

Chichester District Council

Planning Committee

Wednesday 13 December 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).

* - Committee level decision.

1. NEW APPEALS

Reference/Procedure	Proposal
* 16/03751/FUL Appeal Received: 20/11/2017 Southbourne Parish Case Officer: James Cross Written Representation	Nutbourne Farm Barns Farm Lane Nutbourne PO18 8SA - Change of use of existing storage building to a 2 bed holiday let.
17/00866/FUL Appeal Received: 20/11/2017 West Itchenor Parish Case Officer: Claire Coles Written Representation	Owl Cottage And Pheasant Cottage Itchenor Road West Itchenor Chichester West Sussex PO20 7DA - Change of use and conversion of two self-catering holiday units to form a single unrestricted Class C3 dwelling house including some minor internal changes and external alterations to the appearance of the building.
17/00410/DOM Appeal Received: 30/10/2017 West Wittering Parish Case Officer: Rachel Ballam Householder Appeal	Little Orchard Summerfield Road West Wittering Chichester West Sussex PO20 8LY - Retrospective erection of replacement front boundary fencing.

<p>SDNP/16/04769/FUL Appeal Received: 20/11/2017 Elsted and Treyford Parish Case Officer: Rafa Grosso Macpherson</p> <p>Written Representation</p>	<p>Buriton Barn Buriton Farm, Buriton Farm Lane, Treyford GU29 0LF - Change of use of existing barn group to a single C3 dwelling and associated works. Change of use of land to the south west of the building group to garden land in associated with the residential use of the barn group.</p>
<p>SDNP/16/06318/FUL Appeal Received : 28.11.2017 Harting Parish Case Officer: Derek Price</p> <p>Hearing</p>	<p>Three Cornered Piece, East Harting Hollow Road, East Harting, West Sussex - Change of use to a mixed use of the land comprising the keeping and grazing of horses and a gypsy and traveller site for one family.</p>

2. DECISIONS MADE

Reference/Procedure	Proposal
<p>17/00874/DOM Chichester Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Householder Appeal</p>	<p>2 Beech Avenue Chichester PO19 3DR - Detached double garage and boundary wall and gates.</p>
Appeal Decision: APPEAL DISMISSED	
<p>I saw on my visit that with No. 2's position on a corner plot at the junction of Beech Avenue and Parklands Road, there is a larger gap between the northern flank of the appeal property and the southern elevation of 15 Parklands Road than is typical on this side of Parklands Road. The perception of openness of this area is accentuated by the slope down to single storey level of the appeal property's front gable and in particular the cat slide roof of No. 15. Given all these factors, I consider that the scale and bulk of any outbuilding between the appeal dwelling and No. 15 in front of the building line needs to be relatively modest to avoid drawing the eye as a somewhat obtrusive and incongruous addition to the street scene. I am not convinced that the appeal proposal, although undoubtedly an improvement because of its reduction in height and width from the scheme refused permission under application permission for a further reduced scheme. Whilst I have determined the proposal in this appeal on its merits and fully understand the appellants' wish to have the maximum possible amount of storage space in the new building, the recent approval does to my mind strike a more appropriate balance between their reasonable aspirations and the public interest of safeguarding the street scene in this pleasant residential area. The differences between the approved and refused plans for the building, especially the height, are in my view sufficient to warrant the dismissal of the appeal. I have noted the points raised in the grounds of appeal, in particular the argument that the Council has granted permissions for two similar buildings in nearby Sherborne Road. However, whilst I have taken account of these, I am not persuaded that they increase the acceptability of the proposed building on the appeal site to a point where the balance of planning arguments would weigh in favour of allowing this appeal.</p>	

I have noted the points raised in the grounds of appeal, in particular the argument that the Council has granted permissions for two similar buildings in nearby Sherborne Road. However, whilst I have taken account of these, I am not persuaded that they increase the acceptability of the proposed building on the appeal site to a point where the balance of planning arguments would weigh in favour of allowing this appeal. Overall, I conclude that the proposed building would have a harmful effect on the street scene of Parklands Road. This would be in conflict with Policies 33, 40 & 47 of the Chichester Local Plan Key Policies 2014-2029 and Section 7: 'Requiring Good Design' of the National Planning Policy Framework 2012.

[16/03868/FUL](#)
Funtington Parish

Case Officer: Caitlin Boddy

Written Representation

Cotfield Funtington Road Oakwood East Ashling PO18 9AL -
Conversion of existing outbuilding to residential annexe.

