

Chichester District Council

Planning Committee

Wednesday 19 July 2017

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
E/17/00237/FUL WR (M Tomlinson)	138 Easton Lane, Sidlesham, PO20 7JY - Change use of 2 no. roomed seasonal bed and breakfast accommodation building to dwellinghouse to include the addition of attached garage.
EWB/16/03920/FUL WR (C Boddy)	27 Coney Six, East Wittering, PO20 8DL - 2 no. dwellings, garage and associated works.
SDNP/17/01197/FUL Harting WR (D Price)	Tye Oak Farm Cottages, Hollist Lane, East Harting, West Sussex - Demolition of existing dwellings, replacement detached two-storey dwelling and a detached single storey three bay garage.

SDNP/16/04426/FUL Midhurst WR (J Shore)	Land to The rear of Fourwinds, Chichester Road West Lavington, Midhurst, West Sussex, GU29 9QE - Construction of detached 5 bedroom dwelling.
SI/ 15/03440/ELD I (M Tomlinson)	The Cottage, Chichester Road, Sidlesham Common Chichester, West Sussex, PO20 7PY - Use of land as private residential garden land in connection with The Cottage Chichester Road Sidlesham Common Chichester West Sussex PO20 7PY.

2.DECISIONS RECEIVED

Reference/Decision	
SDNP/16/03417/FUL WR (J Shore) DISMISSED	Lodge Copse Barn, Crouch Lane, Barlavington, West Sussex - Conversion of redundant barn to residential dwelling.
<p>The proposal is accompanied by a structural report. The overall conclusion of the report is that the building is structurally sound and I accept that some elements of the scheme would constitute repairs. Notwithstanding, the detail of the report also states that the foundations had not been inspected, and there would be a need to open these up to confirm that they could support the load bearing walls proposed within the scheme. Therefore, I am not persuaded that the building would be capable of being converted or that the historic fabric of the building would be conserved. The second bullet of paragraph 55 of the Framework would therefore not be met.</p> <p>I turn now to consider whether the scheme would lead to an enhancement of the immediate setting. The barn has a very simple agricultural character which is visible from the road. The wall surrounding much of the site is low enough to allow the appearance of an open aspect to the barn's setting. The immediate setting is open countryside, hedges and woodland. There is no evidence of domestic activity and there is a very distinctive rural and tranquil quality to the surroundings. Although there is some indication of storage use, the site does not appear particularly untidy and the building sits very comfortably in its surroundings.</p> <p>Furthermore, the large areas of glazing, roof lights, and the alterations to the openings on the south west elevation would change the character from a simple agricultural structure to one which would be significantly more domestic in appearance. The glazed area would accommodate the main living space and this would contribute to a considerable amount of light that would be highly visible against dark skies, given the lack of lighting within the area. The domestic features would be seen from the road even with the wall in place, and the residential conversion would be highly prominent. Any landscaping would take some time to mature and would not mitigate the effect of the glazing and other openings within the scheme. I consider the scheme would be detrimental to the immediate setting of the building and landscape character of the SDNP.</p>	

