

**Chichester District Council**

**Planning Committee**

**Wednesday 18 April 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
<u>17/01892/DOM</u> Selsey Parish  Case Officer: Maria Tomlinson  <b>Householder Appeal</b>	47 Wellington Gardens Selsey PO20 0RF - Retrospective single storey detached outbuilding ancillary to the house.
<u>17/01679/DOM</u> West Wittering Parish  Case Officer: Maria Tomlinson  <b>Written Representation</b>	Chislehurst 53 Marine Drive West Wittering PO20 8HQ - Two storey front extension, rear extension and conversion of loft space to habitable accommodation.

## 2. DECISIONS MADE

Reference/Procedure	Proposal
<p data-bbox="84 353 304 427"><u>17/01790/FUL</u> Bosham Parish</p> <p data-bbox="84 481 488 517">Case Officer: Rachel Ballam</p> <p data-bbox="84 546 261 582"><b>DISMISSED</b></p>	<p data-bbox="523 353 1362 465">Old Thatch Station Road Bosham PO18 8NG - Demolish garage and erect 1 no. two bedroom detached cottage with carport.</p>
<p data-bbox="437 647 1023 683"><b>Appeal Decision: APPEAL DISMISSED</b></p>	
<p data-bbox="89 687 1418 2045">“...The appeals are dismissed and planning permission and listed building consent for demolish existing garage, erect 1 No. 2 bedroom detached cottage, erect carport are refused... - Whether the proposed development and works would preserve the special architectural or historic interest of the listed building or its setting, and - In Appeal A only, in addition, the effect that the proposed development would have on the SPA... The historic architecture, traditional form and materials of the cottage are important to its historic appearance and rural character. They also contribute positively to the special architectural interest of the listed building, and to its significance as a historic rural dwelling... the openness around the cottage, in its gardens, by the garage complex, and in the adjoining streets, makes a positive contribution to the significance of the heritage asset because they enable it to be appreciated by its occupiers and members of the public. The openness around the junction and the views of the cottage from the public domain are also important to the street scenes in Station Road and Williams Road, and to the character and appearance of the area, which is within the wider setting of the listed building. Due to the siting of the garage complex, and the slight bend in Williams Road near its junction with Station Road, the cottage can be appreciated from almost the far end of the lengthy Williams Road. Thus, the listed building and its gardens contribute positively to the sense of place...the dominant and bulky front-gabled dwelling and barn-hipped roofed car port would be unsympathetic to the humble scale and character of the historic cottage. Their form and appearance would also be at odds with the nearby buildings, despite their fairly wide range of types and styles, so the dwelling and the car port would look out of place. Due to their scale and siting, the dwelling would look squeezed in, and the car port would be harmfully prominent, so they would detract from the significance and special interest of the listed building. The car port and new drive would also harmfully intrude into much of the open garden setting to roughly west of the cottage and the new access through the wall would disrupt the sense of enclosure in that important part of its garden. Moreover, the built- up character of the proposal with its hard surfaces and parked cars would unacceptably erode the openness around the listed building that enables its significance to be appreciated. Because the proposal would harmfully disrupt the existing public views of the historic cottage, it would also harm the street scenes in Williams Road and Station Road, and the character and appearance of the surrounding area. Furthermore, as the listed building would be partly screened by the scale, form and bulk of the development within its setting, the proposal would fail to better reveal the significance of the heritage asset. Thus, its important landmark value to the local area in its wider setting would be unacceptably damaged...the proposal would cause ‘less than substantial harm’ to the significance of the heritage asset paragraph 134... its optimum viable use is not relevant. Turning to the public benefits, the new dwelling would make a small but welcome contribution to the supply of housing within Bosham and the District, but there is little evidence to show</p>	

## Reference/Procedure - Continued

that there are no other more suitable sites for a dwelling... public benefits would not be enough to outweigh the less than substantial harm that the proposal would cause... the proposed development and works would fail to preserve the setting of the listed building... , no planning obligation to secure the required financial contribution has been put to me. Thus, I consider that the proposed development would have a significant adverse effect on the SPA. It would be contrary to LP Policy 50 which aims to protect designated internationally important wildlife sites, and the Framework which aims to conserve the natural environment...

**COST DECISION** The application for an award of costs is refused... There is no suggestion that the appellants sought formal pre-application advice from the Council, but it seems that there was some delay whilst the Council validated the applications and some difficulty contacting its officers. Even so, the Council contacted the appellants' agent (agent) regarding its concerns about the appeal scheme on 21 August 2017, before the expiry of the 8 week period on 24 August 2017. This gave the agent the opportunity to discuss the applications, which were to be refused, in the interests of customer care, and/or to withdraw them. The agent did not respond to the Council until 1 September 2017, which was after the 8 week period had passed, so the applications were not determined within 8 weeks. As the appeals were made on 20 September 2017, the applications were not determined by the Council. The Council's 'decision notices' dated 19 October 2017 were issued in error and this was explained in a letter to the agent on 1 November 2017. The purported reasons for refusal in the Council's statement are reasonably complete, precise, specific and relevant to the applications... matters involving judgement seldom result in an award of costs... the Council has substantiated its case... the Council's behavior, in not requesting a planning obligation to secure a financial contribution for SPA mitigation, was reasonable... the Council has submitted its representations, including its questionnaire and statement, in a timely manner during the appeal process. I therefore find that unreasonable behavior resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated...

17/01791/LBC  
Bosham Parish

Case Officer: Rachel Ballam

**DISMISSED**

Old Thatch Station Road Bosham PO18 8NG - Demolish garage and erect 1 no. two bedroom detached cottage with carport.

