

Chichester District Council

Planning Committee

Wednesday 14 March 2018

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 |
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| <u>SDNP/17/01998/FUL</u> Bury Parish Case Officer: Derek Price Written Representation | Arun Cottage The Street Bury RH20 1PA - Demolition of existing dwelling and erection of replacement dwelling with associated landscape design. |
| <u>SDNP/17/02952/FUL</u> Bury Parish Case Officer: Derek Price Written Representation | Hadworth Barn Hadworth Lane Bury RH20 1PG - Proposed agricultural storage building. |
| <u>SDNP/17/03896/HOUS</u> Duncton Parish Case Officer: Bev Stubbington Written Representation | Duncton Mill House Dye House Lane Duncton GU28 0LF - New detached ancillary residential outbuilding comprising with garaging, storage and attic room. |
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| <p><u>SDNP/17/03224/FUL</u> Easebourne Parish</p> <p>Case Officer: Rafael Grosso Macpherson</p> <p>Written Representation</p> | <p>Vine House Elderly Peoples Residence Easebourne Lane Easebourne Midhurst West Sussex GU29 9AZ - Single storey extension to south elevation, single storey and part two storey extension to the west elevation.</p> |
| <p><u>SDNP/16/04519/FUL</u> East Lavington Parish</p> <p>Case Officer: John Saunders</p> <p>Written Representation</p> | <p>Copse Cottage Norwood Lane East Lavington Petworth West Sussex GU28 0QG - Replacement dwelling and associated garaging.</p> |
| <p><u>SDNP/17/02266/FUL</u> Fernhurst Parish</p> <p>Case Officer: Bev Stubbington</p> <p>Written Representation</p> | <p>October House Marley Heights Fernhurst Haslemere West Sussex GU27 3LU - Change use of land to garden land and construction of tennis court with 2.75m high surrounding fence.</p> |
| <p><u>16/03997/OUT</u> Selsey Parish</p> <p>Case Officer: Steve Harris</p> <p>Informal Hearing</p> | <p>Land On The South Side Of Warners Lane Selsey West Sussex - Outline application for the construction of 68 no. residential units with primary access off Old Farm Road.</p> |

2 DECISIONS MADE

| Reference/Procedure | Proposal |
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| <p><u>17/00858/FUL</u> Southbourne Parish</p> <p>Case Officer: Paul Hunt</p> <p>Written Representation</p> | <p>Marsh Farm Farm Lane Nutbourne PO18 8SA – alterations to approved garage (application SB/16/03112/FUL) to connect it to the new proposed pool cover.</p> |
| <p>Appeal Decision: APPEAL ALLOWED</p> | |

“...The proposed development would be associated with and detached from a new two storey dwelling currently under construction a short distance to the west and within a large overall plot. It would occupy a large part of the space currently enclosed by a wall of varying height. It would replace large sections of the eastern and northern parts of that wall, aligned with that remaining to the east and straddling that to the north, whereas the previously approved garage would just extend to the north of it. The proposal would extend noticeably higher than the existing wall enclosing the existing pool area. Although it would have a fairly large footprint in the context of being an ancillary outbuilding relating to the main dwelling, it would be of a fairly simple design with shallow pitched or mono-pitched roof slopes. It would therefore have a fairly modest height to both eaves and ridge level, particularly compared with the main dwelling. It would also be lower in height than a fairly large nearby outbuilding associated with the new dwelling just to its south-east with a steeply pitched roof. ... For these reasons, the proposal would not only be closely tied to and set within the context of a cluster of other existing buildings, but it would be less prominent than those others in terms of height and have a sufficiently subservient appearance in relation to the main dwelling. ... Furthermore, due to its comfortable containment within the existing site boundaries and proximity to existing buildings, the proposal would not materially encroach upon, and would be distinctly separated from, the openness of the surrounding fields and harbour. ... The proposal would therefore not be a dominating or incongruous feature of the site and surrounding area generally, and would be unlikely to appear as part of an overly domestic complex of buildings. For the above reasons, the proposed development would not cause unacceptable harm to the character and appearance of the site and surrounding area, and would conserve the landscape and scenic beauty of the AONB. As such, it would accord with policies 33, 43, 45 and 48 of the Chichester Local Plan: Key Policies, policies 4 and 7 of the Southbourne Parish Neighbourhood Plan (2014-2029), and the SPD. ... The Council has suggested five conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government’s Planning Practice Guidance and amended some of the wording. ... For the above reasons, I conclude that the appeal should be allowed.”