E/16/01459/FUL WR (P Hunt) DISMISSED	Dragon Nursery, Third Avenue, Earnley, West Sussex, PO20 7LB - Erection of 1 no. custom/self build dwelling - Alternative to dwelling permitted by virtue of Class P Prior Approval for Change of Use from Class B8 (Storage) to Class C3 (Dwellinghouse) under E/15/04244/PA3P. Linked to E/16/02914/FUL
<p>The appeal site is not a suitable location for housing as it would be contrary to local and national planning policy to which I afford great weight. I have had regard to all material considerations including the 'fallback' position, the need to significantly boost housing supply and the fact that a new build dwelling would likely have greater energy efficiency than the greenhouse as converted. However, given my findings above, these matters do not outweigh the conflict with the development plan. The presumption in favour of sustainable development, as set out in paragraph 14 of the Framework, does not, therefore, apply.</p>	
E/16/02914/FUL WR (F Stevens) DISMISSED	Dragon Nursery, Third Avenue, Batchmere, West Sussex, PO20 7LB - Erection of 1 no. custom/self build dwelling - Replicating change of use to dwelling permitted by virtue of Class P Prior Approval for Change of Use from Class B8 (Storage) to Class C3 (Dwellinghouse) under E/15/04244/PA3P but with false pitch roof and roof lanterns. Linked to E/16/01459/FUL
As above	
SDNP/16/03109/FUL WR (D Price) ALLOWED	Wattons Barn, Hollist Lane, East Harting, GU31 5LU - Demolition of the existing Atcost barn and the conversion of the existing brick and stone dairy building into a two bedroom dwelling house together with associated alterations and off-street forecourt car parking for two cars and a garden amenity area.
<p>The proposed conversion would be sympathetic to the design and layout of the former dairy. It is proposed to retain the larger central bay with only limited partitioning to the end bays. Although there would be some comings and goings as a result of the conversion this would be limited and would not affect the tranquillity of the area to any significant degree. The residential use would be compatible with existing development within the immediate area. For the reasons given above, I conclude that the proposal would preserve the character and appearance of the East Harting Conservation Area.</p> <p>I consider the scheme would constitute an isolated dwelling in the countryside. Paragraph 55 of the Framework indicates that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances.</p> <p>The parties agree that the building has some limited heritage value. The conversion of the building would secure the retention of the remaining historical features of the barn. From the evidence before me other uses would not be economically viable or attractive in terms of demand. The special circumstances of paragraph 55 of the Framework includes where development would re-use redundant or disused buildings and lead to an enhancement in the immediate setting. The Atcost barn is a large, unattractive and prominent building that is at odds with the walled setting of the site and features of the former dairy to be converted. The removal of this barn and restoration of the dairy building would lead to an enhancement of the immediate setting. I conclude that the proposal would be consistent with national and local planning policies on new dwellings in the countryside. The scheme would make a very small contribution to the supply of</p>	

housing within the area. The conversion would result in temporary jobs that would add to economic growth albeit on a temporary basis. Residents would make use of the services and facilities which exist in South Harting. The policies of the Framework in respect of the National Park indicate that great weight should be given to conserving landscape and scenic beauty in National Parks. I have concluded that the scheme would preserve the character and appearance of the East Harting Conservation Area, and would result in an enhancement of the immediate setting. It would also conserve the landscape and scenic beauty of the National Park.

[LX/16/02700/FUL](#)
WR (P Hunt)
DISMISSED

Mallards Farm, Guildford Road, Loxwood, RH14 0QW - Replacement dwelling.

"The development proposed is a replacement dwelling.
The proposed house would replace a discreet, single storey outbuilding of rural appearance with a larger scale, modern house. As it would come forward of the line of the two adjacent houses and be set at an angle, the proposed house would be prominent in views from the access road from where its modern, formal appearance and angled siting would detract from the rural landscape. There may be views from nearby public paths... Although the proposed house would be set down in the plot to reduce the height, because of the natural rise in the land, this would not reduce its harmful impact when viewed from the surrounding area.
The appeal site has planning permission for a new house replacing a mobile home. Even taking into account the impact of the existing outbuilding together with the approved house (including comparative floor space), because they are modest, discreet buildings they would be assimilated into the landscape without harm. The removal of the outbuilding would not therefore be a benefit or justify the proposal.
The first floor, front window of the proposed dwelling would allow views towards the existing adjacent house... This would be a greater effect than that of the approved dwelling where there are only rooflights at first floor and fencing could screen ground floor windows.
For these reasons, the appeal is dismissed."

[SB/16/00757/FUL](#)
WR (F Stevens)
In Progress

Thornham House, Prinsted Lane, Prinsted, Southbourne PO10 8HS - Retrospective erection of a tennis court (siting). Changes to boundary of the property and siting from originally approved application 13/03928/FUL.