Appeal Decision: APPEAL ALLOWED

"...The main issues are:- Whether the proposal would be appropriate in the countryside, with particular regard to whether it would create an independent dwelling and its effect upon the rural character and appearance of the area;- Whether any measures would be required in order to safeguard the integrity of the Chichester and Langstone Harbour Special Protection Area... I do not disagree that the resulting building could potentially be capable of providing facilities, albeit on a modest scale, for day to day living... the building would immediately adjoin the gravelled parking and turning area serving and being next to the main house. The parking area and vehicular access to the site would be shared for the use of the main house and the annexe. There is no indication in the proposal of any intention for a separate access to be created. The annexe and its entrance would also directly face the house. Taking account of the proximity of the two buildings with the shared driveway in between, the annexe would have a strong visual and functional relationship with the main dwelling. It would also be considerably smaller in size and scale than the main house... It seems to me that the converted building would still maintain the appearance as being a subservient outbuilding within the same residential curtilage as the main house... whether it is used as a 'granny annexe' or for friends, such facilities, whilst being fairly comprehensive in this case, would be appropriate to an annexe with small scale cooking, bathroom and living facilities provided for the users... I do not consider that the proposal would be tantamount to the creation of an independent dwellinghouse in the countryside... I see no compelling reason why a condition restricting its use for purposes ancillary to the residential use of the main dwellinghouse would not be enforceable in this case, particularly given that it would be visible from the adjacent lane... I find that the proposed development would be appropriate to its location within the countryside... I do not consider that a new independent dwelling would be created, the proposal would be unlikely to result in any significant increase in recreational activity upon the SPA... I therefore find that the submitted undertaking is not necessary to make the development acceptable in this instance and have therefore given it no weight... I conclude that the proposal would not result in any harm upon the integrity of the Chichester and Langstone Harbour Special Protection Area... "

<p>16/03696/DOM Selsey Parish</p> <p>Case Officer: James Cross</p> <p>Householder Appeal</p>	<p>Portsoy 16 Bonnar Road Selsey PO20 9AT - Retention of single storey extension Retention of single storey front extension.</p>
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Appeal Decision: APPEAL DISMISSED

In my view, the two storey gable clearly defines the front of the property. Extending forward from this, the ground floor addition therefore constitutes an unexpected and incongruous feature. It also somewhat awkwardly wraps around the side and the part of the two storey gable to the front of no. 16, unbalancing the pair of properties. Furthermore, the crown roof provides an abrupt and jarring contrast with the pitched roof character of the host dwelling despite the frontage hedge and the shrub directly to the front of the extension, as well as the wooden gates, the discordant nature of the development is apparent from the street. With the frontage gates open the adverse effect is even more readily appreciated from the adjacent road and footways. Despite the frontage hedge and the shrub directly to the front of the extension, as well as the wooden gates, the discordant nature of the development is apparent from the street. With the frontage gates open the adverse effect is even more readily appreciated from the adjacent road and footways. In these circumstances and even though the extension does not project above a 45 degree line from the centre of the adjacent window when looking at the front elevation, I consider that it is overbearing to the adjacent dwelling and amenity space. It is suggested that the hedge could grow higher. However, the solid nature of the extension gives it an appreciably harsher and more imposing appearance than a taller hedge would have. It is also likely that the built development would be significantly longer lasting than the vegetation.

<p>16/03569/OUT Southbourne Parish</p> <p>Case Officer: Rhiannon Jones</p> <p>Public Inquiry</p>	<p>Land East Of Breach Avenue Southbourne Hampshire - 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>
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Appeal Decision: APPEAL ALLOWED

The appeal is allowed and outline planning permission is granted for the development of up to 34 dwellings Having regard to the above considerations, the main issues are the effect of the proposal on the development plan strategy for the location of residential development whether the Council is able to demonstrate a five year supply of housing land. The silence of NP Policies 1 and 2 on the question of development outside of settlement boundaries is a not a positive point in favour of the appeal proposal. As such, it does not outweigh the proposal's conflict with LP Policies 2 and 45 and its lack of accord with the aim of the NP with regard to the location of new housing. Therefore, I find that the proposal would be contrary to the development plan strategy for the location of residential development when considered as a whole. I consider below the weight to be attached to this conflict. My conclusions on the four disputed sites indicate that a substantial reduction should be made from the Council's total housing land supply. Given that the Council's supply figure is only 32 units greater than the agreed requirement; I find that the Council cannot demonstrate a five year supply of deliver able housing land.

I consider the implications of this finding in the Planning Balance below overall therefore; I find that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the proposal. As such, the proposal benefits from the presumption in favour of sustainable development set out in Framework paragraph 14 and LP Policy 1. This consideration is sufficient to overcome the conflict with LP Policies 2 and 45 and the aim of the NP with regard to the location of new housing.