**As Above**

Reference/Procedure	Proposal
<p>* <u>16/00492/FUL</u>  East Wittering And  Bracklesham Parish</p> <p>Case Officer: James Cross</p> <p><b>DISMISSED</b></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>

**Appeal Decision: APPEAL DISMISSED**

The main issues are: The effect of the proposed development on the character and appearance of the area; The effect of the proposed development on highway safety. And - The effect of the proposed development on the Chichester and Langston Harbours Special Protection Area. The general pattern of development within the area immediately surrounding the appeal site is of buildings in spacious garden surroundings... The proposed building would have a more modern appearance than many surrounding buildings, but this would not be out of character with their varied appearances. However, it would also have a noticeably larger scale and mass than its immediate neighboring homes. I appreciate that there are other large new developments in the wider area, but these are orientated to face the main road. The proposed development would be aligned with a narrow local road and its larger proportions, when viewed in comparison with its neighbors, would exaggerate its size and cause it to appear cramped within the constraints of the site. This would be directly at odds with the character of both older and newer surrounding development, with its impression of spaciousness in an ordered layout... open space around the proposed building would be mostly limited to the street frontages, and this would be at odds with the pattern with surrounding development, further suggesting the cramped layout of the proposal in comparison with the other properties in the area. Together, these variances would cause the development to appear incongruous and obtrusive within its setting. I therefore generally include that the proposed development would be harmful to the character and appearance of the area... Kimbridge Road has a narrow carriageway, and parked cars reduced it to a single trafficable lane at the time of my visit. It has a shallow bend to the south of the site, where I noticed that larger vehicles using the road during my visit had restricted passage. 9. The unusually long proposed dropped kerb would substantially restrict the opportunity for on-street parking close to the intersection of Kimbridge Road and Stocks Lane, and this would improve visibility for highway users in this vicinity. There is potential for conflict with vehicles turning into and reversing from the proposed parking area, but given that there would be few overall such movements across the day, the opening of the road in this location the improved visibility would minimise this potential. On balance, these benefits outweigh the risk... The county highway authority's parking standards reflect a maximum provision and together with the advice provided within Local Plan Policy 39, suggest that a flexible parking approach should be followed. There is no evidence before me to suggest that the maximum standard should be rigidly applied in this instance. Where the appeal to be allowed, I consider that the provision of adequate cycle parking would be sufficient to mitigate the net loss of one parking bay. In conjunction with absence of substantive concerns from the county highway authority, I am satisfied that the proposed layout would not give rise to additional risk of significant harm to highway users... no such contributions or measures have been provided. Without mitigation, I cannot be satisfied that the development would not resulting harm to the CLHSPA. Accordingly, I therefore conclude on this main issue that the proposed development could harm the CLHSPA and its purposes, and that it would conflict with Local Plan Policy 50, for the reasons set out above...

Reference/Procedure	Proposal
SDNP/16/04769/FUL Elsted and Treyford Parish  Case Officer: Rafa Grosso Macpherson  <b>DISMISSED</b>	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.
<b>Appeal Decision : APPEAL DISMISSED</b>	
<p>"... An amended plan and details within the appellant's Statement of Case were submitted with the appeal that would make substantial alterations to the scheme. ... Given that the proposed amendments to the scheme are substantial I have not taken the amended plans into account in coming to my decision. ... Between the buildings and the South Downs Way is a large area of hardstanding used for parking, along with an open area with some piles of debris resulting from the previous works, which the Council suggest is unauthorised. The plans indicate that this would form the residential garden to the proposed dwelling and appropriate landscaping could significantly improve the present appearance and its effect on the landscape and scenic beauty. Nevertheless, such a residential use in this remote and prominent location adjacent to the South Downs Way would be incongruous and lead to harm to the landscape and scenic beauty of the area. ... The site is located within an area of the National Park that is designated as an International Dark Skies Reserve and the site is located within the Dark Sky Core. The proposed development would result in a number of additional windows and some existing windows would be enlarged, including those that face outward toward the surrounding countryside and public footpaths, such as the South Downs Way. This would increase the amount of light emitted from the building. A number of the proposed upper floor windows would be provided with timber louvres that would reduce the amount of light emitted, and other windows would be fitted with glass that reduces light emissions. Reference is made to bedroom accommodation only being lit for short periods and shutters could be provided, although there is no means to ensure this would happen. Given the limited overlooking, particularly given the distance to the South Downs Way, shutters may not be used for reasons of modesty. Taking all this into account, the number of additional or enlarged windows, particularly facing toward the north-west, would result in significant additional light being emitted from the building. For these reasons, I conclude that the proposed development would result in light transmission that would harm the International Dark Skies Reserve. As such, the proposed development would be contrary to Policies RE1 and BE11 of the LP, Policies 1 and 3 of the South Downs National Park PMP and the National Planning Policy Framework that seek to protect the local environment and setting of the surrounding landscape, including protecting and enhancing dark night skies. ... "</p>	