...The appeal is allowed and planning permission is granted for the erection of a tennis court ...The main issue is the effect on the character and appearance of the area, having regard to the Chichester Harbour Area of Natural Beauty (AONB)... The tennis court has been erected partly in the tapering rear garden area and partly in an informally planted area, which, although not agricultural, appears to be countryside...There has been a change in character to a section of part of the appeal site from an informally planted area with to a domestic garden, with a different boundary. However, regardless of the tennis court, the appeal property, garden and high hedge exert a strong domestic character over the lower part of the garden which is relatively narrow and tapering...The sense of a house and domestic garden sitting within a large open and rural plot is relatively unaltered and views from the harbour remain as looking towards a large, natural area, beyond which scattered houses and domestic gardens can occasionally be seen. In this respect, there is no harm to the landscape setting of Chichester Harbour. Prinsted Lane, a public right of way, runs through the plot alongside the tapering garden area... newly planted trees and a boundary hedge will, over time, soften the views of the court and fencing.

Moreover, the open coastal plain and views over the harbour remain unchanged from the path and appeal scheme is not harmful to the beauty of the landscape experienced from the path. The approved tennis court would have brought noise and activity to the similar part of the garden and, although the hedge across the gardens has been removed, the effect in this respect would not be much different..."

[WE/15/00363/CONBC](#)
H (R Hawks)
DISMISSED,
ENFORCEMENT
NOTICE UPHELD

The Woodlands, Marlpit Lane, Hambrook, Westbourne, Emsworth, West Sussex, PO10 8EQ – Appeal against an enforcement notice regarding stationing of a mobile home for the purposes of human habitation
LINKED TO [WE/15/03965/FUL](#)

Appeal A: the appeal is dismissed and enforcement notice upheld. Planning permission is refused on the application deemed to have been made under s177(5) of the 1990 Act. However, refer to the outcome of the s78 appeal decision below – Appeal B allowed and planning permission granted for a material change of use from agriculture to use as a single travelling showperson plot.

Reliance is placed on s180(1) of the Act which states that where, after the service of an enforcement notice, planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.

Costs Application Decision as per decision below.

[WE/15/03965/FUL](#)
H (C Boddy)
ALLOWED

The Woodlands, Marlpit Lane, Hambrook, Westbourne, Emsworth, West Sussex, PO10 8EQ - Retention of 1 no. mobile home to serve the dual purpose of providing a single travelling show persons pitch and a single Gypsy pitch.
LINKED TO [WE/15/00363/CONBC](#)

APPEAL B - APPEAL AGAINST A REFUSAL OF PLANNING PERMISSION

The appeal is allowed and planning permission is granted for a material change of use from agriculture to use as a single travelling showperson plot

The main issue before this appeal was whether the occupiers of the site are gypsies and travellers or travelling showpeople meeting the definitions in Annex 1: Glossary, of Planning Policy for Traveller Sites (PPTS) (2015).

Copies of a letter confirming that he was born a gypsy and that he carries out work in landscaping, tree surgery and ground works as well as travelling to fairs. The wife's birth certificate where her father's profession is described as 'Travelling Showman' and their marriage certificate where the appellant is described as a 'Stonemason' and Mrs Linn as a 'Showman'. The appellant also supplied a letter from the General Secretary of the Association of Independent Showmen, confirming that Mr Linn is a full member of the association. None of the information listed above provided any evidence of substance that neither the appellant nor his wife satisfied either the definition of gypsies and travellers or of travelling showpeople. However, during the course of the hearing the appellant produced copies of insurance certificates and safety inspection certificates for his fairground rides and sideshows together with pitch receipts for a number of fairs around the country, all covering a number of years prior to the issue of the enforcement notice or the planning application. The Council agreed with the conclusion that the information provided at the Hearing confirmed on the balance of probability that the appellant and his wife met the definition of 'travelling showpeople' in PPTS.

There was no evidence that the appellant or his wife met the definition of gypsies and travellers. There is no current unmet need.

The appellant, the occupier of the site, cannot demonstrate status as a gypsy and traveller in accordance with the definition in PPTS. He can, however, demonstrate that he is a travelling showperson. The appeal proposal represents sustainable development in the form of a travelling showperson site with a single plot in a suitable location. The proposal would be in conformity with development plan and national policy, as expressed in PPTS.

Appeal B should be allowed.