17/00533/FUL West Wittering Parish Case Officer: Paul Hunt Written Representation	37 Marine Drive West West Wittering Chichester West Sussex PO20 8HH - Demolition of existing property and construction of replacement dwelling.
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Appeal Decision: APPEAL PART ALLOWED, PART DISMISSED

The appeal is dismissed and planning permission is refused in so far as it relates to the proposed detached garage. The appeal is allowed and planning permission is granted in so far as it relates to the construction of a replacement dwelling (not including the detached garage) at 37 Marine Drive West, West Wittering, Chichester PO20 8HQ.

In accordance with the terms of the application, Ref. WW/17/00533/FULL, dated 17 February 2017, and the plans submitted with it, so far as relevant to the development hereby permitted and subject to the following conditions:

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DWG 001 E, DWG 002 C, DWG 003 E, DWG 004 E, DWG 005 E, DWG 006 C, DWG 007 C, DWG 008 C.
 - 3) No development shall take place (other than demolition) until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
 - 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Construction Method Statement shall be adhered to throughout the demolition and construction period for the development.
- The Statement shall provide for:
- i). the parking of vehicles of site operatives and visitors;
 - ii). loading and unloading of plant and materials;
 - iii). storage of plant and materials used in constructing the development;
 - iv). measures to control the emission of dust, dirt and noise during construction and demolition.

Although the planning application form states the site address to be on Marine Drive, the appeal site is on Marine Drive West. I have had regard to the West Wittering Village Design Statement including the requirement that new development should maintain the spaces between buildings and reflect the height of adjacent properties. In this case the spacing to the side boundaries would be similar to the existing dwelling and the height, whilst greater than the existing, would not be dissimilar to the heights of other properties in the immediate vicinity of the site. The depth of the proposed dwelling would be considerably greater than that of the existing. Nevertheless, the siting of both the front elevation and the rear elevation facing West Beach Road would generally be in accordance with the building line created by other neighbouring properties.

Although the resulting building would be amongst the largest in the road, given the mixed form of buildings in the street scene and the factors set out above, I do not consider that any significant harm would result from its overall size and form upon the street scene and surrounding area. The steep pitched roof slopes would add to the overall bulk of the dwelling, but not in my view to an unacceptably degree. The pitched ends of the roof in comparison to the gable ends of the existing dwelling would also serve to limit its overall bulk in comparison to the existing in views from the front and rear of the site.

I acknowledge that there are other garages in the road, some of considerable size, to the front of properties. However, in this particular part of the road, the garages tend to be set back front the front boundary and generally are not excessively prominent. Although the character of the road changes further to east in this respect with more intrusive garages evident, the road frontage in the vicinity of the appeal site is generally more open. Due to its size, positioning and design, the proposed garage would be visually intrusive and incongruous within this part of the street scene, to the detriment of the character and appearance of the area. I have not attached the Council's suggested condition restricting permitted development rights as no exceptional circumstances have been advanced for its inclusion by the Council. The Planning Practice Guidance advised that such conditions will rarely pass the test of necessity.

3. CURRENT APPEALS

Reference/Procedure	Proposal
16/00933/OUT Birdham Parish Case Officer: Jeremy Bushell Public Inquiry	Koolbergen, Kelly's Nurseries And Bellfield Nurseries Bell Lane Birdham Chichester West Sussex PO20 7HY - Erection of 77 houses B1 floorspace, retail and open space with retention of 1 dwelling.
* 16/00492/FUL East Wittering And Bracklesham Case Officer: James Cross Written Representation	Ashbury Kimbridge Road East Wittering West Sussex PO20 8PE - Demolition of existing house and detached garage and construction of 5 no. flats and 1 no. single storey dwelling.
16/03338/FUL Kirdford Parish Case Officer: Paul Hunt Informal Hearing	Idolsfold House Kirdford Billingshurst West Sussex RH14 0JJ - Removal of condition 4 from planning permission KD/4/82. Removal of the Agricultural Occupancy condition.

