

Chichester District Council

Planning Committee

Wednesday 12 October 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
- FT – Fast Track (Householder/Commercial Appeals)
- () – Case Officer Initials
- * – Committee level decision

1. NEW APPEALS

Reference/Procedure	Proposal
SDNP/14/04141/FUL WR (D Price) In Progress	Stroods, Strood Green, Wisborough Green, Billingshurst RH14 0HL - Partial removal of low level boundary wall, retention of remainder of wall and relocation of tennis court. Retention of greenhouse and vegetable patch and removal of patio area and post and rail fence. New post and rail fence to tennis court.
HN/16/00607/LBC WR (M Tomlinson) In Progress	Spire Cottage, Church Lane, Hunston, Chichester West Sussex, PO20 1AJ - Replacement timber windows at first floor level, with timber glazed doors and clear glass screens.
PS/16/00562/PLD WR (H Chowdhury) In Progress	Newhouse Farm, Shillinglee Road, Shillinglee, Northchapel GU8 4SZ - Construction of single storey outbuilding to be used for purposes incidental to the enjoyment of the dwelling.
WI/16/01558/FUL WR (M Tomlinson) In Progress	Church Farm, Itchenor Road, West Itchenor, PO20 7DL - Modify and relocate permitted log store/boathouse (WI/15/03736/DOM) to location within goose pen to rear of property.

2. DECISIONS RECEIVED

Reference/Decision	
AP/15/00465/ELD WR (C Boddy) WDN	Crouchers Farm, 163 Birdham Road, Appledram, Chichester, West Sussex, PO20 7EQ - Certificate of lawful use in respect of the constituent parts of the above property.
FU/15/00237/CONTRV WR (S Archer) Dismissed	Land South of The Stables, Newells Lane/Scant Road East,, West Ashling West Sussex – Creation of a hardstanding – appeal against enforcement notice.
<p>"...At the date the Enforcement Notice was issued there was no residential use taking place at the Appeal Site....Stationed on the Hardstanding at the date of my site visit were various items including: a) The residential caravans referred to above. b) A small touring caravan (used as a storage facility). c) Pick-up trucks, cars, transit van and trailers. d) A disused portable toilet block. e) Bottled LPG containers. f) Horse pulled traps. Ground (c) that there has not been a breach of planning control...I do not consider that the operational works carried out by the appellant to form the Site Access were carried out as part of the implementation of the planning permission for the Access Crossing....A fence has been erected adjacent to the Site Access which obstructs one of the visibility splays.... Even though there may be parts of the Site Access which are broadly in line with the principle of the development approved by the Council for the Access Crossing I do not consider that the appellant can rely on that permission...Ground (g) that the time given to comply with the Enforcement Notice is too short.... I consider that it is not reasonable to require the Enforcement Notice to be complied with until the outcome of the appeal against the Change of Use Refusal is known....I intend to allow a period of six months....If the outcome of the appeal against the Change of Use Refusal is still awaited at the end of the six month period...the Council have powers to extend the compliance period further so that sufficient time can be allowed for the appeal decision to be made and an additional period for the physical works to be carried out....The appeal is: a) Dismissed on Ground (c). b) Allowed on Ground (g), and it is directed that Part 6 of the Enforcement Notice be varied by the deletion of "one" and the substitution of "six" as the period for compliance. Subject to this variation the Enforcement Notice is upheld."</p>	
NM/15/00306/CONCOU PI (S Archer) WDN	Nurses Cottage, Post Office Lane, North Mundham Chichester, West Sussex, PO20 1JY - Erection of a buildings, play structure and garden items

Reference/Decision	
NM/15/02119/FUL WR (M Tomlinson) DISMISS	The Chalet, Southgate Farm, Fisher Lane, North Mundham, Chichester, West Sussex PO20 1YU - Erection of replacement dwelling.
<p>"....be chalet-style with dormer windows facilitating the first floor accommodation. It would be similar in design and style to Southgate Farmhouse but notably larger, particularly in height, scale and bulk, than the existing main house, The Chalet as existing, and the replacement dwelling already permitted. As a result, it would be dominant in, and unsympathetic to, the existing group of buildings, to the detriment of the character and appearance of the immediate locality. I note that the site is visible from only limited public viewpoints along Fisher Lane. However, from those viewpoints the new dwelling would be apparent, particularly the additional height and scale of its roof, whereas The Chalet as existing is effectively concealed from public view. The additional size of the appeal proposal, compared to the permitted replacement, would accentuate its impact on local character and appearance, both in the immediate vicinity of the site and from these viewpoints, to a sufficient degree that it would be harmful, including in comparison to the permitted replacement. For these reasons, I consider that the proposed development would be detrimental to the character and appearance of the area. Policy 45 of the Chichester Local Plan: Key Policies 2014-2029, adopted 2015 (LP) sets out that development in the countryside will be granted where it requires a countryside location and meets an essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements. I have no significant evidence before me to justify, in these terms, the increased size of the proposed development such as to outweigh the harm to character and appearance that I have identified. I therefore conclude that the proposed development would be detrimental to the character and appearance of the area, in conflict with Policy 33 of the LP, which seeks to ensure that replacement dwellings are in keeping with the character of the surroundings and respect the setting, including in terms of its proportion, height, size and scale, amongst other things. It would also conflict with Policy 45 of the LP, which seeks to ensure that development in the countryside requires a countryside location; and Policy 47 of the LP, which seeks to ensure that development, respects local character, amongst other things. It would also conflict with Paragraph 17 of the National Planning Policy Framework, which amongst other things, requires development to take account of the character of different areas and recognise the intrinsic character and beauty of the countryside..."</p>	

Reference/Decision	
O/15/00277/CONHH WR (R Hawks) DISMISS	Tapners Barn Marsh Lane Merston Oving Chichester West Sussex PO20 1DZ - Erection of side extension without planning permission.
<p>Section 174 appeal, Ground (c). Under this ground of appeal it is claimed that ...the matters alleged in the enforcement notice did not constitute a breach of planning control...the extension on the south side of the house as described in the enforcement notice...constituted development which was not permitted by the Town and Country Planning (General Permitted Development) Order, and planning permission was not obtained by any other means... the matters alleged in the enforcement notice constituted a breach of planning control. Therefore the appeal on ground (c) of Section 174(2) fails.</p> <p>Section 78 Appeal. This appeal is against the refusal of retrospective planning permission for the extension... For planning policy purposes, the council regard Tapner's Barn as a "non-designated heritage asset". This means that its heritage interest is significant enough to be material consideration in planning decisions... the extension whilst is not visually unattractive, nor does it harmoniously or accurately reflect the historic character of the dwelling... the extension affect the overall shape of the building and has caused alterations to some distinctive historic features in the side elevation...The overall impact is not wide-ranging because the development is not prominent from public viewpoints; nevertheless the effect weigh against granting planning permission. I judge that the construction of the extension has taken away some of the historic character of Tapner's Barn - at the very least, the development has not conserved or enhanced this historic character - in conflict with national and local planning policies... I conclude on balance that there was a sound basis for the council's decision to refuse planning permission and that there are sufficient grounds to overturn their decision. Therefore the Section 78 appeal does not succeed.</p> <p>Section 174 appeal, Ground (F) ...the appellant contends that the requirements of the enforcement notice are excessive... However... in these circumstances, the requirement to demolish the extension is not excessive - the breach of planning control was the erection of the extension and the requirement to remove it is appropriate to remedy the breach...amending the requirements in the way sought by the appellant would have the effect of granting retrospective planning permission for the erecting of the south and east walls, assuming an amended notice were complied with. Given the reservation I have expressed above about design details and about permitted development rights, I consider that any screen structure here should be the subject of an application for planning permission in the normal way. I conclude that the appeal on ground (f) fails... I dismiss the appeal, refuse to grant planning permission on the application deemed to have been made under Section 177(5) of the 1990m Act, and uphold the enforcement notice.</p>	