APPEAL A - APPEAL AGAINST ENFORCEMENT NOTICE

The appeal is dismissed and the enforcement notice is upheld

3.OUTSTANDING APPEALS

Reference/Status	Proposal
SDNP/17/00030/APNB Bepton WR (R Grosso MacPherson) In progress	Padwicks Farm, Whites Lane, Bepton, GU29 0LY - Agricultural storage building.
BI/15/00139/CONSH PI (S Archer) Awaiting decision	Land North West Of Premier Business Park, Birdham Road Birdham, West Sussex – appeal against an enforcement notice re access track, hardstanding and fencing. Linked to BI/15/01288/FUL and BI/15/00194/CONTRV
BI/15/00194/CONTRV PI (S Archer) Awaiting decision	Land North West of Premier Business Park Birdham Road Birdham, West Sussex – appeal against an enforcement notice re Use of land as a Traveller Site. Linked to BI/15/01288/FUL and BI/15/00139/CONSH
BI/15/01288/FUL PI (S Archer) Awaiting decision	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
SDNP/16/02175/FUL BURY WR (B Stubbington) In Progress	Timberley Farm, Bury Common, Bury, Pulborough, West Sussex RH20 1NP - Widen existing farm entrance.
SDNP/16/04313/FUL BURY WR (L Kent) In Progress	Highfield, 161 Bury Road, Bury, Pulborough, West Sussex RH20 1NL - Erection of replacement dwelling - revised scheme to that granted under SDNP/15/05945/FUL.
SDNP/16/05456/HOUS BURY WR (J Shore)	Hollow Farm, The Street, Bury, Pulborough, West Sussex RH20 1PA - Construction of outdoor swimming pool and associated changing room building.

In Progress	
CH/14/00399/CONMHC H (R Hawks) Awaiting decision	Cockleberry Farm, Main Road, Bosham, West Sussex, PO18 8PN - Appeal against an enforcement notice regarding the stationing of mobile homes for the purposes of human habitation. LINKED TO CH/16/01902/PA3P
CH/16/01902/PA3P H (M Tomlinson) Awaiting decision	Cockleberry Farm, Main Road, Bosham, West Sussex, PO18 8PN - Part 3 Class P application for prior approval - Proposed change of use of 3 no. B8 storage buildings to 3 no. dwellings. Revised application further to CH/15/02290/PA3P. LINKED TO CH/14/00399/CONMHC
CC/16/03484/FUL WR (C Boddy) In progress	18 Lavant Road, Chichester, West Sussex, PO19 5RG – Demolition of existing property and construction of 3 no. dwellings, with associated access, parking and landscaping
CC/16/03916/ADV WR (P Hunt) In progress	The Chantry, 27 - 28 Southgate, Chichester, West Sussex PO19 1ES - 1 no. illuminated fascia sign, 2 no. menu signs, 1 no. non-illuminated projection sign and 2 no. written logo signs. 6 no. flood lights and 2 no. lanterns.
SDNP/15/03654/FUL Elsted & Treyford WR (D Price) Awaiting Decision	Elsted Road Bridge, Fitzhall Road, Elsted, West Sussex - Infill single span bridge with stone and foam concrete to provide long-term structural support to the bridge. Form new embankments to sides of bridge and drainage pipes laid at ground level.
SDNP/16/05784/FUL Fernhurst WR (R Grosso MacPherson) In progress	Ashurst, Lickfold Road, Fernhurst, GU27 3JB - Replacement dwelling including realigned driveway.
SDNP/16/05877/FUL Fernhurst WR (B Stubbington)	Home Farm, Bell Road, Kingsley Green, Fernhurst, GU27 3LG – Formation of a new access with field gate and associated track.
SDNP/16/05918/HOUS Graffham FT (B Stubbington) In progress	Summerfield Cottage, Graffham Street, Graffham, GU28 0NP – Proposed new driveway with off road parking.

SDNP/16/04701/LIS Harting H (Rafa Grosso MacPherson)	East Harting Farm, Hollist Lane, East Harting, Petersfield, GU31 5LU – Extension to annex.
SDNP/16/04896/FUL Harting WR (Rafa Grosso MacPherson)	Hill Ash Farm, Hill Ash Lane, West Harting, GU31 5NY - Construction of 1 no. store building for equestrian use.
SDNP/16/00425/FUL Lodsworth WR (J Shore) In progress	Old Bakehouse, Surrey Road, Lickfold, Lurgashall, Petworth, West Sussex, GU28 9DX - Replacement dwelling.
LX/16/03786/FUL Loxwood WR (Paul Hunt)	Land at Oakhurst Farm, Oakhurst Lane, Loxwood, Billingshurst, RH14 0QR - Demolition of existing kennels building which has consent to be converted into a dwelling under application reference LX/15/00138/FUL and the erection of a new residential building to the west of the existing building.
SDNP/14/00448/COU Lurgashall WR (S Pattie) In Progress	Northurst Farm Dial Green Lane Lurgashall Petworth West Sussex GU28 9HA – appeal against an enforcement notice re: COU of land to garden land.
SDNP/15/00361/COU Lurgashall H (R Hawks) Hearing to be held 10am 12 July at Chichester District Council	Old Hearne Farm, Jays Lane, Lurgashall, Haslemere, West Sussex, GU27 3BL – appeal against an enforcement notice: Without planning permission, the erection of a building and laying of a stone pavement. Linked with SDNP/16/04559/FUL
SDNP/16/04559/FUL Lurgashall H (J Shore) Hearing to be held 10am 12 July at Chichester District Council	Old Hearne Farm, Jays Lane, Lurgashall, Haslemere West Sussex, GU27 3BL - Retention of the east barn and its immediate surroundings for mixed agricultural and equestrian purposes. Linked with SDNP/15/00361/COU
SDNP/16/00204/OPDEV Midhurst WR (S Archer) In progress	Flat 2, Thomond House, North Street, Midhurst, GU29 9DJ – Formation of door opening.

<p><u>NM/15/00375/CONCOU</u> I (R Hawks) In Progress Public Inquiry to be held at 10am 9-11 January 2018 at City Council, Old Court Room</p>	<p>Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex – appeal against an enforcement notice: Change of use of barn to single dwelling. Linked to NM/16/00424/ELD</p>
<p>NM/16/00424/ELD North Mundham I (Reg Hawks) Public Inquiry to be held at 10am 9-11 January 2018 at City Council, Old Court Room</p>	<p>10 Acres, Land North of Fisher Common Nursery, Fisher Lane, North Mundham, PO20 1YU - Continuous occupation for in excess of 4 years of barn style building erected under planning permission 10/00517/FUL granted on 28 April 2010. Linked to NM/15/00375/CONCOU</p>
<p>NM/16/03884/OUT WR (Fjola Stevens) In progress</p>	<p>The Pine Place, Lagness Road, Runcton, PO20 1AQ – Outline Application for 4 no. dwelling houses and associated works.</p>
<p>O/16/02254/OUT I (J Bushell) Awaiting Decision</p>	<p>Land To The South Of Oving Road/B2144, Shopwhyke West Sussex - Outline application for the development of the site to provide 100 no. dwellings (use class C3), with an associated access, parking, outdoor space, landscaping and infrastructure.</p>
<p><u>PS/13/00015/CONCOU</u> I (R Hawks) Adjourned to 31 July 2017 at Brinsbury College, Pulborough</p>	<p>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. Appeal against two enforcement notices. Linked to s78 appeal against refusal of planning permission by WSCC.</p>
<p><u>SB/16/00176/CONCOU</u> WR (R Ballam/E Kierans) In progress</p>	<p>Land East Of Inlands Road, Inlands Road, Nutbourne, West Sussex – appeal against an enforcement notice: Stationing of metal container buildings. LINKED TO SB/16/02811/FUL</p>
<p>SB/16/02811/FUL WR (R Ballam/E Kierans) In progress</p>	<p>Land East Of Inlands Road, Inlands Road, Nutbourne, West Sussex - Siting of metal shipping container for storage of agricultural equipment and animal feeds. LINK TO SB/16/00176/CONCOU</p>

