

Chichester District Council

Planning Committee

Wednesday 11th October 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
NM/17/00838/ELD I (C Boddy)	Field House, Vinnetrov Road, Runcton, PO20 1QB - Erection of building and its use as a dwellinghouse.
SI/16/03906/FUL WR (C Boddy)	Land To The North Of Sunnybrook, Highleigh Road Sidlesham, West Sussex - New dwelling house, garden, greenhouse and ancillary landscaping.
SDNP/15/00109/OPDEV Stedham WR (R Hawks)	Field South of The Old Stables, Mill Lane, Stedham, Midhurst, West Sussex, GU29 0PR - Laying of hard surface access track. Appeal against Enforcement Notice
SDNP/17/00294/FUL Sutton WR (B Stubbington)	1 Sutton Hollow, The Street, Sutton, RH20 1PY - Retrospective application for partial reconstruction and change of use of existing outbuilding to form self contained annexe/holiday accommodation in connection with 1 Sutton Hollow (variation from SDNP/12/0149/HOUS and SDNP/12/12050/LIS).

SDNP/17/00295/LIS Sutton WR (B Stubbington)	1 Sutton Hollow ,The Street, Sutton, RH20 1PY - Retrospective application for partial reconstruction and change of use of existing outbuilding to form self contained annexe/holiday accommodation in connection with 1 Sutton Hollow (variation from SDNP/12/0149/HOUS and SDNP/12/12050/LIS).
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2.DECISIONS RECEIVED

Reference/Decision	
SDNP/16/02175/FUL BURY WR (B Stubbington) Dismissed	Timberley Farm, Bury Common, Bury, Pulborough, West Sussex RH20 1NP - Widen existing farm entrance.
<p>“The appeal is dismissed. The main issue is the effect of the development on the character and appearance of the area. ... Paragraph 109 of the Framework makes it clear that, among other things, valued landscapes should be protected and enhanced. ... The stark appearance of the existing tarmac lane combined with hardcore hardstanding area are entirely different in scale and form to the existing narrow lanes in the area an very much at odds with the verdant character of the area. ... The adverse harm of the appeal scheme as outlined above in this sensitive rural landscape would outweigh the potential benefits. ...By virtue of its siting, design and materials would result in an incongruous addition that would be out-of-keeping with the rural character and appearance of the area. ... I conclude that the development would adversely hare the character and appearance of the area. ... it would not accord with the aims of the Framework that development should seek to secure a high quality of design that takes account of the different roles and character of different areas, recognises the intrinsic character and beauty of the countryside (paragraph 17); that good design is a key aspect of sustainable development (paragraph 56); that respects the local character (paragraph 58); protects and enhances valued landscapes (paragraph 109); and conserves the landscape and scenic beauty in National Parks (paragraph 115). ... ”</p>	
CC/16/03216/ADV WR (R Ballam)	The Fat Fig, 42 South Street, Chichester, West Sussex PO19 1DR - 1 no. fascia sign attached to the front elevation, 2 no. vinyl signs on the windows and 1 no. hanging sign.
<p>The signs which are the subject of this appeal were already in place at the time of my site visit. The surrounding area is commercial in character and also forms part of the Conservation Area.</p> <p>Given the function of the appeal site as a commercial premises in a commercial area, there is clearly scope and indeed a necessity for some form of advertising on the premises. The fascia sign is limited in extent being well proportioned in relation to the ground floor shop window and tucked neatly under the first floor brick projection immediately above.</p>	

However, its shiny finish and appearance is at odds with other fascia signs in the area which in the main tend to have matt finishes and individually applied letters to fascias or hand painted signs. The roundel signs on the shop windows appear over large and dominating, compared to the size of the window display and give rise to a cluttered appearance of signage on the frontage. The projecting hanging sign on the other hand, is relatively small in size compared to the frontage of the building, pleasantly designed with a matt finish and not dissimilar from the adjoining hanging sign on No 44 South Street, the adjacent property to the north, nor indeed to many other similar such signs on commercial properties nearby.