Reference/Procedure	Proposal
SDNP/16/06318/FUL Harting Parish  Case Officer : Derek Price  <b>ALLOWED</b>	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.
<b>Appeal Decision : APPEAL ALLOWED</b>	
<p>“...Character and Appearance</p> <p>The site should be considered as isolated with regard to paragraph 55 of the Framework... The location is contrary to Policy RE1, but Planning Policy for Traveller Sites does provide for sites to be in rural areas, although it further states that sites in the open countryside should be very strictly limited... There does appear to have been some notable and recent degradation of the site itself ... The result is a far less dense form of boundary hedging than was described previously... with the site becoming highly visible to passers-by. This degradation through the lawful use causes harm already, and would make the use of the site and the stationing of the caravans more obvious and hence more intrusive to the landscape character, albeit at short range. The appellant explained that the reasons were that he grazes their horses in return for the accommodation, in addition to his own. This has led to more horses being on the site... it has to be said that the result is a far worse visual effect than seems to have been the case previously. The use of the site would introduce activity and residential paraphernalia to a greater extent than would accompany the use as grazing and stables... A full-time residential use would be materially more intensive, with more comings and goings to schools and other day-to-day activities, extending into the evening... there would be a reduction in the quality of the rural character of the land and hence its surroundings as perceived by users of the roads and footpaths. Each of the previous Inspectors...conclusions regarding a harmful effect on the character and appearance of the area were consistent, and it was the other considerations that led to the positive recommendation, notwithstanding those failings. The present proposal is of a smaller scale... but the change from a non-residential grazing use with stables to a single family residential use together with the grazing and stables would still be a significant one, and in this location within the Park the change would be substantially adverse... the conclusion in this main issue is that in addition to the locational failure to accord with countryside policies, the proposal would detract from its surroundings and the landscape and scenic beauty of the Park would not be conserved. Other Considerations - The level of unmet need for gypsy pitches. The general need identified in the most recent Gypsy and Traveller Accommodation Assessment is summarised at Table 7.5 in the supporting text to emerging Policy SD33... there is a nil figure for need in Coastal West Sussex where the appeal site is situated... The appellant is critical of how robust the Assessment has been... Clearly the appellant and his family are in need and that is unmet... The supply of sites. There is not yet an adopted policy for the supply of sites... the Examination has not yet taken place and adoption will not now be before autumn 2018. As such the Authority is not able to demonstrate a 5 year supply of sites as sought under paragraph 10 of Planning Policy for Traveller Sites... It was agreed at the Hearing however that whilst paragraph 27 of the national traveller sites policy prevents this lack of supply from being a significant material consideration for the grant of a temporary permission, lesser weight may be appropriate. Whether the Authority will be able to meet the need for sites and when. On the basis that Policy SD33 and the evidence base is accepted by the Examining Inspector...</p>	

## Reference/Procedure - Continued

it appears that the identified need may be met... the Authority did suggest that further sites could be put forward for consideration at the Examination, and paragraph 7.114 of the supporting text does state that very limited opportunities have been put forward previously for consideration and that the Authority does not own land for such use. It seems reasonable to conclude that even if the Plan is adopted to its now slipped timetable, pitches will not likely become available until a year or so later. *The failure of policy.* The Local Plan for the area of the Park where the site is located dates from 1999, although subject to later review as to which policies may be 'saved'. There is no saved gypsy or traveller policy, a matter commented on by the Inspector in 2014, when he stated that the situation had not changed since the 2010 appeals. At that time he envisaged policy being in place by 2017, 7 years since those earlier appeals and it is now accepted that the date will be autumn 2018 at the earliest. It has to be concluded that there has been a failure of policy to address the situation in this part of the Park. *The availability of suitable, acceptable and affordable alternative sites for the appellant...* The evidence is that he does not have the funds to obtain another site... In addition, due to family circumstances and schooling, his search area is relatively small ... sites with permission would be more expensive, and do not often come onto the market, a speculative site, but perhaps in an area more acceptable in policy terms, may cause further delay and prolong the situation for the family. *The personal circumstances of the appellant...* the appellant ... lives on various sites as and when he can, his partner lives with her parents. Of the 3 children, one is now out of school and helps with the horses, another stays mostly with the mother, and a 6 year old son spends time with Mr Searle, often travelling some distance to school according to where his father is staying at the time. This last arrangement appears to be incompatible with regular, timely school attendance, or ready access to healthcare. In addition, the uncertain living arrangements are stated to be causing the appellant difficulties in the management of the land As a result not only are the personal circumstances of the appellant and his family matters of significant concern to him, but weight should be attached to the harm that is, however inadvertently, being done to the character and appearance of the area. The best interest of children - The Planning Practice Guidance advises decision makers to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community. In this case the educational needs of the appellants' children should carry significant weight as their best long-term interest would be served by regular attendance at school, as well as a stable home life with the family together... *Secretary of State Decisions.* The appellant's agent put forward a view that by calling in the previous appeals, and by disagreeing with his Inspector's recommendation on both occasions, some form of bias or discrimination had been exercised... It is the fact that the 2010 Decision was challenged unsuccessfully, so that it and the unchallenged 2014 Decision stand and are therefore significant material considerations in the present appeal. Both Decisions were taken on a balance between the adverse effects identified by the Inspectors, with which the Secretary of State agreed, and the other considerations put forward in support of temporary permissions, to which the Secretary of State's judgement was to attach less weight. The Courts do not generally become involved in matters of judgement and weight provided it is not perverse or unreasonable. *Planning Balance and Human Rights* - Harm has been found to the character and appearance of the area, within the South Downs National Park, and great weight attaches to that failure... The other considerations, including the best interest of children, do not outweigh the harm sufficient to justify the grant of a permanent permission...

## Reference/Procedure - Continued

Permanent permission would consolidate the appearance and activity over a long term and the likely landscaping necessary to sufficiently filter or screen views of domestic activity and paraphernalia would itself be likely to represent an erosion of the rural nature of the roads and open field pattern. However, having mind to the short-term nature of the needs of the children and the limited time available to them to gain an education it is reasonable to consider a temporary permission and this was discussed at the Hearing. Paragraph 014 Reference of the Planning Practice Guidance states that such a permission may be used where it is expected that the planning circumstances will change in a particular way at the end of that period. In this case the children will grow-up and the supply of sites should become more certain, in addition to which a temporary permission would allow the appellant to regain control of the grazing situation and carry out some much-needed reinstatement of boundary treatment, secured by condition in a way that may not be so readily achievable at present. The Guidance goes on to say that it will rarely be justifiable to grant a second temporary permission as further permissions should normally be granted permanently or refused if there is clear justification for doing so... The expectation in this case is that at the end of a suitable temporary period, the need and supply situation would be resolved such that the appellant is able to gain access to a permanent base from which to travel... Significant weight does however attach to the ability to seek remedial works to the degraded boundary and to be able to effectively control future grazing, to the long term benefit of the character and appearance of the area... Residency would provide security for such as electric fences to control grazing... Having mind to the harm that would be caused, the policy constraints of the location and the stage reached in the Local Plan process, 5 years would be too long and would require near-permanent works to avoid undue harm over that lengthy period. Conversely, 2 years would be a somewhat short period in which to allow effective remedial works to the degraded land to be agreed and carried out, and would not allow the family sufficient time to both take up residency having satisfied preconditions, and to address their future housing needs. A period of 3 years from the date of this Decision would however allow time for these actions and would allow the appellant breathing space to re-unite the family and seek a permanent solution to their housing needs whether via the Local Plan or otherwise after its anticipated adoption date. That period would represent a reasonable balance between the conservation of the landscape character and the interests of the settled community on the one hand, and the interests of the children and facilitating the traditional and nomadic way of life on the other... The Decision that follows from the reasoning set out above would be a proportionate approach to the legitimate aim of protecting the environment, and granting permission for the 3 year limited period would have no greater impact on the family's human rights than would be necessary to address the wider public interest. As a result this Decision has had due regard to the Public Sector Equality Duty. Taking account of all matters raised, it is concluded that a 3 year temporary permission should be granted, and in view of the weight attached to the particular circumstances of the family, this should be made personal to them...

### COST APPLICATION

I refuse the application for an award of costs... the Statement of Common Ground, this was produced by the appellant in August 2017, but it contained some factual inaccuracies. As highlighted by the Authority, the Planning Practice Guidance cites a failure to complete a timely Statement of Common Ground as an example of behaviour that could lead to a procedural Costs award against an appellant...In many

**Reference/Procedure - Continued**

ways the factual matters are clear and straightforward, although it is unfortunate that the agent did not correctly state them. The Decision turns on the level of harm and the weight to be attached to other considerations, the facts of the case being, in the main, undisputed, leaving only matters of judgement, and agreement between the parties would not be likely in that event. There is no evidence that the appellant sought to deceive through the inaccuracies and no time at the Hearing was wasted due to the deficiencies of the Statement of Common Ground. The other part of the Authority's Application concerns the prospect of success of the Appeal... the Guidance states a reason for a substantive award of Costs as being where the appeal follows a recent appeal decision in respect of the same, or a very similar, development on the same, or substantially the same site where the Secretary of State or an Inspector decided that the proposal was unacceptable and circumstances have not materially changed in the intervening period... The most recent was the 2014 Secretary of State Decision and although on the same site, was for a materially greater number of caravans. ... whereas the current proposal is for a single static caravan and a tourer, which would come and go, and be smaller and less obvious in any event. There would be a reduction from 2 families to one, with a commensurate reduction in activity as a result... The circumstances of the site and its surroundings may not have changed greatly, although some changes have occurred, but it does appear to be the case that the policy situation has not moved along, rather, there has been delay... The increased time over which that has occurred should be considered a material change in the seriousness of the situation, with only a limited opportunity in time for children to be educated, and it is reasonable that the appellant should seek planning permission again and pursue it to appeal... To conclude, the matter of the Statement of Common Ground is unfortunate but does not indicate unreasonable behaviour, no time was wasted at the Hearing and the time spent by the Authority composing the e-mail of 5 January 2018 was no more than might be expected as their part of the process. There have been sufficient changes since 2014, such as the scale of the proposals and the ongoing, worsening effects on the family, to make the renewed application and subsequent appeal a reasonable response by the appellant. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated..."

17/02423/FUL  
Hunston Parish

Case Officer: Fjola Stevens

**ALLOWED**

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.

**Appeal Decision: APPEAL ALLOWED**

"The appeal is allowed and planning permission is granted for construction of 5 no. dwellings and associated works ... The main issue is whether Condition 8 is reasonable and necessary to protect the character and appearance of the Chichester Ship Canal (canal) and to conserve biodiversity interests on and near the site. ... The condition in dispute refers to approved plan 0861/LB01 Revision 02, which shows the plots of the 4 dwellings and a raised 'terrace forming min 2 m wide landscape buffer' (buffer) within the site by its north-west boundary. ... The appellant wishes to vary the condition to include a gate from each plot to give access to the canal tow path, to replace the proposed buffer

## Reference/Procedure - Continued

planting with grass and low level planting, and to omit the post and rail fence. A tall hurdle fence has been erected within the site, roughly 300 mm from the north-west boundary, and the gates are in place. ... Although the hurdle fence is barely visible, its rustic appearance harmonizes with the rural area on the opposite side of the canal. Its natural form and materials provide a sympathetic backdrop to the planting in views from the canal. By contrast, the erection of the solid timber gates has made unsightly gaps in the planting. The hard edged solid forms of the gates have a suburban appearance, which draws attention to the nearby partly screened dwellings, and the gates contrast starkly with the planting and the hurdle fence. The number and pattern of gaps in the planting also harmfully disrupts its important visual continuity. ... The gates also block sunlight at times to the detriment of the planting, and their use would be likely to maintain or enlarge the damaging gaps in the vegetation. ... As most foot and cycle traffic is confined to the tow path, and the other side of the planting is partly enclosed by the hurdle fence, the use of the gates would be likely to disturb nearby wildlife. As the comings and goings through the gaps would wear away the existing planting, trample undergrowth, and reinforce the discontinuity in the planting belt, they would be likely to have an adverse impact on, and would thus fail to conserve, ground and lower level fauna and flora. Thus, the gates and the gaps damage the natural environment and erode its biodiversity value, contrary to LP Policies 40, 48 and 49 and the Framework which aims to conserve the natural environment. Because the gates and gaps are not necessary, and they are harmful, it would not be reasonable to impose the part of the appellant's suggested condition that would allow them. ... Apart from the damage caused by the installation of the gates, which has been considered above, because it is outside the site, the canal side planting would barely be affected by the development. Thus, its important positive contribution to the character and appearance of the canal and to biodiversity interests would be conserved. ...As the development would have almost no effect on the planting, the buffer would not be necessary to conserve biodiversity interests on or near the site, or to safeguard its important contribution to local biodiversity networks. Thus, it would not be reasonable to impose the condition... Because the buffer is not necessary, the requirement for the post and rail fence to physically separate it from the gardens and the soft landscaping within it are also not necessary. ... As the private gardens would extend up to the hurdle fence by the canal, and as the existing and future occupiers would reasonably expect to choose planting for their private gardens, the Council's suggested conditions to exclude the terrace from the gardens and for landscaping would not be reasonable...For the reasons given above and having regard to all other matters raised, whilst the gates are not acceptable, the appeal otherwise succeeds."