<p>15/00375/CONCOU North Mundham Parish Case Officer: Reg Hawks</p> <p>Public Inquiry to be held at 10am 9 - 11 January 2018 at City Council, Old Court Room</p> <p>Public Inquiry</p>	<p>Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex - 1) without planning permission, the change of use of a building to use as a dwellinghouse. 2) Without planning permission, the erection of a dwellinghouse. Appeal against enforcement notices.</p>
<p>16/00424/ELD North Mundham Parish Case Officer: Shona Archer</p> <p>Public Inquiry to be held at 10am 9-11 January 2018 at City Council, Old Court Room</p> <p>Public Inquiry</p>	<p>Ten Acres, Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex 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 with s174 appeal above.</p>
<p>17/00838/ELD North Mundham Parish Case Officer: Caitlin Boddy</p> <p>Public Inquiry to be held at 10am 20-21 March 2018 at CDC, Committee Room 1</p> <p>Public Inquiry</p>	<p>Field House Vinnetrow Road Runcton PO20 1QB - Erection of building and its use as a dwellinghouse</p>
<p>15/00202/CONAGR Oving Parish Case Officer: Reg Hawks</p> <p>Written Representation</p>	<p>Oakham Farm, Church Lane, Oving, West Sussex PO20 2BT - 1) Without planning permission, erection of a building, earth bund and hardstanding; 2) Change of use of the land to a mixed use for agriculture and the storage of caravans, motorhomes, caravanets, motor vehicles and shipping containers. Appeal against enforcement notice(s).</p>
<p>16/03906/FUL Sidlesham Parish Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>Land To The North Of Sunnybrook Highleigh Road Sidlesham West Sussex - New dwelling house, garden, greenhouse and ancillary landscaping.</p>

<p>16/00176/CONCOU Southbourne Parish Case Officer: Emma Kierans</p> <p>Written Representation</p>	<p>Land East Of Inlands Road Inlands Road Nutbourne West Sussex - Without planning permission, the erection of three metal shipping container buildings in the approximate positions shown on the plan. Appeal against enforcement notice. LINKED TO 16/02811/FUL</p>
<p>16/02811/FUL Southbourne Parish Case Officer: Rachel Ballam</p> <p>Written Representation</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. LINKED TO 16/00176/CONCOU</p>
<p>SDNP/15/00109/OPDEV Stedham Parish Case Officer: Reg Hawks</p> <p>Written Representation</p>	<p>Field South of The Old Stables, Mill Lane, Stedham, Midhurst, West Sussex, GU29 0PR - Laying of hard surface access track. Appeal against Enforcement Notice</p>
<p>SDNP/17/00294/FUL Sutton Parish Bev Stubbington</p> <p>Written Representation</p>	<p>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).</p>
<p>SDNP/17/00295/LIS Sutton Parish Bev Stubbington</p> <p>Written Representation</p>	<p>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/12/01049/HOUS and SDNP/12/01050/LIS).</p>
<p>SDNP/12/01049/HOUS Sutton Parish Bev Stubbington</p> <p>Written Representation</p>	<p>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/12/01050/LIS) and SDNP/17/00295/LIS</p>
<p>16/00094/CONMHC Westbourne Parish Case Officer: Reg Hawks</p> <p>Public Inquiry to be held 10am on 1-2 May 2018 at CDC, Committee Room 2</p> <p>Public Inquiry</p>	<p>Racton View Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ- Without planning permission, sStationing of a mobile home for the purposes of human habitation. Appeal against enforcement notice. LINKED TO 16/03010/FUL</p>

<p>16/03010/FUL Westbourne Parish Case Officer: Caitlin Boddy</p> <p>Public Inquiry to be held 10am on 1-2 May 2018 at CDC, Committee Room 2</p> <p>Public Inquiry</p>	<p>Racton View Marlpit Lane Hambrook Westbourne PO10 8EQ - Retention of mobile home for a temporary period of 3 years (revised application further to 16/01547/FUL). LINKED TO 16/0094/CONMHC</p>
<p>SDNP/16/00069/COU Upwaltham Parish Case Officer Shona Archer</p> <p>Public Inquiry held on 31 October and 1 November</p> <p>Public Inquiry</p>	<p>The Mill, Eartham Lane, Eartham, Chichester, PO18 0NA – without planning permission, use of workshop as single dwelling. Appeal against an enforcement notice</p>
<p>16/02717/OUT Wisborough Green Parish Case Officer: Rhiannon Jones</p> <p>Public Inquiry to be held 10am 30 January – 2 February 2018 at CDC Committee Room 2</p> <p>Public Inquiry</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,</p>
<p>17/00934/FUL Wisborough Green Parish Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Old Helyers Farm Kirdford Road Wisborough Green RH14 0DD - Conversion of commercial equestrian indoor riding school barn to 3 no. dwellings.</p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage
Decoy Farm, Aldingbourne	Our claim for clearance costs for breach of Enforcement Notice	Pre-Trial Review in April 2018. Request for compliance with Court's Directions of August 2017 to be postponed made by me in agreement with the Defendants in October 2017. Still awaiting new Court Order with Directions to serve evidence, disclosure etc. from Brighton County Court.

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS