
Linked to WE/15/00134/CONACC.

"The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission..... The main issues are whether the car wash business on this site accords with development plan policy and the effect of the car wash on the character and appearance of the area.... The appeal site comprises areas of concrete and gravel hardstanding set in a belt of woodland adjacent to Common Road. The area can be described as open countryside although within the wider vicinity of the site I observed at my visit a caravan site; various agricultural holdings including extensive pig rearing farms, and assorted buildings and structures on land forming a QinetiQ research establishment. The South Downs National Park lies to the north of Common Road.... Policy 2 of the Local Plan identifies locations where sustainable development will be accommodated and in the main these are the sub-regional centre of Chichester and specified settlement hubs and service villages. Outside of these areas, development is restricted to that which requires a countryside location or meets an essential local need or supports rural diversification. In terms of the location of the appeal site, as it lies in open countryside well away from any settlement the site should be treated as a 'rest of the plan area' to which Policies 45-46 apply.... Although the evidence submitted by the appellant's agent suggests that some form of hardstanding may have previously existed for parking and/or turning, there is no real evidence of the land having had some commercial use. Further, the appellant's agent refers to other places where hand washing takes place in the district, but the examples quoted (such as garden centres or retail outlets, or on former garage forecourts) are where the car wash is likely to be ancillary to a larger planning unit with a different principal use. These circumstances are materially different to the appeal site which is relatively remote from existing commercial development.... I therefore conclude that the use does not accord with the locational criteria in favour of sustainable development set out in the Policy 2 and Policy 45 of the adopted Local Plan.... The car wash use and attendant facilities gives rise to a low key but nevertheless intrusive visual feature in the open countryside. In my view the visual impact of the development harms the tranquil and rural character of this area of countryside.... On the basis of my observations on the site I find on this issue that the development does not accord with the provisions of Policy 48 of the Local Plan which seeks to prevent any adverse impact on the character of the area and maintain the predominately open and undeveloped character of land between settlements.... I have found that the use of the land as a car wash conflicts with Policies 2 and 45 of the Local Plan because of the local harmful visual impact that the use results in, and because it has not been demonstrated that the use needs to be located in the countryside or that other sites within settlements are not available for the use. To be balanced with this is the employment generation that the use provides, which is generally supported under Policy 3 of the Local Plan and the service given to local people and passing trade.... creation of employment opportunities to sustain economic growth is also reflected in the National Planning Policy Framework. This supports sustainable development with job creation and a prosperous rural economy, however,