SB/16/03569/OUT Southbourne I (Rhiannon Jones)	Land East of Breach Avenue, Southbourne - Outline with all matters reserved except access - development of up to 34 dwellings, access, retention of orchard, public open space and other associated works.
SDNP/16/00334/COU Stedham H (Shona Archer)	The Old Studio, Bridgefoot Lane, Stedham, West Sussex, GU29 0PT – appeal against an enforcement notice: Use of annexe as a self contained residential unit.
TG/16/03798/FUL Tangmere WR (R Ballam)	1 Boxgrove Corner, Arundel Road, Tangmere, PO18 0DU – Erection of 1 no. 3 bed chalet bungalow.
SDNP/16/00069/COU Upwaltham I (Shona Archer) Public Inquiry to be held 10am 31 October and 1 November at CDC Committee Room 2	The Mill, Eartham Lane, Eartham, Chichester, PO18 0NA – appeal against an enforcement notice - use of workshop as single dwelling.
WH/16/02827/FUL WR (C Boddy) In progress	Maudlin Mill, Sidengreen Lane, Maudlin, Westhampnett, Chichester, West Sussex, PO18 0QU - Construction of a workshop with first floor office.

4. VARIATIONS TO SECTION 106 AGREEMENTS

Land to north east of Tangmere Military Aviation Museum, Tangmere – The ‘Bader Heights’ housing development

The Bader Heights housing development on the former site of the grain stores at Tangmere airfield for 160 dwellings is now well advanced. The mortgagee clauses in the Section 106 agreement as originally drafted prevent Drum Housing Association Limited (the Registered Provider in this instance) from achieving the maximum possible value when securing affordable housing to loan finance. The proposed variation of the standard mortgagee exclusion clause in the agreement has been assessed by officers and by the Council’s Housing Officer who raised no objection. The National Housing Federation (the professional body of registered providers) has produced standard text relating to the mortgagee in possession clauses which are now widely used by other councils. Chichester District Council now includes the standard text in new Section 106/nominations agreements. The changes to this agreement follow this standard.

The changes to the mortgagee clause does not change the approved proportion, mix and tenure of affordable dwellings secured under the Section 106 agreement merely the mortgage arrangements. There are no significant planning implications raised by the proposals and this Council in common with other councils in the area are experiencing submission of a number of applications to vary existing agreements in this way. The

variation facilitates the ability/viability of registered providers to continue to deliver affordable housing in the district. Accordingly a deed of variation was completed in this regard on 22nd June 2017.

Members are asked to note the completion of the deed.

Land at Park Farm, Selsey

Hybrid outline planning permission was granted on 14.09.2015 under SY/14/02186/OUTEIA for the following development - Full application for Class A1 foodstore, car parking, Class A3/A4 pub/restaurant, petrol filling station, new access, landscaping and ancillary works. Outline planning application for up to 139 dwellings, hotel, Class D1 building, open space, landscaping and new access. Under the full application component of this permission the developer has now constructed and opened the new ASDA foodstore, the associated petrol filling station and a Costa coffee. The section 106 agreement for the development secured a number of off-site highway improvements. The applicant/developer applied specifically to vary the trigger point for works to the Ferry Bends on the B2145 in respect of the new ASDA foodstore and to adjust level of TAD contribution to reflect the actual costs of highway works. The highway works to the Ferry Bends were required by WSCC to widen and improve the alignment of the road for highway safety reasons as part of the original permission. The variation to the trigger is brought about because of timetabling issues with British Telecom in terms of re-routing fibre optic cables under the carriageway. The variation which has been agreed with WSCC Highways is in essence for the Ferry Bends widening works to be done within 18 months of the ASDA store opening unless a revised timetable is agreed with WSCC and dependant on BT's intended programming of diversion works for cabling under the road.

A second component of the deed of variation is a reduction in the TAD contribution to offset the increased cost associated with the implementation of Ferry Bends improvement scheme (specifically the increase in costs associated with the diversion of the fibre optic cable, which was not included in preliminary cost estimates) and bus stop and lay-bys. The overall agreed TAD contribution is therefore £236,950. Again the level of contribution is agreed by WSCC as local highway authority.

Members are asked to note the completion of the deed on 3rd May 2017.

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 action is being held in abeyance pending the outcome of the appeal/public inquiry process (see above).

Prosecutions		
Site	Breach	Stage
Barn North of Hunston Dairy Farm	Breach of Condition Notice	30 June: proceedings withdrawn at court as the defendant will submit an application to CDC for a variation of the Condition in question.

7. POLICY MATTERS

NONE