17/01485/DOM  
Plaistow And Ifold Parish

Case Officer: Paul Hunt

**DISMISSED**

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.

### **Appeal Decision: APPEAL DISMISSED**

"...The appeals are dismissed... the main issue is whether the proposed development and works would preserve the special architectural or historic interest of the listed building or its setting... The historic architecture and the traditional form, scale and use of materials are

## Reference/Procedure - Continued

important to the character and appearance of the listed building. They also contribute positively to its special architectural interest and to its significance as a historic rural dwelling... Due to their modest heights, traditional forms, and the spaciousness above them, the outbuilding and link buildings have a subservient character, which visually separates the dwelling from the barn, and which enables the outbuilding within them to be understood. There is little to suggest that the relationship between the dwelling and the barn is historically authentic, but along with the cart-shed and cottage to the north and west of the drive, the surroundings are reminiscent of a traditional farmstead group. The generally open setting to the west of the listed building contributes positively to the significance of the dwelling because it enables its historic status as the principal farmstead building to be appreciated... because the substantial extension would be reached from, and sited on, the west side of the single storey links between the dwelling and the barn it would unacceptably intrude into the important open setting of the listed building. As the extension would also be deeper than the west end of the dwelling, and the cart-shed to the north of the drive would be close by, it would detrimentally encroach into the main route to the front door of the dwelling from the farm buildings and the drive. Thus, the dwelling would be isolated from the barn and enclosed by the extension. The extension would not be as tall as the dwelling. However, due to its scale, form and siting, the extension would be taller and more dominant than the outbuilding and link buildings, so its bulky form would unacceptably erode the important spaciousness between the dwelling and the barn. Because its irregular form and prominent copper sheet roof would contrast starkly with the traditional forms and materials of the existing buildings, the extension would draw attention away from the dwelling and its later additions including its out buildings and the barn. Thus, the unsympathetic extension would detract from the special interest of the listed building, and it would fail to better reveal the significance of the heritage asset. The historic fabric of the dwelling would not be directly affected by the extension. However, the outbuilding and the north link are also part of the listed building, which it is desirable to preserve. The proposal would cause a harmful loss of historic fabric in the west wall of the north link. As it is generally accepted that one of the best ways to preserve a listed building is to keep it in active use, the kitchen in the dwelling would stay in use as a kitchen. Even so, the displacement of at least part of its function to the extension would be likely, in time, to lead to its eventual loss, which would damage the historic plan form and the significance of the listed building. Whilst much of the structure of the outbuilding would be retained, the infill to its walls would be removed, so the sense of space in and around this comparatively rare service building, and its important relationship with the dwelling, would be harmfully diminished... the proposal would cause 'less than substantial harm' to the significance of the heritage asset paragraph 134... I have had regard to the appellant's personal circumstances; they do not amount to a public benefit. As almost no public benefits have been put to me they would not be enough to outweigh the less than substantial harm that the proposal would cause... I consider that the proposed development and works would fail to preserve the special architectural interest of the listed building and its setting...

Reference/Procedure	Proposal
<p>17/01486/LBC Plaistow And Ifold Parish</p> <p>Case Officer: Paul Hunt</p> <p><b>DISMISSED</b></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>
<b>Appeal Decision: APPEAL DISMISSED</b>	
As Above	
<p>* 16/03751/FUL Southbourne Parish</p> <p>Case Officer: James Cross</p> <p><b>DISMISSED</b></p>	<p>Nutbourne Farm Barns Farm Lane Nutbourne PO18 8SA - Change of use of existing storage building to a 2 bed holiday let.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>“The appeal is dismissed. The main issue is whether the building would be capable of conversion into a holiday let, having regard to the character and appearance of the area, the proximity to services and facilities, and the need for additional tourism accommodation in the area... The proposal would largely retain the existing size and appearance of the building... It would result in new walls and ceilings built off the floor slab and these new walls would support the existing structure, with substantial replacement of the existing roof coverings. The Structural Report suggests that the floor could be retained or replaced with a lower floor to increase the head room within the proposed unit. However, the Flood Risk Assessment requires the finished floor level be raised to ensure it would allow for a 1 in 100 year flood event level, including allowance for climate change. Given the extent of the works required to enable the use of the building as a holiday let, the proposal would require significant alteration or rebuilding that would be beyond what could be considered a conversion. For these reasons, I conclude that the proposed development would harm the character and appearance of the landscape that is within the AONB. As such, it would be contrary to Policies 2, 30, 45, 46, 47 and 48 of the LP that seek to maintain the character of the area, ensure development would have a minimal impact on the landscape and rural character and, in the case of holiday uses, limit the change of use of buildings in the countryside to traditional buildings of architectural or historic merit. Policy 46 of the LP also requires buildings to be capable of conversion without the need for significant extension, alteration or rebuilding. ... Given this location adjacent to the settlement, the proposed development would not be isolated. Outside the village, the policy states that development is restricted to that which requires a countryside location, meets an essential rural need or supports rural diversification in accordance with Policies 45-46 of the LP. Given the proximity of the proposed development to the settlement with links to the surrounding area including attractions such as the city of Chichester and the AONB, I conclude that the location of the proposed holiday let would be acceptable in terms of its proximity to services and facilities and would support rural diversification. Consequently, in those regards, it would comply with policies 2, 45 and 46 of the LP. ... I have concluded</p>	

**Reference/Procedure - Continued**

above that the proposed development would result in harm to the character and appearance of the landscape. So it would not maintain the tranquility and character of the area and would impact on the natural environment, albeit it that would otherwise not conflict with Policy 30 of the LP. ... I have found that the proposed development would have economic benefits in providing additional tourism accommodation and in supporting local services and facilities. However, that is not sufficient to outweigh the harmful environmental effect the works would have on the character and appearance of the landscape. “

SDNP/17/00294/FUL  
Sutton & Barlavington Parish

Case Officer: Beverley  
Stubbington

**DISMISSED**

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).

**Appeal Decision: APPEAL DISMISSED**

"... Its character, as is shown by the submitted survey photograph was a simple and functional low-key agricultural building. the building is or was located adjacent to the highway, The Street, and within the curtilage of the Grade II listed No. 1 Sutton Hollow. ... Partial reconstruction resulted in deviations for the approved plans. ... The principal road side wall has been rebuilt in its entirety and the original roof, including all the roof timbers has been removed. ...The plans also show that the ground level at the north end has been dropped, which may be as a result of the repositioning and rebuilding of the gable end incorporating glazed French windows. In addition, the 2017 plans show that brick quoins have been added to the north-east roadside corner, and the same brick detailing has been added around the French windows. ... The plans indicate that the footprint has increased. ... Loss of the hatch which was a feature to be retained. ... Prominent externally mounted flue and an increase in the width, depth and height of the lean-to extension. ... Responsibility for comply with the approved plans falls squarely on the appellant. ...so substantial that it amounts to its demolition and reconstruction. ...Followed separately by rebuilding... the structure now on the land have not resulted in the building permitted by the 2012 planning permission. ... The appellant has produces no evidence to substantiate the claimed use as B & B or tourist accommodation. .... the use of the building as erected is unclear ... erection constituted a breach of planning control. The appellant has in this case failed to discharge the burden of proof in an appeal on legal grounds. ... the sue of the building thereby erected. The use of the appeal building is dependent upon and consequent to the building operations which led to its erection. ... The building is unlawful. ... Description of the use of the appeal building in the allegation subject of the notice as a dwellinghouse is appropriate and reasonable. ... Accordingly the appeal on ground (b) fails. ... The building is unauthorized there is no permission to which any such condition can be imposed. ... The building on the side is not authorized. The original building has effectively ceased to exist because the majority or all of the former building has been demolished or removed as a result of the works undertaken in 2015. ... a new building in the countryside with the curtilage of the listed building. ... This application seeks permission for a self-contained annexe/holiday accommodation and this use could be assured by planning conditions. ... Development is small scale in nature. ... According the significance of this building was as a subservient low-key farm building which was evidence of the evolving history of the host building. ... The historic integrity of the listed former farmhouse is

**Reference/Procedure - Continued**

harmd by this inappropriate and prominent structure. Consequently the development harms the setting of the listed building and the significance of the former farm group ... National Planning Policy Framework (the Framework) says that this harm should be weighed against the public benefits of the proposal. ... It does not outweigh the harm to the designated asset. ... The Framework also says that great weight should be given to the conservation of landscape and scenic beauty in National Parks, and this outweighs any benefit to the rural economy particularly if, as in this case, that benefit could have been received by another less harmful development. Consequently the effect of the building as constructed seriously conflicts with adopted policy and the purpose of the National Park. It also fails to preserve the listed building or its setting or nay features of special architectural or historic interest it possesses. This outweighs any claimed boost to the rural economy and does not support the grant of planning permission. I have concluded in Appeal A that the listed curtilage building no longer exists and in these circumstances I cannot grant listed building consent and the appeal is turned away. The appeal is dismissed and the enforcement notice is upheld. Appeal B is dismissed. Appeal C is turned away. "

SDNP/17/00295/LIS  
Sutton & Barlavington Parish

Case Officer: Beverley  
Stubbington

**DISMISSED**

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).