<p>the Framework has a core principle that planning should take account of the character of different areas and recognises the intrinsic character and beauty of the countryside.... the benefits arising from the use are not specific to and dependent on the appeal site itself. Such benefits could also be realised in a more sustainable location in a settlement... Further, the Framework indicates that to be 'sustainable' development' the three dimensions of the economic role; the social role and the environmental role should apply jointly and simultaneously but for the reasons I have given above, I do not consider that the car wash use on this site would achieve all of these factors I conclude therefore that the use undertaken does not constitute sustainable development..... The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended...."</p>	
<p>WW/15/00353/FUL WR (P Kneen) ALLOWED</p>	<p>Land to the Rear of Tanglewood, Briar Avenue East Wittering West Sussex - Temporary retention for a period of three years of eight no lorry containers for storage purposes. Linked to WW/15/00363/FUL</p>
<p>"...Appeal B - The appeal is allowed and planning permission is granted for temporary retention for a period of 3 years of 8 no. lorry containers for storage purposes... Main Issue. The main issue is the effect the proposals would have on the character and appearance of the area, highway conditions and amenity, all having regard to the history of the site.... Policy 26 deals with existing employment sites...This indicates that permission will be granted for the development of employment floorspace, refurbishment, upgrading or modernisation of existing premises and/or proposals which make more efficient use of underused employment sites.... The appellant has provided some details on the use of the containers. One is used by the occupier of the workshop; the others are rented out with an average number of visits of 2 per week per container. There is no evidence to suggest that the use is not as described. Having regard to the lawful use of this part of the site, it is not a level of activity that would give rise to highway or amenity harm, notwithstanding the cul de sac nature of Briar Avenue.... Taking into account the potential vehicle use that could lawfully take place on this part of the site, in the circumstances I consider that there is no material conflict with policies 26, 45 and 48, despite the Council's suggestion that the proposal would be more appropriately located elsewhere...."</p>	
<p>WW/15/00363/FUL WR (P Kneen) ALLOWED</p>	<p>Land to the Rear of Tanglewood Briar Avenue East Wittering West Sussex - Proposed six pitch static caravan site with warden's caravan for holiday proposes only. Linked to WW/15/00353/FUL</p>
<p>"... Appeal A - The appeal is allowed and planning permission is granted for a 6 pitch static caravan site with warden's caravan at Land to north of Tanglewood, Briar Avenue, West Wittering, Chichester...Main Issue The main issue is the effect the proposals would have on the character and appearance of the area, highway conditions and amenity, all having regard to the history of the site.... Policy 31 of the Chichester Local Plan Key Policies 2015 deals with caravan and camping sites. It requires a number of criteria to be complied with by proposals for these. The first is that they meet a demonstrable need and require a rural location.... The site is located on the Manhood Peninsula relatively close to the seaside settlements of East and West Wittering. Having regard to the relatively small size of the proposal, there is adequate evidence for this criterion to be met. Further criteria in the policy require proposals to be sensitively sited and designed to maintain the tranquillity and character of the area, and to be visually unobtrusive and able to be assimilated so as to conserve and enhance the surrounding landscape. The site is in a countryside setting, and there is scope for longer distance views towards it</p>	

especially from Piggery Hall Lane to the west. However, the proposal would replace the existing lawful use of this area, which has potential to cause significant adverse visual intrusion having regard to the extent of vehicle storage that could take place.... The final criteria in the policy require appropriateness of scale and for local amenity not to be diminished, and that the road network and the site's access can safely accommodate any additional traffic generated. No objection is raised on these grounds by the Council... Although within countryside, the location has no special landscape designation and is one where caravans can already be seen in views.... Taking into account the above assessment in relation to policy 31, and the particular circumstances of the site's history, I find that the relevant policies are reasonably complied with by the proposal...."

[WW/15/02400/DOM](#)

HH (C Boddy)

ALLOWED

Courts Haugh Rookwood Lane West Wittering West Sussex
PO20 8QH - Garage, store room with garden store and bin /
cycle store to either end respectively. Re-submission
of [15/01447/DOM](#)

"...The main issue is the effect of the development on the landscape and scenic beauty of the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and on the character of the countryside.... I appreciate the concern of the Council about the potential saturation of the plot with buildings. I am mindful of the character of the surrounding area which has a porous, wide and lightly developed horizontal grain, in which the natural and scenic qualities of the AONB resound through the landscape.... the proposed building would have varying widths and a variety of ridge heights, roof forms and materials.... would limit the impact of the mass of the building and diminish the impression of its length. Its footprint would be long and thin, rather than compact or square, which would suggest the character of an ancillary building. I note that the space labelled as a store would have three pairs of glazed doors and three skylights serving it. While the doors would give the elevation a domestic appearance, this would be lessened by the projecting canopy. In any event, given the proximity of the entrance elevation of the house, the fenestration of the store would not be harmful in this context.... would be sited in the least sensitive area, close to the northern boundary beyond which lies a track, and close to the access lane to the west and to the ancillary structures of neighbours.... relatively low in height, and subordinate to the scale of the house.... proportions of its footprint would be long and thin which would maintain the grain of development on the site... siting close to the dense hedge to the north would limit its impact on the openness of the surroundings and it would be set into the site, distant from the adjacent open field and separated by a Willow tree and new planting. It would maintain a distinctive gap between its main wall and the house, which would provide a breathing space in built form.... The site is surrounded on three of its four sides by other plots containing houses, which lie between it and the harbour. Thus it has relatively less direct bearing on the harbour but a great deal more bearing on the spaciousness and largely undeveloped character which forms the landscape setting to this part of the area. The field to the east has a flat and open character integral to the setting of the AONB; however, the proposed outbuilding would be around 30m from the post and rail fence along the edge of the field, and screened by a mature Willow tree. To the west, the building would be screened by the existing trees and boundary, which would limit its impact towards the neighbouring developments.... I do not find that the proposed outbuilding would harm the AONB or the countryside setting.... I agree with the Council that the cumulative impact of built form on this site, including the development already consented and this proposal, needs to be sensitive to the spacious and generally undeveloped character of the area. However, in regard to the amount of built form and the landscape and scenic beauty of the AONB and the character of the countryside, I do not consider that the saturation point of the site would be quite passed by this proposal, nor would the identified character be harmed.... appeal should be allowed."

