

Chichester District Council

Planning Committee

Wednesday 27 April 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
CC/15/02962/FUL WR (N McKellar) In Progress	Jalna Church Road Chichester West Sussex PO19 7HN – Replacement two storey dwelling.
CC/15/04093/ADV WR (C Boddy) In Progress	26 South Street Chichester West Sussex PO19 1EL - Projecting sign, wrought iron style hanging bracket fixed back to the building fabric.
SDNP/15/05144/HOUS STEDHAM WR (C Cranmer) In Progress	Talbots Ash House Lane Stedham Midhurs, West Sussex GU29 0PX - 2 storey rear extension.
WR/15/03504/DOM WR (R Ballam) In Progress	Park Cottage Kirdford Road Wisborough Green West Sussex RH14 0DF - Demolition of existing incongruous rear dormer. New rear dormer, rear extension and connecting walkway to existing bothy.

2. DECISIONS RECEIVED

Reference/Decision	
CC/15/02154/ADV HH (M Tomlinson) DISMISSED	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.
<p>"...The proposal comprises a number of signs, most of which would be illuminated. These signs would be in addition to the illuminated key lines on the roof. Large illuminated lettering would be applied to two roof planes, there would be an illuminated fascia, along with illuminated signage inside the building. In addition there would be an illuminated pole sign with a height of 6.5m. Whilst I appreciate there has been previous signage consents for the premises, the size, the amount and extent of the proposed signage along with its positioning, would be an overbearing and visually intrusive feature within the area. The bright red livery of the company would be particularly startling especially when illuminated at night. Moreover the large size of the roof text and the height and size of the pole sign would be clearly visible from some distance away. The cumulative impact of the proposal would be unacceptably intrusive and would significantly harm the visual amenity of the area. The appellant has pointed out that the site lies within a commercial area where there is a backdrop of large retail units with its own variety of signage, including similar sized pole signs. Be that as it may, the signage for the surrounding buildings does not have the same overwhelming impact that the proposal before me would. The over-riding characteristic of the north and west elevations of the building would be of illuminated signage, with the height and size of the pole sign exaggerating the prominence of the restaurant in the surrounding area. Whilst I accept the business has to attract passing trade from a variety of view points, the extent of the proposed signage and its bright level of illumination would allow it to be seen clearly from some distance. Even with the low level landscaping much of the signage would be readily apparent. I agree with the Council that a traditional approach to signage would not be appropriate in what is essentially a commercial and retail area. However, the site is part of the approach to the city, and as such any proposed signage should not appear excessively strident. The National Planning Policy Framework (the Framework) states amongst other matters, that advertisements should be subject to control only in the interest of amenity and public safety, taking account of cumulative interests. The Council have drawn my attention to Policy 47 of the Chichester Local Plan (2015) and the guidance within the Shopfront and Advertisement Design - a Guidance Note (2005). Although I have taken these into account as material considerations, development plan policies are not determinative as the powers to control advertisements under the regulations may be exercised only in the interests of amenity and public safety. Nevertheless the proposal would fail to accord with the policy and the guidance referred to above as they seek to ensure, amongst other things, that development respects local character and contributes towards high architectural and built quality...The levels of illumination were not specified on the application form, although during the consideration of the application the appellant stated that it would be 600 cd/sqm. This intense level of illumination would be far greater than the 300 cd/sqm required by Highways England between dusk till dawn. Although the illumination would be static, given the amount and position of the proposed signage the illumination intensity would make it an intrusive and garish feature of the area. Moreover, the proximity of the signs to a busy road network, near to a pedestrian crossing and round-a-bout, would be a distracting feature to all users of the highway. The appellant considers the illumination levels could be dealt with by condition. Be that as it may, it is not just the level of illumination that is a concern, but the combination of it with the amount and location of the signage and its proximity to the highway. Taken together the proposed signage would be unacceptably distracting,</p>	