**Appeal Decision: APPEAL DISMISSED**

As above

SDNP/15/00301/BRECON  
Sutton & Barlavington Parish

Case officer: Shona Archer

**DISMISSED**

1 Sutton Hollow The Street, Sutton, Pulborough ,West Sussex RH20 1PY - Breach of conditions - use and demolition

**Appeal Decision: APPEAL DISMISSED**

As Above

Reference/Procedure	Proposal
<p data-bbox="84 230 384 300"><u>17/00866/FUL</u> West Itchenor Parish</p> <p data-bbox="84 365 456 398">Case Officer: Claire Coles</p> <p data-bbox="84 461 261 495"><b>DISMISSED</b></p>	<p data-bbox="523 230 1380 450">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>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p data-bbox="84 566 1366 1223">“...The appeal is dismissed... the change of use of Owl Cottage and Pheasant Cottage to a single dwelling other than for tourist accommodation would restrict the supply of tourist accommodation in the area. As such, it would be contrary to Policy 30 of the LP that requires proposals involving the loss of tourist accommodation to demonstrate there is no proven demand for the facility and that it can no longer make a positive contribution to the economy. In addition, given the lack of viability it would also be contrary to Policies 1, 2 and 45 of the LP... the tourist accommodation contributes to the economy of the area, so its loss would have a negative economic impact. The provision of a single dwelling would have a minor positive social impact in contributing to the need for homes in the area where there may be a shortfall in housing land supply. There would be some environmental harm arising from the increased travel by private car, although the holiday cottages are also accessed by private car such that this harm would be minimal. Nevertheless, the economic and environmental harms would significantly and demonstrably outweigh the minor social benefit of provision of an additional dwelling... development would be contrary to the relevant policies of the Council’s Local Plan and there are no material considerations of such weight as to warrant a decision other than in accordance with the aforementioned Local Plan. Consequently, the appeal should be dismissed...”</p>	
<p data-bbox="84 1279 360 1348">* <u>17/00670/FUL</u> Westbourne Parish</p> <p data-bbox="84 1413 456 1447">Case Officer: Claire Coles</p> <p data-bbox="84 1487 245 1520"><b>ALLOWED</b></p>	<p data-bbox="523 1279 1380 1420">Meadow View Stables Monks Hill Westbourne Emsworth West Sussex PO10 8SX - Change use of land for the retail use of selling christmas trees for the period of 1 month each year start 24/11 to 24/12.</p>
<b>Appeal Decision: APPEAL ALLOWED</b>	
<p data-bbox="84 1630 1380 2056">“...The appeal is allowed and planning permission is granted for the selling of Christmas trees for the period of one month each year start date 24 November to end date 24 December ... development does not harm the character and appearance of the surrounding area. It satisfies Policies 45 and 48 of the Chichester Local Plan: Key Policies (LP) which seek to protect the landscape and the tranquil rural character of the area, and the National Planning Policy Framework (Framework) which aims to recognize the intrinsic character and beauty of the countryside....development is not likely to unacceptably endanger highway safety in Monk’s Hill. It satisfies LP Policy 39 which aims for proposal to have safe and adequate means of access, advice in Manual for Streets, and the Framework which says that development should only be prevented or delayed where the residual cumulative impacts of development are severe... the appellant is aware that a separate application for advertisement consent is required for the associated signage...”</p>	

Reference/Procedure	Proposal
<p data-bbox="84 230 456 300"><u>16/02717/OUT</u> Wisborough Green Parish</p> <p data-bbox="84 360 419 430">Case Officer: Katherine Rawlins</p> <p data-bbox="84 546 263 580"><b>DISMISSED</b></p>	<p data-bbox="523 230 1366 555">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>

**Appeal Decision: APPEAL DISMISSED**

“...Principle of development, clearly extra care accommodation does not, as a matter of principle, need a countryside location. Indeed, the evidence before me (for example the list in a report submitted to West Sussex County Council<sup>2</sup>) shows that such developments are usually located within a built-up area. Taking these matters together, it has not been demonstrated that the appeal scheme would meet an essential, small scale, and local need. As such, it seems to me that even if the appellant’s reading of the ‘requirement for a countryside location’ element of LP policy 45 were to be correct, the appeal scheme would still conflict with the first ‘limb’ of LP policy. Taking these matters together, the appeal scheme would conflict with NP policies OA2(c) and, taken overall, OA5. I therefore conclude that the scheme would conflict with Local Plan and Neighbourhood Plan policies that seek to resist development in the countryside outside settlement boundaries and within a local Landscape the LVA considers that there would be a major/moderate, material, adverse level of effect overall. I agree with this conclusion. Irrespective of the potential to introduce new landscape features in association with the proposed buildings, the open and undeveloped rural landscape of the site would be lost permanently. This would amount to material landscape harm. Taking the scheme’s landscape and visual effects together; I conclude that the area’s character and appearance would be materially harmed. In this regard, the scheme would conflict with LP policy 48 and NP policies OA2, OA5 and EN2 Heritage consider that the open and rural nature of the appeal site contributes significantly to the CA’s immediate setting. I conclude that the significance of the heritage asset would be unacceptably harmed. In my view, this would lie towards the high end of ‘less than substantial harm’ in the terms of the Framework. The proposal would conflict with LP policy 47 and NP policies OA2(d) and EN4 to my mind, the resulting degree of harm towards the Grade II listed building Brookland Farmhouse would be towards the low end of ‘less than substantial’. Nevertheless, this would amount to material harm and the proposal would therefore conflict with LP policy 47 and NP policy EN4 Highways I conclude that the scheme would have an adequate vehicular access. In this context, it would accord with LP policies 8 and 39. I therefore conclude that adequate pedestrian and cycle access would be available between the proposed development and the centre of Wisborough Green. In this regard, the scheme would also accord with LP policies 8 and 39. I therefore conclude that the appeal scheme would accord with national policies that seek to promote sustainable transport planning. Balanced, however these factors are outweighed by my conclusions that the scheme would conflict with Local Plan and Neighbourhood Plan policies that seek to resist development in the countryside outside settlement boundaries and within a local gap, that the area’s character and appearance would be materially harmed with regard to the scheme’s landscape and visual effects, and that the unacceptable harm that would be caused to the significance of the Wisborough Green CA would outweigh the scheme’s

## Reference/Procedure - Continued

benefits. In reaching this assessment, I am mindful that the appeal scheme would conflict with the NP. Paragraph 198 of the Framework states that where a planning application conflicts with a neighborhood plan that has been brought into force, planning permission should not normally be granted. To my mind, allowing the present appeal would act to undermine confidence in the neighborhood planning process that has taken place in Wisborough Green. For these reasons, I consider that the appeal proposal would not amount to sustainable development in the terms of the Framework. Notwithstanding that I have found that less weight should be afforded to the scheme's conflict with specific heritage policies, material considerations do not outweigh the other conflicts that I have identified with LP and NP policies. Overall conclusion for the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed

17/00934/FUL

Wisborough Green Parish

Old Helyers Farm Kirdford Road Wisborough Green RH14 ODD - Conversion of commercial equestrian indoor riding school barn to 3 no. dwellings.