WW/15/02780/FUL WR (C Boddy) DISMISSED	34 Marine Drive West Wittering West Sussex PO20 8HQ - Demolition of existing residential property (2 Flats) and erection of 2 no. 4 bedroom properties.
<p>"The appeal is dismissed....The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area....In the scheme before me the proposed houses have been moved slightly further away from the east and west boundaries of the appeal site and would be slightly narrower. However, the extra space created would be small and the 2 proposed houses would be located even closer to each other than was previously proposed. Thus they would appear unduly cramped on their plot as in the previous scheme....In arriving at this view I have taken into account the appellant's detailed submissions on the gaps between existing dwellings in the road and their side boundaries. Quite a large number of dwellings abut at least one boundary or are close to it. However, in most of these cases the dwellings in question are different to the proposed houses in terms of their width and height to eaves. And it is this difference which would make the proposed dwellings, located so close together and with limited gaps to their side boundaries, appear out of keeping in their surroundings especially on the same side of the road....I see no objection to the up-to-date design of the proposed houses. However, they would be notably narrower than most of the other 2 storey houses in the vicinity. This, combined with their height to eaves, would further add to the degree to which they would appear out of keeping....proposed development would harm the character and appearance of the surrounding area....Given the relationship of the proposed house to neighbouring properties, and the nature of the fenestration proposed, no unacceptable harm would arise through overlooking or visual impact....benefit of new housing, well located in this regard, does not outweigh the harm found on the main issue...."</p>	
WR/15/01974/DOM WR/15/01975/LBC WR (A Miller) DISMISSED	Coed Afal Petworth Road Wisborough Green Billingshurst West Sussex RH14 0BH - Proposed two storey rear extension and internal alterations.
<p>"...I dismiss both appeals. Main Issue. In both appeals this is the effect of the proposed extension on the significance of the listed building and its setting within the Wisborough Green Conservation Area.... The proposed extension would add a further 3.5m to the length of the wing towards the south and that length of the proposed further addition was measured out at the site inspection. The new works would replicate some of the features of the present wing. However, whereas the present addition is in balance with the size of the cottage, the proposed addition would adversely tip the balance to being significantly longer than the width of the cottage, a fact seen in views from the footway near the western boundary, appearing out of scale and to dominate the historic building. That is a public view and the harm there would be to the character and appearance of the conservation area as well as to the appreciation of the listed building.... The protection afforded listed buildings does not rely on public views as they are to be preserved for their own sake, for their architectural or historic significance. In the case of the appeal property that significance is clear at the garden elevation, where the modest dimensions of the cottage are clearly appreciated, and the projection of the south wing is limited. The proposed works would result in the projection seen in the angle between the cottage and the wing being over-long and over-dominant, detracting from the interest of the cottage and undermining its historic and architectural significance.... The proposal would cause harm to the listed building and its open rear setting, and to the character and appearance of the conservation area. The level of harm is 'less than substantial', a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.... The benefit of listed</p>	

buildings being looked after for the public benefit by willing owners is of some weight, but there does not appear to be a risk that the dwelling would fall out of residential use for the lack of the works, and such a residential use is clearly the optimum use as sought by the Framework. The dwelling in its previously extended form is not sub-standard and provides attractive, useable spaces. In the balance, there are personal and family benefits, but the public benefits are limited and fail to outweigh the harm to the listed building, and the lesser harm to the character and appearance of the conservation area. The works do not satisfy the requirements of Local Plan Policies 33 and 47, and fail the statutory tests of the 1990 Act, as well as being contrary to the provisions of the Framework on the preservation of designated heritage assets. For the reasons given above it is concluded that the appeal should be dismissed."

3. OUTSTANDING APPEALS

Reference/Status	Proposal
AP/14/04250/LBC WR (M Tomlison) In Progress	Crown and Anchor Dell Quay Road Dell Quay Appledram PO20 7EE - 2 no. free standing signs and 1 no. plaque.
BI/15/00139/CONSH PI (RH) In Progress	Land North West Of Premier Business Park, Birdham Road Appledram, West Sussex. Stable block and works less Article 4
BI/15/00194/CONTRV WR (SCA) In Progress	Land North West of Premier Business Park Birdham Road Birdham West Sussex - Use of land as a Traveller Site. Appeal against enforcement notice Linked to BI/15/01288/FUL
BI/15/01288/FUL PI (SCA) In Progress	Land north west of Premier Business Park, Birdham Road Birdham West Sussex PO20 7BU - Proposed single pitch site including the provision of a utility building for settled gypsy accommodation together with existing stables. Linked to BI/15/00194/CONTRV
BI/15/01749/DOM WR (N McKellar) In Progress	Premier Business Park 4 Birdham Road West Sussex PO20 7BU - Change of use of existing marine retail/storage/light industrial unit to new destination retail unit incorporating new shop front, entrance and side fire escape.
BO/14/03677/PLD H (F Stevens/D Price) In Progress	Land west of Sweet Meadow Bosham Hoe Bosham Chichester PO18 8ET - Use of site for 1no. dwelling.
BO/15/00801/FUL WR (C Boddy) In Progress	The Garden House, Bosham Lane, Bosham, West Sussex PO18 8HG - Demolition of existing dwelling and construction of 1 no. dwelling and associated works.
BO/15/02233/DOM WR (N McKellar) In Progress	Brook House Quay Meadow Bosham West Sussex PO18 8LY - Retrospective construction of pitched roof to existing outbuilding.

Reference/Status	Proposal
BO/15/02234/LIS WR (N McKellar) In Progress	Brook House Quay Meadow Bosham West Sussex PO18 8LY - Construction of pitched roof to existing outbuilding.
SDNP/14/04865/FUL BURY I (D Price) In Progress	Land North of Junction with B2138 Bury Road Bury West Sussex - Change of use from agricultural land to a Gypsy and Traveller's site. Linked to SDNP/15/00336/COU.
SDNP/15/00336/COU BURY I (R Hawks) In Progress	Land North of Junction with B2138 Bury Road Bury West Sussex - Stationing of two caravans for human habitation. Appeal against enforcement notice Linked to SDNP/14/04865/FUL
SDNP/15/04807/HOUS BURY WR (J Shore) In Progress	Hollow Farm, The Street, Bury, West Sussex, RH20 1PA - Single storey boot room/lobby extension. Linked with SDNP/15/04808/LIS
SDNP/15/04808/LIS BURY WR (J Shore) In Progress	Hollow Farm, The Street, Bury, West Sussex, RH20 1PA - Proposed single storey boot room/lobby extension. Linked with SDNP/15/04807/HOUS
CC/15/01300/FUL H (NALA) In Progress	146 Whyke Road, Chichester, West Sussex, PO19 8HT. Proposed demolition of existing recent single storey extension and roof terrace, and replacement with a 1.5 storey extension; and conversion of existing Whyke Grange into 1 no. five-bed house (including converted stables forming a one-bed annex) and 1 No. three-bed house; erection of 2 no. detached four-bed cottages, with parking and external works.
CC/15/02154/ADV HH (M Tomlinson) In Progress	Pizza Hut Portfield Way Chichester West Sussex PO19 7WT - 3 no. illuminated fascia signs, 2 no. illuminated internal suspended signs, 2 no. illuminated pole sign, 1 no. hanging sign.
CC/15/02316/ADV HH (M Tomlinson) In Progress	Vauxhall Frosts Chichester A27 Chichester Bypass Eastbound Kingsham Chichester West Sussex PO19 8TH - 1 no. internally illuminated entrance panel, 2no. internally illuminated wall mounted Vauxhall logos, 1 no. internally illuminated service and parts pole sign and 1 no. directional lawn sign.
CC/15/02681/ADV HH (C Boddy) In Progress	Sainsburys Unicorn House 8 Eastgate Square Chichester West Sussex PO19 1JN - 1 no. externally illuminated thin aluminium fascia sign, 2 no. non-illuminated aluminium projecting signs and 1 no. non-illuminated ATM surround sign.

Reference/Status	Proposal
CH/11/00538/CONBC H (RWH) Awaiting Decision	Five Oaks Newells Lane West Ashling Chichester, West Sussex PO18 8DF - Height of building in excess of that permitted under 10/01925/FUL - appeal against enforcement notice.
CH/14/02138/OUT I (J Bell) Awaiting Decision	Land East Of Broad Road Hambrook West Sussex - Residential development of 120 single and two storey dwellings comprising 48 affordable homes and 72 market price homes, garaging and parking together with retail unit, sports pavilion, community facility, new vehicular and pedestrian access to Broad Road, emergency and pedestrian access to Scant Road West, sports facilities, two tennis courts, football pitch and four cricket nets, children's play area, public open space and natural green space on a site of 9.31 ha.
CH/15/00151/CONDWE WR (R Hawks) In Progress	Cockleberry Farm Main Road Bosham West Sussex PO18 8PN - Retention of the Chalet. Appeal against enforcement notice.
SDNP/14/02401/CND EASEBOURNE WR (J Saunders) In Progress	Blackberry Barn Hollist Lane Easebourne Midhurst West Sussex GU29 0QN - Removal of Condition 6 of planning permission EB/05/03463/FUL In order to make better use of the building.
EWB/15/01239/FUL H (N Langford) In Progress	148 Stocks Lane East Wittering West Sussex PO20 8NT - Demolition of the existing commercial building and the development of 26 no. one and two bed sheltered apartments for the elderly including communal facilities, access, car parking and landscaping.
FB/15/02837/DOM WR (P Hunt) In Progress	78 Blackboy Lane, Fishbourne, West Sussex, PO18 8BH - Proposed two-storey rear extension with internal alterations.
FU/15/00237/CONTRV WR (S Archer) In Progress	Land South of The Stables, Newells Lane/Scant Road East,, West Ashling West Sussex – Creation of a hardstanding – appeal against enforcement notice.
SDNP/15/01791/LDE HARTING WR (R Jones) In Progress	2 Ryefield Barns Killarney to Goose Green Road West Harting Petersfield West Sussex GU31 5PE - Existing domestic curtilage extension requested in line with garden boundaries on land between house and driveway.
LX/15/00498/ELD I (CABO) In Progress	Beech Farm , Roundstreet Common, Loxwood, Wisborough Green, West Sussex, RH14 0AN. The siting of a mobile home for the purposes of human habitation independently to Beech Farm House
O/15/00277/CONHH WR (R Hawks) In Progress	Tapners Barn Marsh Lane Merston Oving Chichester West Sussex PO20 1DZ - Erection of side extension that requires planning permission.

Reference/Status	Proposal
O/15/02834/DOM WR (C Boddy) In Progress	Tapners Barn, Marsh Lane, Merston, Oving, West Sussex, PO20 1DZ - Retrospective orangery extension to side of existing barn. Linked with O/15/00277/CONHH
O/15/03622/FUL WR (C Boddy) In Progress	Lime Kiln Barn, Colworth Lane, Colworth, Oving, PO20 2DS - Removal of condition 3 of planning permission O/16/92.
SDNP/14/06285/MPO PETWORTH H (J Saunders) Awaiting Decision	Land At Laundry Cottage Woodlea and Grass Mere Horsham Road Petworth West Sussex - Removal of affordable housing obligation attached to planning permission SDNP/12/02721/FUL .
PS/13/00015/CONCOU I (RH) In Progress	Crouchlands Farm, Rickmans Lane, Plaistow, Billingshurst West Sussex, RH14 0LE. Use of an anaerobic generator and importation of slurry.
PS/14/03983/FUL H (R Jones) Awaiting Decision	Nell Ball Farm Dunsfold Road Plaistow Billingshurst West Sussex, RH14 0BF - Retention of existing mobile home as a permanent dwelling.
PS/14/04100/FUL H (F Steven) Awaiting Decision	Little Springfield Farm Plaistow Road Ifold Loxwood Billingshurst West Sussex RH14 0TS - Demolition of existing industrial buildings and erection of 3 no detached dwelling houses with associated landscaping, surfacing, car parking provision and access works.
SDNP/15/01349/HOUS ROGATE WR (R Grosso Macpherson) In Progress	Lower House Durleighmarsh Rogate Petersfield West Sussex GU31 5AX - Oak framed glazed garden room extension to side. Linked to SDNP/15/01351/LIS
SDNP/15/01351/LIS ROGATE WR (R Grosso Macpherson) In progress	Lower House Durleighmarsh Rogate Petersfield West Sussex GU31 5AX - Oak framed glazed garden room extension to side and insertion of roof light on south elevation. Linked to SDNP/15/01349/HOUS
SY/15/00074/CONHH WR (S Archer) In Progress	47 Wellington Gardens Selsey Chichester West Sussex PO20 0RF - Without planning permission, erection of a single dwelling house. Linked with SY/15/02518/DOM
SY/15/01408/FUL WR (F Stevens) In Progress	Ullswater Malden Way Selsey Chichester West Sussex PO20 0RW - Construction of chalet bungalow on land east of Ullswater.
SY/15/02518/DOM WR (P HUNT) In Progress	47 Wellington Gardens Selsey West Sussex PO20 0RF - Self-contained annexe. Linked with SY/15/00074/CONHH

Reference/Status	Proposal
SI/14/04058/COU H (FJST) Awaiting Decision	Field South Of Green Lane Piggeries, Ham Road, Sidlesham, West Sussex. Change of use of land as private gypsy and traveller caravan site. Linked to SI/15/00157/CONMHC
SI/14/04249/ELD WR (P Kneen) In Progress	Magnolia Cottage Cloverlands Chalder Lane Sidlesham Chichester West Sussex PO20 7RJ- To continue use of building as a single dwelling.
SB/11/00022/CONDWE I (S Archer) In Progress	Acre View, R B S Nurseries Thornham Lane Southbourne Emsworth Hampshire PO10 8DD - Use of a building as a dwelling house – appeal against enforcement notice.
SB/11/00022/CONDWE I (S Archer) In Progress	Willow Cottage, R B S Nurseries Thornham Lane Southbourne Emsworth Hampshire PO10 8DD - Use of a building as a dwelling house as above - relates to a different enforcement notice.
SB/14/00313/CONMHC H (S Archer) In Progress	Land North Of Marina Farm Thorney Road Southbourne - Stationing of a mobile home. Appeal against Enforcement Notice.
SB/15/01837/FUL H (C Boddy) In Progress	Thornham Products Thornham Lane Southbourne West Sussex PO10 8DD - Retrospective grant of planning permission to station the existing single mobile home.
SB/15/02508/FUL I (S Archer) In Progress	Acre View Cottage Thornham Lane Southbourne West Sussex PO10 8DD - Continuation of use of building as a single dwelling house.
SB/15/02509/FUL I (S Archer) In Progress	Willow Cottage Thornham Lane Southbourne Emsworth Hampshire PO10 8DD - Use of building as a single dwelling house.
SDNP/14/05772/LDE STEDHAM WR (D PRICE) In Progress	The Old Studio Bridgefoot Cottages Stedham Midhurst GU29 0PT - Use of The Old Studio as a self-contained residential unit for a period in excess of 4 years.
SDNP/15/04020/HOUS TILLINGTON WR (J Shore) In Progress	Home Farm Upperton Road Upperton Tillington Petworth West Sussex GU28 9BE - Full and part demolition of previous extensions, construction of new orangery style extension, new south extension and minor internal and external alterations to original building.
SDNP/15/04021/LIS TILLINGTON WR (J Shore) In Progress	Home Farm Upperton Road Upperton Tillington Petworth West Sussex GU28 9BE - Full and part demolition of previous extensions, construction of new orangery style extension, new south extension and minor internal and external alterations to original building.

Reference/Status	Proposal
WE/15/00135/CONWST WR (R Hawks) In Progress	Land South East Of Hopedene Common Road Hambrook Westbourne West Sussex - Untidy land.
WH/14/01159/OUTEIA I (J Bell) In Progress	Land Between Stane Street And Madgwick Lane, Westhampnett, West Sussex. Residential development comprising up to 300 residential dwellings, including an element of affordable housing, with vehicular access from Stane Street and Madgwick Lane, associated landscaping, a community facility, open space and children's play space, surface water attenuation and ancillary works.
WH/14/03827/OUT H (KARA/JB) Awaiting Decision	Land West Of Abbots Close, Priors Acre, Boxgrove, West Sussex. Outline planning permission is sought for development of the site for up to 22 residential units, public open space, landscaping, access and car parking. All matters are to be reserved except for point of access.
SDNP/15/03361/LDE WEST LAVINGTON H (D Price) In Progress	Stable Cottage Dunford Hollow West Lavington West Sussex GU29 0ER - Use as single dwelling house with garden and amenity area.
WW/15/01350/FUL WR (P Kneen) In Progress	Land Between Windsor and Maycroft Church Road East Wittering West Sussex PO20 8PS - Erection of two storey single family dwelling house, garage and driveway with access onto Sandpiper Walk, off Church Road.
WW/15/01408/FUL WR (FJST) In Progress	Ullswater, Malden Way, Selsey, Chichester, West Sussex, PO20 0RW. Construction of chalet bungalow on land east of Ullswater.
WR/15/00038/CONMHC WR (R Hawks) In Progress	1 Newfields Newpound Wisborough Green Billingshurst West Sussex RH14 0AX - Stationing of 2 mobile homes. - appeal against enforcement notices.
WR/15/00498/ELD I (C Boddy) In Progress	Beech Farm Roundstreet Common Loxwood Wisborough Green West Sussex RH14 0AN - The siting of a mobile home for the purposes of human habitation independently of Beech Farm House.
WR/15/02080/FUL WR (M Tomlinson) In Progress	Goose Cottage, Durbans Road, Wisborough Green, Billingshurst, West Sussex, RH14 0DG - Change of use of existing store building to residential.

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage
NONE		

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Land north west of Premier Motor Homes, Birdham	Use of land as a residential caravan site and the carrying out of operational development	Court Hearing Monday 4 April 2016 to add current land owners to the injunction and to set a final trial date.

Prosecutions		
Site	Breach	Stage
Tinwood Estate Halnaker Boxgrove	Display of an advertisement	Prosecution authorised: waiting for a court date from Court listings.
Nell Ball Farm Plaistow	Failure to comply with the planning enforcement notice	Prosecution proceedings to recommence as negotiations with the landowner have not been successful. Legal to be instructed.

7. POLICY MATTERS

NONE