<p>particularly at night, thereby being harmful to public safety, contrary to the requirements of the Framework. For the reasons given the proposed replacement signs would be materially detrimental to the character and appearance of the area and would be harmful to public safety. Having taken into account all other matters raised, the appeal is dismissed."</p>	
<p>CC/15/02316/ADV HH (M Tomlinson) DISMISSED</p>	<p>Vauxhall Frosts Chichester A27 Chichester Bypass Eastbound Kingsham Chichester West Sussex PO19 8TH - 1 no internally illuminated entrance panel, 2 no internally illuminated wall mounted Vauxhall logos, 1 no internally illuminated service and parts pole sign and 1 no directional lawn sign.</p>
<p>"...The freestanding pole sign (Sign C) would be positioned close to the site boundary, near to the foot and cycleway that runs to the side of the bypass. In total the sign would be over 4 metres in height, with an illuminated panel depicting the Vauxhall logo. It would be a prominent and bulky feature, although the appellant has pointed out that the sign would be smaller than the standard used for Vauxhall sites. Be that as it may, the proposed sign would be significantly larger than any other sign on the site, and even though positioned amongst the cars for sale, due to its height and proximity to the footway it would be noticeably visible. Like the numerous banner signs within and close to the site frontage, it would project above the height of the sales vehicles. The positioning of the proposed sign would allow it to be seen in addition to the many banners close to the footway, and taken together the site frontage would have an unacceptably busy appearance. My attention has been drawn by the appellant to the nearby PFS totem which is also illuminated and is close to the footway. However, this sign is positioned set away from the PFS forecourt, and is not surrounded by parked cars and fluttering banners as Sign C would be. Whilst the appellant would be happy to switch off the illumination outside trading hours, this would not mitigate the harm I have found to the character and appearance of the area. I appreciate the sign is not close to housing, and that it would be seen as part of the uses occurring on the appeal site. However, the cars, banners and existing signage already gives the site a busy appearance that draws the eye. The position, size and height of Sign C would unacceptably add to the visual clutter of the advertisements on the site, the impact of which would be exaggerated when illuminated. Whilst the appellant considers the sign would not be any taller than the pole signs, it would nevertheless have a harmfully bulky and solid appearance very different to the other signage on the premises. Thus Sign C would unacceptably harm the character and appearance of the area. The cumulative impacts of the advertisement would have a negative impact contrary to an objective of the National Planning Policy Framework. As such Sign C would be materially detrimental to interests of amenity, and for that reason the appeal must fail...."</p>	
<p>CC/15/02681/ADV HH (C Boddy) PART ALLOWED PART DISMISSED</p>	<p>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.</p>
<p>"The appeal is dismissed insofar as it relates to the externally illuminated fascia sign and two projecting signs. The appeal is allowed insofar as it relates to the non-illuminated ATM surround sign and express consent is granted for its display....Chichester Conservation Area, and is close to a listed church and other listed buildings....have paid special regard to preserving the setting of these listed buildings and of preserving or enhancing the character or appearance of a conservation area....The main issue is the effect of the advertisements on the character and appearance of the area, with particular</p>	

regard to the effect on the Chichester Conservation Area...8 Unicorn House...occupying a corner position formed by the junction of St Pancras with Eastgate Square and The Hornet. Its position makes it a focal building in the area....A characteristic of the area is the variety of buildings...It is an unusual building with its curved walls and roof...The form of the building, its decoration, and the presence of a continuous fascia to all three public elevations, are distinctive features of the premises. As such it makes a positive contribution to the character and appearance of the conservation area, adding to the variety of the cityscape....The Council have not objected to this signage, and having regard to the size and position of it I have no reason to disagree....I do not consider this aspect of the proposal would harmfully detract from either the character or appearance of the conservation area. The proposed fascia sign would extend around the curve of the building and would form a prominent addition to it. With its orange, white and plum colours, aluminium construction, and projected lettering, it would have a textured modern style that would have an overly complex form at odds with the historic character and appearance of the area. Even with the separation between the text, the contemporary style and materials on such a prominent site would harmfully draw the eye, appearing unduly dominant and brash within the street scene. The appellant considers the use of aluminium would be preferable to timber as it could be formed around the curve of the building. Be that as it may, this would not outweigh the harm I have found with regard to the impact of the proposal on the character and appearance of the conservation area....the introduction of two orange coloured aluminium projecting signs near to either end of the fascia sign would exaggerate the contemporary appearance of the advertisements...appreciate the colour is corporate livery, they would nevertheless be very bright, and due to their size they would project well beyond the façade of the building. Unlike many of the other projecting signs nearby they would have no supporting bracket. With their contemporary appearance and style they would be distinctly different....there are some modern signs and buildings nearby, in most cases the projecting signs have a more traditional appearance, giving a cohesion to the area the appeal proposal would unacceptably disrupt. I note the appellant considers the building to have a bland frontage to which the proposal would add visual interest. I have also had regard to the size of the building and it having frontages on three roads....from my site visit it was apparent that the appeal building is an attractive focal point, and moreover its distinctive curved form and discreetly decorated appearance makes a positive contribution to the conservation area. The proposed signage would be a jarring contrast with the more traditional advertisements that are common in the conservation area, and due to its form and materials would be an incongruous addition to the building that would not harmonise with the historic environment....The National Planning Policy Framework (the Framework) states amongst other matters, that advertisements should be subject to control only in the interest of amenity and public safety, taking account of cumulative interests....Policies 1 and 47 of the Chichester Local Plan (2015)...Shopfront and Advertisement Design - a Guidance Note (2005)...Chichester Conservation Area Character Appraisal (2005). Although I have taken these into account as material considerations, development plan policies are not determinative as the powers to control advertisements under the regulations may be exercised only in the interests of amenity and public safety. Nevertheless the proposal would fail to accord with the policies and the guidance referred to above as they seek to ensure amongst other things, development that respects the historic environment and local character, whilst contributing towards high architectural and built quality....Opposite the appeal building is the flint and stone towered St Pancras church. This is a notable and distinctive building within the area and both it and the listed buildings close to the appeal site along St Pancras contribute to the quality and variety of the cityscape. I have had regard to the statutory requirement of preserving the setting of these listed buildings. Whilst the advertisements would harm the conservation area, due to the size and separation of the proposed signage from the nearby listed buildings, along with the variety of the streetscene as a whole, the impact on their settings would not be unacceptably

harmful...."	
FB/15/02837/DOM HH (P Hunt) ALLOWED	78 Blackboy Lane Fishbourne West Sussex PO18 8BH – Proposed two-storey rear extension with internal alterations.
<p>"...The appeal is made by Mr D and Mrs R Kingswell against the decision of Chichester District Council. The application Ref FB/15/02837/DOM, dated 2 September 2015, was refused by notice dated 29 October 2015. The development proposed is for a two storey rear extension with internal alterations....The main issue in this case is the effect of the appeal proposal upon the living conditions of the occupants of 80 Blackboy Lane, with specific reference to outlook and light. The appeal site relates to a mid-terrace two storey house which has a timber framed canopy structure situated upon its rear elevation that extends the full depth of an existing utility room projection....Notwithstanding the fact that the proposal would be for a two storey extension, its eaves on the north west facing elevation, where adjacent to no 80, would not be materially higher on the proposed extension than the existing canopy structure. A cat-slide roof plane would be created to that elevation, with a ridge line significantly lower than that of the main dwelling. Whilst no 80 has patio doors and a patio area to its rear, a close boarded fence intervenes along the shared boundary. I consider that whilst the proposal would reduce the outlook from the rear of the neighbouring property, and by virtue of its orientation, would also give rise to a greater degree of overshadowing than the existing situation, this would not be so material as to warrant refusing planning permission....I conclude that the proposal would not give rise to material harm to the living conditions of the occupants of no 80 in terms of outlook or light. I find that the proposal does not conflict with Policies 1, 2 or 33 of the Adopted Chichester Local Plan in that they are specifically focussed upon strategic matters and wider residential schemes, as opposed to domestic extensions....For the reasons set out above, I conclude that the appeal should succeed. Other than the standard time limit condition, the Council has suggested a condition requiring the external materials to be used in the construction of the extensions to match those of the existing building. In the interests of the character and appearance of the surrounding area, this is an appropriate condition. In addition, for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out with the approved plans is imposed"</p>	
PS/14/03983/FUL H (R Jones) DISMISSED	Nell Ball Farm Dunsfold Road Plaistow Billingshurst West Sussex RH14 0BF - Retention of existing mobile home as a permanent dwelling.
<p>"...At the hearing I was provided with information on how the farm currently operates. The appellant keeps approximately 1,000 chickens and some 26 Poll Dorset ewes. The need for an agricultural worker to live on the farm primarily arises from the poultry enterprise....The appellant informed me at the Hearing that the keeping of the Black Rock flock and the other farm enterprises requires a considerable overall labour input and that he maintains a close personal relationship with the animals unlike other similar farming enterprises....The appellant considers that the need to be on hand for animal welfare reasons represents a functional need to be at the holding, and in this regard Dr Clive Madeiros, submitted an expert witness report (Document 1)....a farmer should live on site to properly manage his livestock and to ensure that animal welfare legislation is met....clear intention of Local Plan Policy 37 requires the needs of the enterprise concerned to be met rather than the personal preference or circumstances of any of the individuals concerned....The appellant works full time on the business and places heavy reliance on timely human intervention, rather than constructed control and containment systems, to respond to changes in the power supply, weather conditions and to threats by predators....In this regard I give substantial weight to the reports prepared by A.J.</p>	

Marshall Agricultural Consultants, which state4, "many free range poultry flocks are successfully operated in isolated locations well away from other farm buildings and dwellings" and "there is no justification for a permanent on-site presence"....there was also little evidence produced to indicate that the poultry or ewes are particularly prone to difficulty or illness....Many of the necessary on-site tasks could be performed during daytime hours when it reasonable to expect that an agricultural worker would be present....Additionally, a labour calculation carried out by the Council indicates that the holding, as it presently operates, would not generate sufficient labour to require a full time worker...I also take into account that there has been a history of mains electric power failures...Nevertheless, the appellants have not sought to resolve this issue with their energy supplier or convey to them the importance of a continuity of power supply....power failure would not amount, on its own, to sufficient justification for a dwelling on site....There was some discussion at the Hearing about measures that could potentially be used at the site including: additional fencing (including electric); door opening systems for the poultry houses; and surveillance and monitoring systems. The appellant considers that such measures would be costly,...Whilst technological measures may be expensive, the evidence before me does not demonstrate that the appellant has explored sufficiently the use of them...weight that can be attached must be tempered by the likely infrequent nature of catastrophic malfunctions of appropriate equipment that is well maintained and properly serviced....based on the evidence submitted and the small scale of the business I consider the frequency and risk of incidents occurring would be extremely low, particularly if adequate security measures were in place....I am concerned that the buildings where the Scotch eggs are produced are subject to enforcement proceedings by the Council so their future is uncertain...I am unconvinced that the enterprise has been planned on a sound financial basis insofar as the operation itself has reasonable long term prospects, such that it can be regarded as permanent....The Council states that supervision of the site could be achieved from a dwelling within a short travelling distance and...Whilst the appellant was concerned about the cost of these dwellings and the travel inconvenience, I have no substantial evidence to demonstrate why these or other rental properties would not be suitable....it has not been demonstrated that there is an essential need for a dwelling to accommodate an agricultural worker on site and as such the proposed development would be contrary to: Local Plan Policies 1; 25; 33; 37 and 45, which collectively seek, amongst other matters...the absence of a continuous presence on site need not compromise the effective and on-going use of the land.... elevated ground close to a hedge bank and mature trees...fair degree of screening in views from the north...Nonetheless, in views from the Public Right of Way the dwelling appears visually exposed, awkward and incongruous on this landscape ridge feature. For this reason alone I consider that the present siting of the building is unsuitable....I have taken account of all other matters raised, including letters of support for the development. However, nothing outweighs my considerations in relation to the main issues and, for the reasons given above, I conclude that the appeal should be dismissed."

[SDNP/15/02779/HOUS](#) &
[SDNP/15/02780/LIS](#)
 LODSWORTH
 H (R Mcpherson)

Fitzlea House Fitzlea Wood Road Selham Lodsworth
 GU28 0PS - Internal alterations and external alterations
 including one 2-storey rear extension and one single-storey
 side extension.

COSTS DECISION

"...allowed...(HBA) did not visit the appeal site as part of the assessment of the appeal applications....A more constructive approach on behalf of the Authority could have avoided the need for the appeals....The Authority's decisions...were based on historical evidence, policy and practice relevant to the case, as demonstrated in its pre-application advice and its statement of case. As its concern is for the size, scale and form of the

proposed addition to the east, even if the Authority had taken a different view on the form of any proposed addition to the east, this matter, of itself, would not have avoided the need for the appeals....I consider that the Authority acted reasonably....However,...I found that the works proposed to the cill plate and timber framing, between the kitchen and bakehouse, would be acceptable. That there was an extant listed building consent LD/15/79 for those works was a matter agreed by the two main parties at the Hearing. On this basis,...find that the Authority acted unreasonably. In defending that matter at appeal, the appellant incurred unnecessary expense....Unreasonable behaviour resulting in unnecessary or wasted expense...has been demonstrated and awards of costs, limited to the matters in defence of works proposed to the cill plate and timber framing between the kitchen and bakehouse, are therefore justified..."

[SY/15/01408/FUL](#)
WR (F Stevens)
Awaiting Decision

Ullswater Malden Way Selsey Chichester West Sussex
PO20 0RW - Construction of chalet bungalow on land east of Ullswater.

"The appeal is dismissed...The main issues are the effect of the proposed development on: the character and appearance of the area; the living conditions of the occupiers of 4a Malden Way, with particular regard to privacy; and, the living conditions of the occupiers of Croft Corner, with particular regard to outlook....The effect of the development on the character and appearance of the area...the front wall of the proposal would project significantly forward of the front wall of Ullswater. Its position so close to the street boundary would disrupt the line established by Ullswater. Given the diminutive scale of the street in front of the appeal site, this forward projection would result in the building having an overbearing presence in the street scene, and appearing cramped within the depth of its site. Thus, the proposal would be in conflict with Policy 33 of the Chichester Local Plan: Key Policies 2014-2029 (LP)...It would be at odds too with the advice in paragraphs 56, 58 and 61 of the National Planning Policy Framework 2012 (the Framework) which sets out the importance the Government attaches to design...The effect on the living conditions of the occupiers of 4a Malden Way...In these circumstances, because of the proximity of the dormer windows in the proposal to No 4a, I consider that the proposed development would result in a materially harmful degree of overlooking into the back garden of No 4a. It would have a harmful effect on the living conditions of the occupiers of 4a Malden Way with particular regard to privacy, and would be contrary to LP Policy 33....The effect on the living conditions of the occupiers of Croft Corner Croft Corner has a relatively small back garden area, the outlook from which and from the room on the ground floor opposite the proposed development, would change. However, given the separation of the proposed house of almost 6m from its side boundary which has a fence around 1.5m high, together with its relatively low eaves height and partially hipped roof, it would not have a materially harmful effect on the outlook from within Croft Corner or from its garden. The proposal would not harm the living conditions of the occupiers of Croft Corner, with particular regard to outlook, and in this respect, would not conflict with LP Policy 33...Conclusion Whilst the development would provide a modest benefit of one additional house to local housing supply, this is outweighed by the unacceptable harm it would cause to the character and appearance of the area and the living conditions of the occupiers of No 4a Malden Way, which is in clear conflict with the policies of the development plan as a whole. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed."

Reference/Decision	
SDNP/15/04020/HOUS TILLINGTON WR (J Shore) Awaiting Decision	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.
<p>"Appeal A: the appeal is dismissed. Appeal B: the appeal is dismissed...Home Farm is a house that has evolved over time and now comprises a number of extensions around an historic core...The design and materials of the extensions makes them distinct from the historic building. The size and form of the house, its development, historic fabric, and the materials from which it is constructed, are part of the special interest of this listed building...Whilst the works would be largely based on the twentieth century extensions, they would nevertheless be much bulkier and would substantially alter the form of the building...The combined size of the two roofs would be overbearing when compared to that of the historic core of the house, with the four rooflights having a rhythmical position at odds with the organic appearance of the house...Again there are a number of positive aspects to the proposal, such as removing the octagon extension, the oriel window and the Juliet balcony. However, raising the height of the southern end extension combined with the other proposed extensions would give the building an essentially rectangular form very different to the incremental one that it currently possesses...the bulk and scale of the works would be such that they would overwhelm the building, unacceptably and fundamentally altering its form...it would unacceptably erode the spacious and expansive edge of village setting that it has. Furthermore, the amount and size of the proposed glazing to the rear would be at odds with the void / solid ratio apparent particularly to the front of the building...The proposed glazing would be very different to the vernacular form of the listed house and barn...The number and size of the windows, doors and glazed cheek dormers, would be noticeably reflective and particularly apparent at night when rooms are lit, thereby intruding into the historic environment and the scenic beauty of the national park...I also share the concerns of the Authority with regard to the loss of historic fabric...several windows would be replaced and it is not clear whether repairs could be an alternative. Internally the provision of large open plan rooms would fundamentally alter the ground floor plan form...Furthermore, the historic core of the building would become secondary to the extensions, providing service facilities and a means of access to the relocated principle rooms...the further erosion of the use and form of the historic farmhouse would render it largely subservient to the extensions...Despite the absence of objection from local residents, the changes proposed are personal not public benefits relevant only to the appelland and his family, and would not therefore outweigh the harm I have found...The proposal would not preserve the special interest of the listed building...the appeal building was considered to offer a high bat roost potential...It was found that the building supported a maternity colony of brown long-eared bats. As the proposed works would allow no opportunity to retain the roost, it would be destroyed. An alternative roost is proposed in a garden barn / store close to the southern boundary of the garden...The garden store is very different to the existing maternity roost...Whilst the barn would be close to foraging, the physical features of the substitute roost would be very different...would be much smaller in size, and is currently open fronted with an exposed roof structure...it would have a much more frequent use than the loft and consequently greater disturbance...full details of the proposed works have not been provided...it is not clear that a satisfactory mitigation strategy is in place to provide a substitute bat roost, and the harm to a legally protected wildlife species has not been established..."</p>	

Reference/Decision	
SDNP/15/04021/LIS TILLINGTON WR (J Shore) Awaiting Decision	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.
<p>"Appeal A: the appeal is dismissed. Appeal B: the appeal is dismissed...Home Farm is a house that has evolved over time and now comprises a number of extensions around an historic core...The design and materials of the extensions makes them distinct from the historic building. The size and form of the house, its development, historic fabric, and the materials from which it is constructed, are part of the special interest of this listed building...Whilst the works would be largely based on the twentieth century extensions, they would nevertheless be much bulkier and would substantially alter the form of the building...The combined size of the two roofs would be overbearing when compared to that of the historic core of the house, with the four rooflights having a rhythmical position at odds with the organic appearance of the house...Again there are a number of positive aspects to the proposal, such as removing the octagon extension, the oriel window and the Juliet balcony. However, raising the height of the southern end extension combined with the other proposed extensions would give the building an essentially rectangular form very different to the incremental one that it currently possesses...the bulk and scale of the works would be such that they would overwhelm the building, unacceptably and fundamentally altering its form...it would unacceptably erode the spacious and expansive edge of village setting that it has. Furthermore, the amount and size of the proposed glazing to the rear would be at odds with the void / solid ratio apparent particularly to the front of the building...The proposed glazing would be very different to the vernacular form of the listed house and barn...The number and size of the windows, doors and glazed cheek dormers, would be noticeably reflective and particularly apparent at night when rooms are lit, thereby intruding into the historic environment and the scenic beauty of the national park...I also share the concerns of the Authority with regard to the loss of historic fabric...several windows would be replaced and it is not clear whether repairs could be an alternative. Internally the provision of large open plan rooms would fundamentally alter the ground floor plan form...Furthermore, the historic core of the building would become secondary to the extensions, providing service facilities and a means of access to the relocated principle rooms...the further erosion of the use and form of the historic farmhouse would render it largely subservient to the extensions...Despite the absence of objection from local residents, the changes proposed are personal not public benefits relevant only to the appellant and his family, and would not therefore outweigh the harm I have found...The proposal would not preserve the special interest of the listed building...the appeal building was considered to offer a high bat roost potential...It was found that the building supported a maternity colony of brown long-eared bats. As the proposed works would allow no opportunity to retain the roost, it would be destroyed. An alternative roost is proposed in a garden barn / store close to the southern boundary of the garden...The garden store is very different to the existing maternity roost...Whilst the barn would be close to foraging, the physical features of the substitute roost would be very different...would be much smaller in size, and is currently open fronted with an exposed roof structure...it would have a much more frequent use than the loft and consequently greater disturbance...full details of the proposed works have not been provided...it is not clear that a satisfactory mitigation strategy is in place to provide a substitute bat roost, and the harm to a legally protected wildlife species has not been established..."</p>	

Reference/Decision	
WW/15/01350/FUL WR (P Kneen) DISMISSED	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.
<p>“...The appeal is dismissed...The main issues are: the effect of the proposed development upon the character of the area; and, the acceptability of the proposed development in relation to its location in the countryside...It lies adjacent to, but just outside the settlement boundary of East Wittering, in a stretch of undeveloped land between a cluster of houses around St.Peter's Church to the south and two bungalows to the north...To the west of the site stands a housing development nearing completion, with its access road from Church Road, granted when the Council could not demonstrate a five-year supply of deliverable housing sites. Notably, it is set back a significant distance from Church Road, alongside which it maintains an open, green buffer, which tempers the transition from the built environment to the undeveloped, open countryside opposite. The proposed house would fill part of this green buffer and tend to consolidate the settlement with the sporadic development further along Church Road to the north ...The erosion of part of the green buffer would have an adverse visual impact on the undeveloped and tranquil character of the area. The proposed development would have an urbanising effect on the surroundings and would be at odds with the rural character of the countryside to the east, opposite the site. I appreciate that the proposed house would be similar in height & width to the houses to the south, & that the design would incorporate a parking area with access from Sandpiper Walk rather than from the busier Church Road...I acknowledge the Council's internal consultation response to the application for housing to the west of this site, which referred to housing fronting Church Road as being preferable to leaving the area undeveloped. However, the Council granted consent to the layout as proposed. Moreover, the consultation response on one application does not bind the decision-maker on an application for a different development on a different site, in a quite different policy context & with different physical characteristics...I find that the proposed development would have a harmful impact on the character of the area...it would be at odds with LP Policy 48, which says that permission will be granted where there is no adverse impact on the tranquil & rural character of the area & requires development to recognise distinctive local landscape character & sensitively contribute to its setting and its quality. It would also be contrary to one of the core planning principles¹ of the Framework, which says that planning should recognise the intrinsic character & beauty of the countryside...it considers the location of the site to be neither isolated nor far from services or facilities. I have no reason to disagree with that conclusion....While the site is adjacent to the settlement of East Wittering, there is no evidence that it requires a countryside location. In this respect, the proposed development would be at odds with the countryside protection Policy 45 of the LP. The appellant considers that paragraph 14 of the Framework is engaged as the LP does not meet the Objectively Assessed Need (OAN). However, the LP identifies significant constraints to meeting the OAN, which presently limit the amount of housing that can be delivered up to 2019 in a way compatible with the principles of sustainable development. It sets out that the Council will review the position within 5 years to ensure that the OAN will be met...I conclude in any event that the proposal in this case does not adequately address the environmental role of sustainable development as set out in paragraph 7 of the Framework. When considered against the tests set out in the Framework relating to the presumption in favour of sustainable development, I have acknowledged the design qualities of the proposal & these stand alongside the modest benefit of one house to local housing supply, in accordance with paragraph 47 of the Framework, and the limited associated economic benefits...I find that the adverse impacts of the proposal, as I have identified above, would significantly and demonstrably outweigh these benefits. The proposal would be contrary to LP Policy 1 presuming in favour of sustainable development, which the proposed development would not be...”</p>	

Reference/Decision	
SB/11/00022/CONDWE I (S Archer)	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.
Appeals 3135453 & 3137840 withdrawn	
WR/15/00038/CONMHC PI (R Hawks) In Progress	1 Newfields Newpound Wisborough Green Billingshurst West Sussex RH14 0AX - Stationing of 2 mobile homes. - appeal against enforcement notices.
Appeals 3136347 & 3136346 Withdrawn 8.4.16	

3. OUTSTANDING APPEALS

Reference/Status	Proposal
AP/14/04250/LBC WR (M Tomlinson) Awaiting Decision	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 (S Archer) In Progress 23 – 24 August 2016 at CDC Offices Committee Room 1	Land North West of Premier Business Park Birdham Road Appledram West Sussex - Stable block and works less Article 4 Linked to BI/15/01288/FUL and BI/15/00194/CONTRV
BI/15/00194/CONTRV PI (SArcher) In Progress 23 – 24 August 2016 at CDC Offices Committee Room 1	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 and BI/15/00139/CONSH
BI/15/01288/FUL PI (S Archer) In Progress 23 – 24 August 2016 at CDC Offices; Committee Room 1	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 and BI/15/00139/CONSH
BI/15/01749/DOM WR (N McKellar) Awaiting Decision	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 7 June 2016 at City Council – Assembly Room	Land West of Sweet Meadow Bosham Hoe Bosham Chichester PO18 8ET - Use of site for 1 no dwelling.

Reference/Status	Proposal
BO/15/00801/FUL WR (C Boddy) Awaiting Decision	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) Awaiting Decision	Brook House Quay Meadow Bosham West Sussex PO18 8LY - Retrospective construction of pitched roof to existing outbuilding. Linked to BO/15/02234/LIS
BO/15/02234/LIS WR (N McKellar) Awaiting Decision	Brook House Quay Meadow Bosham West Sussex PO18 8LY - Construction of pitched roof to existing outbuilding. Linked to BO/15/02233/DOM
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) Awaiting Decision	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) Awaiting Decision	Hollow Farm The Street Bury West Sussex RH20 1PA - Proposed single storey boot room/lobby extension. Linked with SDNP/15/04807/HOUS
BX/15/03922/FUL WR (F Stevens) Awaiting Decision	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/15/01300/FUL H (P Kneen) 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/15/01696/FUL WR (P Kneen) In Progress	Land North Of Stockbridge House Stockbridge Road Chichester West Sussex - Proposed 1 no. studio house.
CC/15/02479/FUL WR (M Tomlinson) In Progress	Unit R1A Chichester Gate Chichester West Sussex PO19 8EL - Proposed installation of HVAC kitchen extraction flue and air intake louvre grill.

Reference/Status	Proposal
CH/11/00538/CONBC H (R Hawks) In Progress	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.
CH/15/02332/FUL WR (F Stevens) In Progress	Land North of The Avenue Hambrook Chidham PO18 8TZ Erection of 6 no. dwellings and associated works.
E/14/00348/CONCOU WR (S Pattie) 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 (M Tomlinson) 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/14/00348/CONCOU
SDNP/14/02401/CND EASEBOURNE WR (J Saunders) Awaiting Decision	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 26 May 2015 at City Council Old Court Room	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.
FU/15/00237/CONTRV WR (S Archer) Appeal 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) Awaiting Decision	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.

Reference/Status	Proposal
LX/15/00498/ELD I (C Boddy) In Progress 2-3 August 2016 at CDC Offices Committee Room	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
SDNP/15/04781/HOUS LURGASHALL WR (J Shore) Awaiting Decision	Orchard Park Farm Dial Green Lane Lurgashall West Sussex GU28 9EU - Proposed chain link fencing around tennis court.
O/15/00277/CONHH WR (R Hawks) Appeal in progress	Tapners Barn Marsh Lane Merston Oving Chichester West Sussex PO20 1DZ - Erection of side extension that requires planning permission.
O/15/02834/DOM WR (C Boddy) Appeal 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 (R Hawks) In Progress 27 September- 4 October 2016 at WSCC – Edes house <u>WSCC CLU Appeal :</u> 10-12 May 2016 at WSCC Richmond Room	Crouchlands Farm Rickmans Lane Plaistow Billingshurst West Sussex RH14 0LE - Use of an anaerobic generator and importation of slurry.
PS/14/04100/FUL H (F Stevens) In progress (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.
PS/15/00922/COU WR (M Tomlinson) 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.
SDNP/15/01349/HOUS ROGATE WR (R Grosso Macpherson) Awaiting Decision	Lower House Durloughmarsh Rogate Petersfield West Sussex GU31 5AX - Oak framed glazed garden room extension to side. Linked to SDNP/15/01351/LIS

Reference/Status	Proposal
SDNP/15/01351/LIS ROGATE WR (R Grosso Macpherson) Awaiting Decision	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) Awaiting Decision	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/15/02518/DOM WR (P Hunt) Awaiting Decision	47 Wellington Gardens Selsey West Sussex PO20 0RF - Self-contained annexe. Linked with SY/15/00074/CONHH
SY/15/04091/DOM WR (M Tomlinson) In Progress	Summerdown Medmerry Selsey West Sussex PO20 9BJ - Removal of condition 3 of permission SY/15/01787/DOM.
SI/14/04058/COU H (F Stevens) 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) Awaiting Decision	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 24-25 May 2016 at City Council Council Old Court Room	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. Linked to SB/15/02508/FUL
SB/14/00313/CONMHC H (S Archer) In Progress 1 June 2016 at City Council Old Court Room	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 19 April 2016 at Chidham and Hambrook Village Hall	Thornham Products Thornham Lane Southbourne West Sussex PO10 8DD - Retrospective grant of planning permission to station the existing single mobile home.

Reference/Status	Proposal
SB/15/02508/FUL I (S Archer) In Progress 24-25 May 2016 at City Council Council Old Court Room	Acre View Cottage Thornham Lane Southbourne West Sussex PO10 8DD - Continuation of use of building as a single dwelling house. Linked to SB/11/00022/CONDWE
SB/15/02509/FUL I (S Archer) In Progress 24-25 May 2016 at City Council Council Old Court Room	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) Awaiting Decision	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.
WE/15/00135/CONWST WR (R Hawks) Awaiting Decision	Land South East of Hopedene Common Road Hambrook Westbourne West Sussex - Untidy land.
WH/14/01159/OUTEIA I (J Bell) In Progress 19-21 July 2016 at City Council and 22-26 July 2016 at CDC Offices	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 (K Rawlins/J Bell) 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.
WH/15/02785/FUL WR (C Boddy) In progress	Maudlin Mill Side Green Lane Maudlin Westhampnett Chichester West Sussex PO18 0QU - Erection of B1/B2 industrial unit.
SDNP/15/03361/LDE WEST LAVINGTON H (D Price) In Progress 21 June 2016 at Memorial Hall, Southdowns Centre	Stable Cottage Dunford Hollow West Lavington West Sussex GU29 0ER - Use as single dwelling house with garden and amenity area.
WW/15/01408/FUL WR (F Stevens) Awaiting Decision	Ullswater Malden Way Selsey Chichester West Sussex PO20 0RW - Construction of chalet bungalow on land east of Ullswater.

Reference/Status	Proposal
WR/15/00498/ELD I (C Boddy) In Progress 2-3 August 2016 at CDC Offices, Committee Room 1	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.
WR/15/00864/FUL WR (A Miller) 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.
WR/15/02080/FUL WR (M Tomlinson) Awaiting Decision	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

Land on the East Side of Meadow Way Tangmere West Sussex

Planning permission was granted in outline for the development of site to comprise of 59 residential units and associated public open space, landscaping, access and car parking (TG/12/01739/OUT). That planning permission was accompanied by a section 106 agreement which, amongst other things required to provide 23 affordable units.

Following the grant of permission, the Council received a request to vary the agreement such that the affordable housing tenures were altered without actually reducing the number of affordable units provided. Furthermore, the changes proposed did not result in a reduction in number of intermediate affordable housing units or affordable rented units and maintained a 30:70 split. The Council's Housing Enabling Officer raised no objection to the proposal as in some cases there are concerns that a 4b shared ownership unit would be unaffordable. She concluded that she was satisfied that the affordable mix, numbers and tenure as proposed were acceptable and met the SHMA requirements. Accordingly a written variation of the clause to the affordable housing tenure splits was agreed.

Members are asked to note the completion of this agreed written variation.

Land East of Follis Gardens Clay Lane Fishbourne

Planning permission was granted in 2014 for 25 dwellings with access from Clay Lane (FB/13/02278/FUL refers). That planning permission was accompanied by a section 106 legal agreement.

Following the grant of permission the Council received a request to vary the agreement to exempt statutory undertakers from the obligations contained within the deed where a part of the land was transferred to the statutory undertaker to enable the undertaker to provide their services. This was requested to enable Southern Gas Networks to install gas infrastructure on the site but the new provision would apply to any statutory service provider. The clause is now included as standard in these agreements and accordingly, the amendment was deemed acceptable.

Members are asked to note the completion of the deed.

The Heritage Winden Avenue Chichester

Planning permission was granted in 2013 for 92no. dwellings comprising 36no. open market dwellings and 56no. supported housing apartments with associated communal spaces, new landscaped public courtyard and communal garden (CC/10/02034/FUL refers). That planning permission was accompanied by a section 106 legal agreement which sought, among other provisions, the delivery of 2 no of the 42 no 1 bed flats and 4 no of the 14 no 2 bed flats (6no. in total) as wheelchair accessible units. A subsequent planning application (CC/14/01344/FUL) sought permission to provide 2 no additional flats in the rented block in place of the approved communal lounge and buggy store. This second planning permission was accompanied by a further section 106 legal agreement that formally varied the original agreement to take into account the two additional flats and change the mix of the wheelchair accessible units to 4 no 1 bed units and 2 no 2 bed units to meet the needs of the intended occupiers at the time.

Following the second grant of permission the Council received a request to vary the agreement further to provide 3 no of the 1 bed flats and 3 no of the 2 bed flats as wheelchair accessible units. The Council's Housing Enabling Officer supports the change as it will enable the flats to be delivered to suit the needs of their occupants.

Members are asked to note the completion of the deed.

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