With the exception of the projecting sign therefore ... I find that there is harm to the street scene, the setting of the Conservation Area and also the setting of nearby listed buildings from an amenity point of view.

That part of the appeal that relates to one fascia sign to the front elevation and two vinyl signs on the windows, is dismissed. That part of the appeal which relates to one hanging sign is allowed and express consent is granted for its display. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

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.

“...The Council’s evidence strongly indicates that tourism levels are high in the District and that this plays a key role in its economy. Furthermore, that there is demand for holiday accommodation in this part of the District given its proximity to Chichester and its associated cultural activities, beaches at Bracklesham Bay and at East and West Wittering, Chichester Harbour Area of Outstanding Natural Beauty and the South Downs National Park. This view would appear to be supported by a number of recent planning applications¹ for holiday accommodation in the wider area. Thus, the role that holiday accommodation plays within the Borough is an important one and any loss of it should be sufficiently justified. The appellant sets out that the appeal property has not operated as bed and breakfast accommodation for the last few years. In addition, when operated by the previous owners for this purpose, it was on a limited basis and for short periods and therefore any lettings were intermittent and occasional. Furthermore, that the appeal property is redundant or disused. It is therefore the appellant’s view that the appeal property currently makes and, has in the past made, little contribution to the economy. However, I have not been provided with any substantive evidence of recent and robust marketing of the appeal property for holiday accommodation. Thus, the appellant’s arguments without such evidence, in my view, are insufficient to indicate there to be no proven demand for its main current and lawful use now and into the future. Consequently, the evidence is insufficient to demonstrate that it cannot make a positive contribution to the economy. In addition, whilst it is the appellant’s view that the appeal property is redundant or disused, the recent renovation works would appear to suggest otherwise. In light of the above, the proposal fails to satisfy the requirements of Policy 30 of the Local Plan and would therefore be contrary to it. This policy is broadly consistent with the aims and objectives of the National Planning Policy Framework (the Framework) which seek to support sustainable rural tourism. ... There are no essential local services and facilities near to the appeal site to cater for the daily needs of any future occupiers.

The appeal site is also located a considerable distance from any larger settlements and bus stops which provide a service to these settlements and their associated services and facilities. Thus, any future occupiers would be reliant on the use of a private motor vehicle to access services and facilities in the wider area to cater for their daily needs. The proposal would therefore represent an isolated dwelling in the countryside in this context. In the absence of any substantive evidence to demonstrate that the appeal property can no longer function as holiday accommodation, I find that the proposal will not re-use a redundant or disused building. Furthermore, it would not lead to an enhancement to the immediate setting of the building in any case. As a result, it would not demonstrate any special circumstances and would conflict with Paragraph 55 of the Framework. In addition, on the basis of the evidence before me, I am not persuaded that the proposal would require a countryside location, would support rural diversification or would meet a need that could not be met within an existing settlement. Thus, it would conflict with Policies 2, 45 and 1 of the Local Plan. I therefore conclude that there is insufficient justification for the proposed change of use, having regard to local and national planning policies. ... The appellant makes reference to permitted development rights under the prior notification process which allow the conversion of agricultural buildings, offices and storage and distribution buildings to residential dwellings even if they are isolated from services and facilities. However, the main use of the appeal property does not fall within any of these categories and therefore does not appear to benefit from such rights. I therefore afford this matter limited weight. ..."

EWB/[16/03920/FUL](#)
WR (C Boddy)

27 Coney Six, East Wittering, PO20 8DL - 2 no. dwellings, garage and associated works.

Coney Six is part of a private residential estate characterised by narrow streets and a variety of detached dwellings, most of which are 1.5-2 storeys in height. They are set in similarly sized plots which provide off-street parking. ... There would be a single garage and a wall would enclose the remainder of the front garden. This would maintain the appearance of a single detached dwelling when viewed from the street. ... Even if a boundary treatment was subsequently erected, it would only be glimpsed through gaps between the huts and would not be conspicuous. These aspects of the scheme would therefore be acceptable. The footprint of the proposed dwelling would be significantly deeper than that of the existing house. Its front elevation would be closer to the road and its additional height and width at first floor level would give the building a more bulky appearance. At the back it would project considerably further into the garden, although not beyond the rear elevations of the properties on either side. Its rear elevation would be staggered in order to provide both properties with a first floor balcony. The height of the building would be comparable with the adjacent dwellings. This would not look out of place when viewed from the foreshore. However, the design includes a large expanse of crown roof. This would not only be deep but would also occupy approximately half the width of the building. Consequently the building would appear overly bulky with very limited space between the flank walls and the side boundaries. The combined effects of the depth, height and width of the proposal would make the building appear too large for this modest sized plot. In this respect the proposal cannot be compared with the dwelling at No 23. This building not only has a flat roof but its upper floor is also set in further from the side boundaries than the ground floor, which ensures that it is comfortably accommodated within its plot. I conclude that the proposal would be harmful to the character and appearance of the area. It would fail to comply with Policy 33. ..."

<p>SDNP/16/05918/HOUS Graffham FT (B Stubbington) Allowed</p>	<p>Summerfield Cottage, Graffham Street, Graffham, GU28 0NP – Proposed new driveway with off road parking.</p>
<p>"... The appeal is allowed and planning permission is granted. ... The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surrounding area. Graffham is a small and very loose-knit settlement, in a rural landscape, with houses spaced out along the roadside through the village, often in relatively large plots. The appeal site lies within the Graffham Conservation Area. ... An extant planning permission exists for the construction of a garage and access in the general location were the new access is currently proposed. ... The access that is now proposed has been tightly planned and designed to minimise its visual impact, for example by adopting reduced visibility splays. ... The project would preserve the character and appearance of the Graffham Conservation Area and would not harm the setting of nearby listed buildings. ... It is acknowledged that there is a need for off-road parking provision and that the appeal scheme would bring an obvious planning benefit. The harm that would be caused to the historic setting would be "less than substantial". ... I conclude that the scheme before me would not undermine the aim of protection the historic environment which is established in primary legislation. ..."</p>	
<p>SDNP/16/04701/LIS Harting H (Rafa Grosso MacPherson) Dismissed</p>	<p>East Harting Farm, Hollist Lane, East Harting, Petersfield, GU31 5LU – Extension to annex.</p>
<p>" The appeal is dismissed. ... The appeal outbuilding is now converted to a residential use, has been altered over time, the animal pen is not used and it is not readily open to public views. ... Regardless of the exact age, quality of workmanship or condition of the walls of the animal pen, they constitute some historic fabric and form an open enclosure which significantly contributes to an understanding of the appeal outbuilding's former use and historic interest. ... the proposed extension would involve the removal of the animal pen, which would involve the loss of some historic fabric. ... By extending it in the manner proposed I would result in a larger building that would disrupt its secondary relationship to the farmhouse and former farmstead. ... It would appear particularly domestic and would erode the appeal outbuilding's generally agricultural, rural and utilitarian character. ... All in all, it would adversely affect its significance as a heritage asset. ... I have concluded that unacceptable harm would result to the listed building and its setting. ... It would also fail to conserve the landscape and scenic beauty of the SDNP and its cultural heritage. ... An enforcement notice is before me relating to the appeal works. However, I have dealt with the appeal on the basis of the appeal application before me as set out in paragraph 2 of my decision. On this basis, this matter had not materially affect the outcome of this appeal. ... I conclude that the appeal should be dismissed."</p>	

SDNP/14/00448/COU Lurgashall WR (S Pattie)	Northurst Farm Dial Green Lane Lurgashall Petworth West Sussex GU28 9HA – appeal against an enforcement notice re: COU of land to garden land.
Appeal withdrawn	
SDNP/16/00204/OPDEV Midhurst WR (S Archer) Dismissed, Enforcement Notice upheld with correction	Flat 2, Thomond House, North Street, Midhurst, GU29 9DJ – Formation of door opening. Appeal against an enforcement notice.
<p>"...The appeal on ground (c) that the breach of planning control alleged in the notice does not constitute a breach of planning control...The works that are the subject of the notice comprise the formation of a door opening in the northern elevation of the building and the installation of a steel balustrade. As a matter of fact I find that these are building operations that amount to alterations to the building...it appears that there was no previous opening in the wall. The balustrade is clearly visible from the adjoining garden in particular as well as from other gardens... I therefore find that the balustrade, as a matter of fact and degree, as a material effect on the external appearance of the building. The formation of the door opening in the northern elevation of the building and the installation of a steel balustrade are therefore development within the meaning of s.55 of the 1990 Act... planning permission is required for the carrying out of any development of land. No such planning permission has been applied for or granted and therefore there has been breach of planning control as alleged in the notice. The appeal on ground (c) fails</p> <p>The appeal on ground (a) and the deemed planning application ... any person standing on the terrace has a largely uninterrupted view into a number of rear gardens and windows resulting in a significant loss of privacy and overlooking to anyone in those places.....I conclude that the formation of the door and the balustrade have a harmful effect neighbours' living conditions with regard to privacy and overlooking... The appeal on ground (a) fails and the deemed planning application is refused.</p> <p>The appeal on ground (g) the Appellant maintains that the period specified for compliance falls short of what should reasonably be allowed... I appreciate that arrangements will have to be made the actual works themselves, particularly the removal of the balustrade, are not extensive or onerous and I consider that a period of three months is reasonable...The appeal on ground (g) fails.</p> <p>Conclusions I uphold the enforcement notice with a correction and refuse to grant planning permission on the deemed application..."</p>	

<p>SDNP/16/04426/FUL Midhurst WR (J Shore) Dismissed</p>	<p>Land to The rear of Fourwinds, Chichester Road West Lavington, Midhurst, West Sussex, GU29 9QE - Construction of detached 5 bedroom dwelling.</p>
<p>"... The appeal is dismissed... By siting the dwelling much closer to the northern boundary there would be less space around in comparison with the dwelling subject to the extant permission. While the density of the currently proposed development would be the same as the subject to the extant permission, I consider that the former would lack the spaciousness of the latter. I consider that the relative development would lack the spaciousness exhibited by the vast majority of the dwellings in the immediate vicinity of Four Winds. I therefore consider the amount of space around the whole of the dwelling would not be respectful of its surroundings... any additional planting, while being capable of softening the appearance of the dwelling, would of itself not alleviate the tightness of the dwelling's siting relative to the northern boundary... I therefore conclude that the development would cause unacceptable harm to the area's character and appearance. There would therefore be conflict with saved Policies BE11 and BE13 of the Chichester District Local Plan of 1999 (the Local Plan) and section 7 (Requiring good design) of the National Planning Policy Framework (the Framework)... The Council contends that there would be conflict section 11 (Conserving and enhancing the natural environment) of the Framework because the dwelling would be in the South Downs National Park (NP). However, the dwelling would be surrounded by other dwellings and would not be seen as a new built development in the NP's undeveloped landscape. I therefore consider that there would be no conflict with section 11 of the Framework or the purposes for the NP's designation... The tree would therefore be capable of providing some privacy screening. However, if the tree was to be removed for any reason then I consider that the occupiers of Cedars would experience an actual or perceived loss of privacy because of the dormer window's presence, given its height and proximity of the northern boundary. There has already been some history of an Ash tree being lost to storm damage and there can be no guarantee that the tree would not be similarly affected or removed for some other reason. I therefore consider that in order to safeguard the privacy of the occupiers of Cedars there would be undue reliance on the tree's presence. While it would be possible for the dormer window to be installed with obscure glazing, I consider that would have an unacceptable effect on the outlook for the fourth bedroom's users. I therefore consider it would be inappropriate for a condition to be imposed requiring bedroom four's window to be installed with obscured glazing...the screening provided by that planting would only be effective for so long as it remained in-situ and there can be no guarantee that it would remain in place in perpetuity. In that respect I consider that a reasonable planning condition could not be imposed requiring the existing, and any additional planting, to be maintained at a height and density that would mitigate the effect on the outlook for the occupiers of Cedars arising from the dwelling being sited 3.0 metres from the northern boundary.</p> <p>I conclude that the development would cause unacceptable harm to the living conditions of the occupiers of Cedars. There would therefore be conflict with Policy BE11 of the Local Plan because the development would have an unacceptable effect on the living conditions of a neighbouring dwelling..."</p>	