SDNP/15/00109/OPDEV
Stedham Parish

Case Officer: Reg Hawks

Written Representation

Field South of The Old Stables Mill Lane
Stedham Midhurst West Sussex GU29 0PR - Without planning permission, formation of a hardsurfaced access track. Appeal against Enforcement Notice SJ/25.

Appeal Decision: DISMISSED – NOTICE UPHELD WITH VARIATION

The appeal is dismissed and the enforcement notice is upheld with variation... There appears to be no dispute that the track was upgraded in early 2015, when two lines of granite setts were laid on a concrete sub-base. The central part of the track within the edging has been infilled with pea shingle laid on a membrane....It is this upgraded track that is the subject of the appeal before me... The main issue is the effect of the track on the character and statutory purposes of the National Park...

Need

I acknowledge that the land appears to be soft...Notwithstanding this, given the all-terrain vehicles available to the appellant, the limited size of the holding and low numbers of animals, I find the argument of an essential or functional need for a hard surfaced track to be used solely for agricultural purposes lacks cogency. I therefore give it little weight.

Visual effect

...the urban character and form of the track is incongruous at best. It is a feature that appears totally incongruous and inappropriate in this gentle countryside setting which is characterised by rolling farmland and a rural informality.

...I acknowledge the visibility of the track in the wider countryside is not significant, but this does not outweigh the harm that arises to the natural beauty of the National Park... Thus the development conflicts with the aims of Saved Policies RE1 and BE11 of the Chichester District Council Local Plan First Review 1999 (CDCLP)... Thus the appeal fails..."

3 CURRENT APPEALS

| Reference/Procedure | Proposal |
|---|---|
| <p><u>16/00933/OUT</u> Birdham Parish</p> <p>Case Officer: Jeremy Bushell</p> <p>Public Inquiry 20/03/2018 at 10:00:00 Chichester City Council North Street Chichester PO19 1LQ</p> | <p>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.</p> |
| <p><u>17/01790/FUL</u> Bosham Parish</p> <p>Case Officer: Fjola Stevens</p> <p>Written Representation</p> | <p>Old Thatch Station Road Bosham PO18 8NG - Demolish garage and erect 1 no. two bedroom detached cottage with carport. Linked to 17/017991/FUL</p> |
| <p><u>17/01791/LBC</u> Bosham Parish</p> <p>Case Officer: Fjola Stevens</p> <p>Written Representation</p> | <p>Old Thatch Station Road Bosham PO18 8NG - Demolish garage and erect 1 no. two bedroom detached cottage with carport. Linked to 17/01790/FUL</p> |
| <p>* <u>16/00492/FUL</u> East Wittering And Bracklesham Parish</p> <p>Case Officer: Fjola Stevens</p> <p>Written Representation</p> | <p>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.</p> |

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| <p><u>17/02423/FUL</u> Hunston Parish</p> <p>Case Officer: Fjola Stevens</p> <p>Written Representation</p> | <p>Brook Lea Selsey Road Hunston PO20 1NR - Variation of condition 8 of permission HN/17/00314/FUL (Construction of 5 no. dwellings and associated works (minor amendment to outline planning permission 16/00856/OUT and associated reserved matters 16/02672/REM).) Omit the post and rail fence and amend plan.</p> |
| <p><u>15/00375/CONCOU</u> North Mundham Parish</p> <p>Case Officer: Reg Hawks</p> <p>Public Inquiry to resume on 22/05/2018 at 10:00:00 Chichester City Council North Street Chichester PO19 1LQ</p> | <p>Ten Acres, Land North Of Fisher Common Nursery, Fisher Mundham, West Sussex - Without planning permission, the change of use of a building to use as a dwellinghouse. Appeal against enforcement notices NM/21 & NM/24</p> |
| <p><u>16/00424/ELD</u> North Mundham Parish</p> <p>Case Officer: Reg Hawks</p> <p>Public Inquiry to resume on 22/05/2018 10:00:00 Chichester City Council North Street Chichester PO19 1LQ</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.</p> |
| <p><u>17/00838/ELD</u> North Mundham Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Public Inquiry 20/03/2018 10:00:00 Chichester District Council East Pallant House PO19 1TY</p> | <p>Field House Vinnetrow Road Runcton PO20 1QB - Erection of building and its use as a dwellinghouse</p> |

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| <p><u>17/00074/CONENF</u> Oving Parish</p> <p>Case Officer: Shona Archer</p> <p>Written Representation</p> | <p>Decoy Farm Decoy Lane Oving Chichester West Sussex PO20 3TR - Appeal against Enforcement Notices O/27 & O/28.</p> |
| <p><u>17/01485/DOM</u> Plaistow And Ifold Parish</p> <p>Case Officer: Fjola Stevens</p> <p>Written Representation</p> | <p>Quennells Loxwood Road Plaistow Billingshurst West Sussex RH14 0NX - Partial demolition of link buildings with internal and external alterations. New building to form single and double storey extension with rebuilt link buildings to adjacent building.</p> <p>Linked to 17/01786/LBC</p> |
| <p><u>17/01486/LBC</u> Plaistow And Ifold Parish</p> <p>Case Officer: Fjola Stevens</p> <p>Written Representation</p> | <p>Quennells Loxwood Road Plaistow Billingshurst West Sussex RH14 0NX - Partial demolition of link buildings with internal and external alterations. New building to form single and double storey extension with rebuilt link buildings to adjacent building.</p> <p>Linked to 17/01485/DOM</p> |
| <p><u>16/00359/CONTRV</u> Sidlesham Parish</p> <p>Case Officer: Emma Kierans</p> <p>Informal Hearing 1/05/18 at 10:00:00 Chichester City Council North Street Chichester PO19 1LQ</p> | <p>Land Adj To Ham Road Sidlesham West Sussex - Appeal against Enforcement Notice SI/69</p> <p>Linked to 16/03383/FUL</p> |
| <p><u>16/03383/FUL</u> Sidlesham Parish</p> <p>Case Officer: Emma Kierans</p> <p>Informal Hearing 1/05/18 at 10:00:00 Chichester City Council Chichester PO19 1LQ</p> | <p>Land Adjacent To Ham Road Sidlesham West Sussex - Use of land as a traveller's caravan site consisting of 2 no. touring caravans, 1 no. amenity structure and associated development.</p> <p>Linked to 16/00359/CONTRV</p> |

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| <p>* <u>16/03751/FUL</u> Southbourne Parish</p> <p>Case Officer: Fjola Stevens</p> <p>Written Representation</p> | <p>Nutbourne Farm Barns Farm Lane Nutbourne PO18 8SA - Change of use of existing storage building to a 2 bed holiday let.</p> |
| <p><u>SDNP/17/01624/HOUS</u> Stedham Parish</p> <p>Case Officer: Rafael Grosso Macpherson</p> <p>Written Representation</p> | <p>3 Claypit Cottages Linch Road Redford Woolbeding GU29 0QF – retrospective proposal to change existing UPVC casement windows to wooden sash with panes.</p> |
| <p><u>SDNP/17/00294/FUL</u> Sutton Parish</p> <p>Case Officer: 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 (variation from SDNP/12/0149/HOUS and SDNP/12/01050/LIS).</p> |
| <p><u>SDNP/17/00295/LIS</u> Sutton Parish</p> <p>Case Officer: 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 annex/holiday accommodation (variation from SDNP/12/01049/HOUS and SDNP/12/01050/LIS).</p> |
| <p><u>SDNP/15/00301/BRECON</u> Sutton Parish</p> <p>Case Officer: Reg Hawks</p> <p>Written Representation</p> | <p>Land at 1 Sutton Hollow The Street Sutton RH20 1PY – without planning permission, erection of dwellinghouse – appeal against Enforcement Notice SN/3</p> <p>Linked to SDNP/17/00294/FUL above.</p> |
| <p><u>17/00866/FUL</u> West Itchenor Parish</p> <p>Case Officer: Claire Coles</p> <p>Written Representation</p> | <p>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.</p> |

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| <p><u>16/00094/CONMHC</u> Westbourne Parish</p> <p>Case Officer: Reg Hawks</p> <p>Public Inquiry 1/05/18 at 10:00:00 Chichester District Council East Pallant House PO19 1TY</p> | <p>Racton View Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ – without planning permission, stationing of a mobile home for the purposes of human habitation. Appeal against Enforcement Notice WE/38</p> |
| <p><u>16/03010/FUL</u> Westbourne Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Public Inquiry 1/05/18 at 10:00:00 Chichester District Council East Pallant House PO19 1TY</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).</p> <p>Linked to 16/00094/CONMHC</p> |
| <p><u>16/00191/CONCOU</u> Westbourne Parish</p> <p>Case Officer: Reg Hawks</p> <p>Written Representation</p> | <p>The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Change of use to HGV operating centre. Appeal against Enforcement Notice.</p> <p>Linked to 17/00378/FUL</p> |
| <p><u>17/00378/FUL</u> Westbourne Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Written Representation</p> | <p>The Old Army Camp Cemetery Lane Woodmancote Westbourne PO10 8RZ - Retrospective application for change of use of land as open storage for vehicles and use as HGV Operating Centre, with ancillary office and stores.</p> <p>Linked to 16/00191/CONCOU</p> |
| <p><u>17/00670/FUL</u> Westbourne Parish</p> <p>Case Officer: Claire Coles</p> <p>Written Representation</p> | <p>Meadow View Stables Monks Hill Westbourne Emsworth West Sussex PO10 8SX - Change use of land for retail use of selling christmas trees for the period of 1 month each year from 24/11 to 24/12.</p> |

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| <u>16/02717/OUT</u> Wisborough Green Parish Case Officer: Katherine Rawlins Public Inquiry 30/01/2018 Awaiting decision | 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. |
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| <u>17/00934/FUL</u> Wisborough Green Parish Case Officer: Maria Tomlinson Written Representation | Old Helyers Farm Kirdford Road Wisborough Green RH14 0DD - Conversion of commercial equestrian indoor riding school barn to 3 no. dwellings. |
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4 VARIATIONS TO SECTION 106 AGREEMENTS

5 CALLED-IN APPLICATIONS

| Reference | Proposal | Stage |
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6 COURT AND OTHER MATTERS

| High Court Challenges | | |
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| Site | Matter | Stage |
| Breach Avenue, Southbourne | Challenge of Inspector's | Awaiting Court's permission to |
| Court Hearings | | |
| Site | Matter | Stage |
| Decoy Farm, Oving | Application to recover LPA costs in clearing the land | Case Management |

| Prosecutions | | |
|-----------------------------|------------------------------|--|
| Site | Breach | Stage |
| The Old Tanneries, Petworth | Breach of Enforcement Notice | First court hearing adjourned to 25 May for review as compliance achieved but for one requirement which is season dependent (re-seeding of track to happen in April) |

7 POLICY MATTERS