Reference/Decision	
O/15/02834/DOM WR (C Boddy) DISMISS	Tapners Barn, Marsh Lane, Merston, Oving, West Sussex, PO20 1DZ – Retrospective orangery extension to side of existing barn. Linked with O/15/00277/CONHH
<p>Section 174 appeal, Ground (c). Under this ground of appeal it is claimed that ...the matters alleged in the enforcement notice did not constitute a breach of planning control...the extension on the south side of the house as described in the enforcement notice...constituted development which was not permitted by the Town and Country Planning (General Permitted Development) Order, and planning permission was not obtained by any other means... the matters alleged in the enforcement notice constituted a breach of planning control. Therefore the appeal on ground (c) of Section 174(2) fails.</p> <p>Section 78 Appeal. This appeal is against the refusal of retrospective planning permission for the extension... For planning policy purposes, the council regard Tapner's Barn as a "non-designated heritage asset". This means that its heritage interest is significant enough to be material consideration in planning decisions... the extension whilst is not visually unattractive, nor does it harmoniously or accurately reflect the historic character of the dwelling... the extension affect the overall shape of the building and has caused alterations to some distinctive historic features in the side elevation...The overall impact is not wide-ranging because the development is not prominent from public viewpoints; nevertheless the effect weigh against granting planning permission. I judge that the construction of the extension has taken away some of the historic character of Tapner's Barn - at the very least, the development has not conserved or enhanced this historic character - in conflict with national and local planning policies... I conclude on balance that there was a sound basis for the council's decision to refuse planning permission and that there are sufficient grounds to overturn their decision. Therefore the Section 78 appeal does not succeed.</p> <p>Section 174 appeal, Ground (F) ...the appellant contends that the requirements of the enforcement notice are excessive... However... in these circumstances, the requirement to demolish the extension is not excessive - the breach of planning control was the erection of the extension and the requirement to remove it is appropriate to remedy the breach...amending the requirements in the way sought by the appellant would have the effect of granting retrospective planning permission for the erecting of the south and east walls, assuming an amended notice were complied with. Given the reservation I have expressed above about design details and about permitted development rights, I consider that any screen structure here should be the subject of an application for planning permission in the normal way. I conclude that the appeal on ground (f) fails... I dismiss the appeal, refuse to grant planning permission on the application deemed to have been made under Section 177(5) of the 1990m Act, and uphold the enforcement notice.</p>	

Reference/Decision	
SY/15/02518/DOM WR (P Hunt) DISMISS	47 Wellington Gardens Selsey West Sussex PO20 0RF - Self-contained annexe. Linked with SY/15/00074/CONHH
<p>...Section 174 Appeals, Ground (b) and Possible Implied Ground (c)...Whatever changes may have occurred since then, it is clear that when the building was build and first occupied , it was used as a dwelling... Under Class E Part 2 of Schedule 2 of the GPDO... when construction began, the building was not "required for purpose incidental to the enjoyment of the dwellinghouse as such" ... Second, the use of a building ... termed primary living accommodation - such as a bedroom - is also not a purpose incidental to the enjoyment of the dwellinghouse as such. Thus...the building was not permitted by the part of the GPDO mentioned above... I conclude that what is alleged in the enforcement notice occurred. The appeal against the notice on ground (b) fails. The development alleged in the notice also constituted a breach of planning control, so if ground (c) has been pleaded it would also have failed.</p> <p>Deemed Applications Relating to Section 174 and Section 78 Appeal This application seeks retrospective planning permission for the erection of a single dwellinghouse... In my judgement this is an unsuitable location for a dwelling ...Because of its size, shape and position, it is not visually subordinate to the house at Number 47 and it looks unnaturally squeezed into its plot and so disproportionate to its setting... Section 78 appeal... the evident existence in the recent past of a separate entrance , name plate, and letter box illustrates that what may be loosely described as an "annexe" can function as in effect a separate self-contained dwelling;...most objections mentioned above , particularly those relating to design and appearance, would remain... I conclude that the council had good reasons for refusing planning permission and that permission should not now be granted, either on the deemed applications resulting from the enforcement appeals or in response to the Section 78 appeal.</p> <p>Implied Ground (f)... Put simply, the enforcement notice is directed at the construction of an unauthorised dwelling. A requirement to remove it is not excessive.</p>	
SB/15/01837/FUL H (C Boddy) ALLOWED	Thornham Products, Thornham Lane, Southbourne West Sussex, PO10 8DD - Retrospective grant of planning permission to station the existing single mobile home.
<p>The appellants health is a material consideration and due regard is given to Article 8 of the Human Rights Act 1998. No information has been provided to demonstrate remaining on site permanently. However, planning permission is granted on a temporary basis for three years to enable the appellants to find alternative location or accommodation.</p> <p>With regard to the other main issues; Location: By reason of the distance from amenities and services, on narrow unlit roads, the site would not be sustainable in terms of its location. Chichester Harbour AONB: Whilst the tree belt and fencing screen the mobile home, the trees and hedges are non-native evergreens, which are at odds with the natural setting of the open marsh land/tidal creek character of the locality and the fence appears alien to the rural character of the area. The use of conditions for landscaping and removing pd rights would not enable the development to be acceptable. The proposed use of the site for the stationing of a mobile home would harm the open natural landscape character of the AONB. Flooding: No flood risk assessment has been carried out and there is insufficient evidence to assess whether the measures that are proposed would adequately reduce the risk. A sequential test has also not been provided. Chichester and Langstone Harbours SPA- The contribution would adequately mitigate harm caused to the protected species.</p>	

Reference/Decision	
WE/15/00135/CONWST WR (R Hawks) DISMISS	Land South East Of Hopedene, Common Road Hambrook, Westbourne, West Sussex - Untidy land and new access track
<p>The appeal is dismissed and the notice is upheld with corrections and variations as set out in the Formal Decision at paragraph 23...</p> <p>In these circumstances I agree that matters would be clarified by correcting the allegation to refer to a hared-surfaced track ... It will also be necessary as a consequence of that change to vary the requirements to include the removal of the road scalplings/aggregate as the track comprises more than just the rubble and hard-core.</p> <p>Ground (d)</p> <p>The Notice issues is for operational development, not a material change of use. ... I conclude on the basis of what is set out in the representations that the operational development occurred less than four years before the issue of the Notice and the appeal on this ground accordingly fails.</p> <p>Ground (a)</p> <p>the main issue is whether the development materially harms the rural character and appearance of the area. ... A large amount of material has been added...has taken on a very urban appearance. It detracts considerably form the rural character and appearance of the rural, woodland area and is contrary to Policy 48 in the Development Plan. ...</p> <p>Accordingly I dismiss the appear on ground (a) and will uphold the Notice (as corrected and varied)</p> <p>Ground (f)</p> <p>...I agree that a Notice cannot require more than returning something to the condition it was in before the breach of planning control took place. In those circumstances requiring the appellant to reseed it with grass is excessive. If what has been deposited is removed and then the area is levelled it would not look untidy as claimed by the Council and in my view that is as much as can be required.</p> <p>Ground (g)</p> <p>... Three months would enable the appellant to carry out the work... the appeal on this ground fails and the Notice will be upheld with corrections and variations. ...</p>	

Reference/Decision	
WR/15/03504/DOM WR (R Ballam) DISMISS	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. Linked to WR/15/03505/LBC
<p>...Appeal A: APP/L3815/W/16/3146654: The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.</p> <p>Appeal B: APP/L3815/Y/16/3148197: The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.</p> <p>Both appeals dismissed.</p> <p>The building is listed Grade II, as is the barn to the south-east, and within the Wisborough Green Conservation Area.</p> <p>The appeal proposal is a well-executed and thoughtful design, but in this location would appear intrusive and out-of-place, detracting from the significance of the listed building and the character and appearance of the conservation area. Were all else acceptable, the proposed works to the link and bothy would preserve the significance of the listed buildings and the character and appearance of the conservation area. However, the proposed treatment of the walls and windows of the main house and proposed extension would appear to contrast with that of the original building. Whilst the use of a gap to divorce old and new can be a successful device to assimilate additions to historic buildings, the risk here is that the considerable differences in form and materials would draw attention to the change brought about by the works. In view of the siting of the building in views within the conservation area, this is a case where a more accurate assimilation is called for, so that the extension appears more in-tune with the detailing of the original building.</p> <p>The main house addition as proposed would cause 'less than substantial' harm to heritage assets. Paragraph 134 of the Framework states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Whilst the accommodation within the present dormer is small, there does not appear to be a real risk of the property falling out of beneficial use and continued preservation for want of the additional accommodation. The extant 2016 permission and consent would provide similar accommodation in any event. The harm caused by the appeal proposal would not be outweighed by public benefits, and the aims of the 1990 Act, the Framework and the Development Plan policies would not be met.</p>	
WR/15/03505/LBC WR (R Ballam) DISMISS	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. Linked to WR/15/03504/DOM
AS ABOVE	

3. OUTSTANDING APPEALS

Reference/Status	Proposal
<p>BI/15/00139/CONSH PI (S Archer) In Progress 7th – 9th February 2017 Venue to be confirm</p>	<p>Land North West Of Premier Business Park, Birdham Road Birdham, West Sussex – Access track, hardstanding and fencing. Linked to BI/15/01288/FUL and BI/15/00194/CONTRV</p>
<p>BI/15/00194/CONTRV PI (S Archer) In Progress 7th – 9th February 2017 Venue to be confirm</p>	<p>Land North West of Premier Business Park Birdham Road Birdham, West Sussex - Use of land as a Traveller Site. Linked to BI/15/01288/FUL and BI/15/00139/CONSH</p>
<p>BI/15/01288/FUL PI (S Archer) In Progress 7th - 9th February 2017 Venue to be confirm</p>	<p>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</p>
<p>BO/14/03677/PLD H (F Stevens/D Price) Awaiting Decision</p>	<p>Land west of Sweet Meadow Bosham Hoe Bosham Chichester PO18 8ET - Use of site for 1no. dwelling.</p>
<p>SDNP/14/04865/FUL BURY I (D Price) In Progress 8-9th December 2016 Venue to be confirm</p>	<p>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.</p>
<p>SDNP/15/00336/COU BURY I (R Hawks) In Progress 8-9th December 2016 Venue to be confirm</p>	<p>Land North of Junction with B2138 Bury Road Bury West Sussex - Stationing of two caravans for human habitation. Linked to SDNP/14/04865/FUL</p>
<p>CC/15/04197/DOM FT (H Chowdhury) Awaiting Decision</p>	<p>39 Ormonde Avenue, Chichester PO19 7UX – Proposed Conservatory</p>
<p>E/14/00118/CONCOU H (R Hawks) Awaiting Decision</p>	<p>Marsh Farm Barn, Drove Lane, Earnley, Chichester, West Sussex, PO20 7JW - Formation of new planning unit/caravan site.</p>

Reference/Status	Proposal
FU/15/02504/FUL H (K Rawlins) In Progress 12 th October at Edes House, WSCC	Land South Of The Stables, Scant Road East, Hambrook, West Sussex, PO18 8UB - Change of use of land from equestrian use to half equestrian and residential gypsy and traveller site with the erection of barn and 2 no. stable building
SDNP/15/03829/CND HARTING WR (J Shore) In Progress	Copper Beeches Torberry Farm, B2146 Ditcham Lane to Hurst Mill Lane, Hurst, South Harting, Petersfield, West Sussex, GU31 5RG - Variation of condition 1 of permission HT/02/69. To remove agricultural occupancy from Copper Beeches, Torberry Farm.
SDNP/15/05454/FUL H (D Price) Awaiting Decision	Courts Yard, Jobsons Lane, Windfall Wood Common Haslemere, Wst Sussex, GU27 3BX - Erection of 2 detached dwellings and garages following the cessation of the current use and demolition and removal of all existing buildings, hardstandings.
SDNP/16/00382/HOUS LAVANT FT (J Shore) In Progress	29 Northside, Mid Lavant, Chichester West Sussex, PO18 0BX - Retention of arctic cabin.
LX/15/00498/ELD I (C Boddy) Awaiting Decision	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
LX/15/03623/PA3Q WR (F Stevens) In Progress	Mallards Farm Buildings, Guildford Road, Loxwood, West Sussex, RH14 0QW - Part 3 Class Q application for prior approval. Change of use from agricultural building to dwelling (C3 Use class).
SDNP/15/03433/FUL LYNCHMERE WR (C Cranmer) In Progress	Danley Hill, Danley Lane, Linchmere, West Sussex GU27 3NF - Demolish fire damage cottage and re-build as existing before fire damage. (Renewal of permission reference LM/09/03061/FUL).
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 .

Reference/Status	Proposal
PS/13/00015/CONCOU I (R Hawks) In Progress 25 th -28 th April & 3 rd -4 th May 2017 WSCC CLU Appeal : Appeal Dismissed 22.6.16	Crouchlands Farm, Rickmans Lane, Plaistow, Billingshurst West Sussex, RH14 0LE. Use of anaerobic digestion tanks and equipment for importation of waste and export of biomethane. Construction of a digestate lagoon without planning permission. Linked to s78 appeal against refusal of planning permission by WSCC.
PS/15/03095/FUL WR (A Miller) In Progress	Hardnips Barn, Crouchlands Farm, Rickmans Lane Plaistow, Billingshurst, West Sussex RH14 0LE - Retention of wood store and general garden store on land adjacent to Hardnip's Barn
PS/15/03745/FUL WR (F Stevens) In Progress	Dale Farm, The Lane, Ifold, Loxwood, RH14 0UL - Change of use from stable to dwelling and associated works.
SY/14/00304/CONHH WR (S Pattie) In Progress	100 Beach Road, Selsey, Chichester, West Sussex PO20 0SZ - Erection of a fence adjacent to the highway.
SY/15/00371/CONCOU I (R Hawks) In Progress	East Beach Evangelical Church, 6 Marisfield Place, Selsey, Chichester, West Sussex PO20 0PD - Stationing of a portacabin.
WH/15/04038/FUL H (F Stevens) In Progress 25 th October 2016 at EPH	Land North Of March Primary School, Claypit Lane, Westhampnett, West Sussex - Erection of two storey detached dwelling house and detached single storey double car port with attached storage.

4. VARIATIONS TO SECTION 106 AGREEMENTS

Section 4. Variations to S.106 Agreements

Land adjacent to Wellington Grange Care Home, Broyle Road, Chichester.

Planning permission was granted for the erection of a 72 bed care home on the east side of Broyle Road at its junction with Wellington Road on the remaining parcel of land at the former Roussillon Barracks site on 21.01.2013 under CC/12/01551/FUL. The S.106 accompanying the permission requires the developer within one year of the Care Home being first occupied to agree with the County Council the provision of a cycle path running along the boundary frontage of Wellington Grange parallel with Broyle Road but set back from it. The cycle path has to be delivered within 1 year of the first occupation of the Care Home. The plans approved with the planning permission showed provision for such a path. The developer then applied to the Council to not provide the cycle path citing difficulties with avoiding street service infrastructure and the Smugglers Stone monument which is to be retained in its current location on the site frontage. The developer was advised in writing that non-provision of the cycle path was not acceptable to the County or District Councils. After further negotiations and the submission of a revised drawing the developer has agreed to provide the cycle path which will now need to have a slight deviation to avoid the Smugglers Stone.

Officers have now written (15th August) to the developer approving the amended drawing as a variation to the S.106 and the originally approved cycle path drawing. Before the cycle path can be delivered the developer is required to enter into a S.278 agreement with WSCC to ensure that the path accords with technical and safety standards. The developer has been asked to confirm that this process will commence within 4 weeks of the 15th August or a timetable to be agreed. The Committee will have noted the recent improvements along the west side of Oaklands Park to provide what is now a well-used cycle path. This has highlighted the need to ensure that adjoining connectivity to the north for cycle users adjacent to Broyle Road is also delivered in a timely fashion.

Members are asked to note both the completion of this agreed written variation and that the timetable for delivery of the cycle path is now dependant on the outcome of a S.278 agreement to be reached between the developer and WSCC.

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage
NONE		

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Birdham Farm	Breach of Enforcement Notices and Stop Notices	Court Orders will be served on all defendants in person with notification that we reserve the option to have the case re-opened at court before April 2017 after the Planning Inspectorate matter is concluded. Date for the Planning Inspectorate hearing is February 2017. Counsel instructed.

Prosecutions		
Site	Breach	Stage
Nell Ball Farm (Mr & Mrs Cozens-Smith)	Breach of Enforcement Notice x 3	First court hearing at Worthing Magistrates' Court on 7 October 2016. Defendant has requested an adjournment and we are now waiting for a new court date.

Prosecutions		
Site	Breach	Stage
1 The Quell Cottages	Breach of Listed Building Consent and Planning permission	Prosecution to be commenced against the two owners and Project Manager

Prosecutions		
Site	Breach	Stage
Paradise Lane	s. 215 of the Town and Country etc. Act 1990	Appeal lodged. Papers served on appellant and appellant's statement received. Hearing on 26 October 2016.

7. POLICY MATTERS

NONE