SDNP/14/00462/BRECON WR (R Hawks) Dismissed, Enforcement Notice upheld	River Farm, Brookfield Lane, Tillington, Petworth, West Sussex, GU28 9BJ - Expired 5yr temporary permission TL/08/04780/FUL 29.05.2014. Appeal against a Breach of Condition Enforcement Notice.
<p>" The appeal is dismissed and the enforcement notice is upheld with variations... The Appellant's case on ground (c) is concerned with the area of land to which to condition applies and he does not dispute that there has been a failure to comply with condition 4. No injustice can therefore be caused to him if the area of land the subject of the notice is reduced to apply to the area on which the caravans are sited and the access to that area. I will amend the plan accordingly. Consequently, the appeal on ground (c) fails...</p> <p>The occupation of the caravans by workers employed in the locality was therefore lawful for the period of that permission, that is, May 2009 to May 2014 and that period of time cannot be counted towards the ten year period required to satisfy the ground (d) appeal... The Appellant cannot prove that there has been a breach of condition 4 for a period of then years. The appeal on ground (d) fails... The deemed planning application contained within the ground (a) appeal is a retrospective one, to carry out the original development, that is 'formation of an agricultural hardstanding, new access track and earth bund', without complying with the particular condition enforced against, that is, condition 4... the main issue is the effect of the breach of condition 4 on the character and appearance of the South Downs National Park... what appears to be year round occupation by workers working elsewhere has resulted in what is in effect a permanent residential caravan site for agricultural workers employed in viticulture in various locations throughout East Sussex, Kent, West Sussex and Hampshire... The caravans introduce a significant urban element into the rural area. I noticed that many of the caravans have tables and chairs for outside sitting and there were washing lines, some of which were in use. This domestic paraphernalia increases the urbanisation of the site which is out of keeping with the isolated and countryside location... I accept that there is a need for workers employed in viticulture to live near their places of work... and that finding accommodation in the area is not easy but none of these matters... outweigh the harm that is caused to the character and appearance of the National Park by the occupation of the caravans by workers not employed on the farm for what is, in effect, nearly the whole year...The appeal on ground (a) fails and the deemed planning application is refused.</p> <p>The appeal on ground (g) Whilst I appreciate that arrangements will have to be made, given the harm I have found the period of three months seems to me to be a reasonable period in which to comply with the notice. The appeal on ground (g) fails..."</p>	

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.
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.
CC/17/00002/FUL WR (P Hunt) In progress	46 South Street, Chichester, PO19 1DS - Attic storey extension to create an additional apartment.
CC/17/00416/DOM WR (P Hunt) In progress	Clydesdale Lodge, 44A Caledonian Road, Chichester PO19 7PJ - Rear first floor extension with a roof garden.
FU/16/03868/FUL WR (C Boddy) In progress	Cotfield, Funtington Road, Oakwood, East Ashling PO18 9AL - Conversion of existing outbuilding to residential annexe.
SDNP/16/05784/FUL Fernhurst WR (R Grosso MacPherson) In progress	Ashurst, Lickfold Road, Fernhurst, GU27 3JB - Replacement dwelling including realigned driveway.
SDNP/17/01197/FUL Harting WR (D Price) In progress	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/17/00178/HOUS HEYSHOTT WR (J Shore) In Progress	Cottage On The Green, Peace Road, Heyshott, Midhurst West Sussex, GU29 0DF - Demolition and replacement of detached annexe.

<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 a 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 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><u>PS/13/00015/CONCOU</u> I (R Hawks) In progress</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>SI/15/03440/ELD I (M Tomlinson) In progress</p>	<p>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.</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>

<p>SB/16/03569/OUT Southbourne I (Rhiannon Jones) Public Inquiry Awaiting Decision</p>	<p>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.</p>
<p>SDNP/16/00334/COU Stedham H (Shona Archer) In progress</p>	<p>The Old Studio, Bridgefoot Lane, Stedham, West Sussex, GU29 0PT – appeal against an enforcement notice: Use of annexe as a self contained residential unit.</p>
<p>SDNP/16/00069/COU Upwaltham I (Shona Archer) Public Inquiry to be held 10am 31 October and 1 November at CDC Committee Room 2</p>	<p>The Mill, Eartham Lane, Eartham, Chichester, PO18 0NA – appeal against an enforcement notice - use of workshop as single dwelling.</p>
<p>WW/17/00533/FUL WR (P Hunt) In progress</p>	<p>37 Marine Drive West, West Wittering, Chichester West Sussex, PO20 8HH - Demolition of existing property and construction of replacement dwelling.</p>
<p>WR/16/02717/OUT PI (Rhiannon Jones/Naomi Langford) Public Inquiry to be held 10am 30 January – 2 February 2018 at CDC Committee Room 2</p>	<p>Stable Field, Kirdford Road, Wisborough Green West Sussex - Outline with some matters reserved - access. 1 no. village doctors surgery (use class D1); village community uses (use class D2) to include outdoor activity area, activity room, gym, community building, 30 extra-care units (use class C2) to include affordable accommodation, community allotments and landscaped recreational areas. With associated new vehicle, pedestrian access, ancillary uses and infrastructure.</p>
<p>SDNP/16/01317/LDE Wisborough Green PI (J Shore) In progress</p>	<p>Mockbeggars, Horsebridge Hill, Bedham, Wisborough Green, RH20 1JP - Application for a certificate of lawfulness for an existing use relating to use of land as residential curtilage.</p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

NONE

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage
NONE		

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Land at Newells Lane, Funtington	Development of five pitches with access track and hardstandings	<p>Application for Injunction granted against Mr Frederick Bath who purchased and developed the land. The owner of the adjacent land, Mrs D Sullivan gave an undertaking to the Court not to carry out or allow others to carry out any work/development. Court hearing on 25 September to consider whether injunction should be confirmed.</p> <p>25.09.2017: District Judge Ellis at Chichester County Court granted a full and indefinite Injunction against Mr Frederick Bath and added Mr Joseph Smith as 4th defendant as the person now in possession of the land (1st defendant remains Della Sullivan, Frederick Bath as 2nd defendant, persons unknown as 3rd defendant) . The Court ordered that the 2nd defendant, Mr Bath, pay the Councils costs in this matter of £2,742.25 by 4pm on 9 October 2017. The Injunction will fall away if planning permission is granted for the use and development of the land as five gypsy pitches. Injunction against Mr Smith, under the same terms as the one against Mr Bath, granted.</p>
Court Hearings		
Site	Matter	Stage
Land at Decoy	The Council is seeking	The defendants are opposed to the

Farm, Oving	payment of its costs (£27,473.83) incurred from carrying out default works under section 178 of the T&CP Act 1990 to secure compliance with ENs O/10 and O/11 to clear the land and demolish a building	<p>Council's claim and have entered a counter claim stating that the Council exceeded its powers when it appointed contractors to enter land and carry out the requirements of the notice(s) .</p> <p>A Case Management Conference Hearing took place at Worthing County Court on 21 August 2017. The Judge held that the defendants and the claimant should present the case at a Pre-Trial Review Hearing in April 2018 (statements and other evidence to be exchanged before then) with a Trial to be set in June 2018. Costs budgetting is to be agreed by the parties by 21 Sept 2017.</p> <p>Both the Council Claimant and Defendants have asked the court to grant an extension to agree each other's costs. Awaiting court's decision.</p>
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Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS

NONE