Case Officer: Maria Tomlinson

**DISMISSED**

### **Appeal Decision: APPEAL DISMISSED**

" ... Local Plan Policy Appendix E sets further guidance for the conversion of commercial uses, and includes requirements for marketing. The inclusion of live-work units within the policies suggests that their commercial component is particularly important in contributing to the economic vitality of rural areas. In this instance, the floor space proportion allocated to the 'work' element of the proposed live-work units would be approximately 22%. I have taken account of the appellant's comments that the Council has previously allowed similarly proportioned development in circumstances not dissimilar to the case before me. However, in considering the Council's concerns over the layout of the proposed units, the isolated location of the 'work' element within each unit suggests that it would be ancillary to the residential function. I acknowledge that there is no definition of an acceptable live-work proportion split in the policy context, but in for the above reasons, I consider that the particular circumstances of the proposal and its design justifies further assessment under the criteria of Local Plan Appendix E. There would also be a reduction of the overall amount of the existing employment land, despite the fact that the current business would continue to operate on existing facilities outside the appeal site boundary. I will consider each of three applicable criteria in turn. Firstly, the appellant suggests that the current use of the indoor facility is not viable due to its nonstandard dimensions. However, detailed information has not been supplied in support of this, and additionally the loss of the stables has not been justified. Despite the proposition that alternative facilities could be built on the adjoining site in the future, these are not part of the appeal scheme and there is no guarantee that they would be built. Secondly, there is no evidence of marketing activity having taken place. Thirdly, the appellant notes that existing employment would be maintained, although there is no detailed evidence to demonstrate this. On balance, the requirements of Appendix E have not been satisfied and accordingly the proposal conflicts with the aforementioned policies. The Council has also raised concerns about the impact of a part-residential use in close proximity to the continuing equestrian use of the adjoining site. All major openings within the units would face the operation, and future occupiers

## Reference/Procedure - Continued

would have a clear view towards the site. Despite the separation of the converted building to its neighbor, the operation of the facility including the stables and passing traffic could potentially cause noise and disturbance to residents. The appellant's evidence to suggest any avoidance of impact or potential mitigation is limited in this regard. As such, I am not convinced that the future operation of the equestrian facility would not be prejudiced, nor that the requirement of Local Plan Policy 46 to provide proposals that are complementary to existing viable uses would be met. The appellant has raised the possibility that the dwellings could be occupied by workers connected to the continued equestrian use. However, there is no such formal undertaking before me; nor has it been suggested by either main party that the residential component could meet a particular housing need for essential agricultural workers, in the absence of alternative local facilities. As such, I have not given further consideration to this matter. I therefore conclude that the economic impacts of the proposed development, with regard to the replacement of the existing use, its effect on the continuing nearby outdoor equestrian operation, could be detrimental and that it has not been comprehensively demonstrated otherwise. The proposal would conflict with Local Plan Policy 46 and Neighborhood Plan Policy ED1, for the reasons set out above. The south elevation of the building would be altered to accommodate large openings on two storeys, with recessed balconies on the upper level. The Council has suggested that these would cause the building to appear incongruous, and given the lack of similarly nearby contemporary development, I agree with its assessment. However, visibility of the affected elevation would be limited to views from the south and primarily from the adjacent equestrian site and restricted by the retained stables. Accordingly, its impact would be limited and it would not detract from the established rural character of the surrounding area would not be significantly harmed. ... I therefore conclude that the proposed development would not have a significantly harmful impact on the character and appearance of the area. There would be no conflict with Local Plan Policies 33, 45 or 46 or Neighbourhood Plan Policy DS2 in this regard. Together, these policies require design to be of a high quality and appropriate in its context, amongst other factors. Paragraph 55 of National Planning Policy Framework (hereafter referred to the Framework) promotes sustainable development in rural areas, stating the development of new isolated homes in the countryside should be avoided. Although the Framework does not define isolation, it states that such development could be allowed in special circumstances. The proposed development would have a contemporary design and reuse an existing building, but there is no indication that it is particularly exemplary or meets the design standards listed in paragraph 55 of the Framework for development of this nature. Next, I turn to Local Plan Policy 45, which provides additional local context and lists requirements which I shall again consider in turn. The first criterion requires new development to be related to an existing farmstead or group of buildings. I consider this to be the case in this instance. Alternatively, the appeal site is physically close to an existing settlement, although the fact that it can only be accessed via a narrow rural road with no pedestrian segregation is a cause for some concern, suggesting that integration with the village and support of its local established facilities could be difficult for future occupiers of the development. Secondly, the proposal should be complementary to existing viable uses, and thirdly, its design should have a minimal impact on the surrounding rural landscape and character. In my consideration of the previous main issues, I found that this would not, and would, respectively, be the case. Given that the proposal could would not meet all of these criteria, it conflicts with Local Plan Policy 45. ...I therefore conclude that the proposed

**Reference/Procedure - Continued**

Secondly, the proposal should be complementary to existing viable uses, and thirdly, its design should have a minimal impact on the surrounding rural landscape and character. In my consideration of the previous main issues, I found that this would not, and would, respectively, be the case. Given that the proposal could not meet all of these criteria, it conflicts with Local Plan Policy 45. ...I therefore conclude that the proposed development would not be suitably located, having regard to its rural setting, and that it would conflict with Local Plan Policies 1, 2, 45 and 46, which together require development to be appropriately located, having regard to an established location hierarchy, amongst other considerations. It would also conflict with the Framework, for the reasons set out above. ... Although I have found that the proposed development would not have a significantly harmful impact on the character and appearance of the area and surface and foul water dispersal, it would present economic harm and would be unsuitably located within a countryside setting. It would also have the potential to harm protected species. These concerns outweigh the absence of harm with regard to the former considerations, and provide me with sufficient justification to dismiss the appeal

SDNP/17/01624/HOUS  
Woolbeding With Redford Parish

Case officer : Rafa Grosso  
Macpherson

**DISMISSED**

3 Claypit Cottages, Linch Road, Redford  
Woolbeding, GU29 0QF - Retrospective proposal to  
change existing UPVC casement windows to wooden  
sash with panes.

**Appeal Decision: APPEAL DISMISSED**

" The main issue is the effect of the existing and proposed wooden sash multipaned windows on the character and appearance of the host dwelling and its setting, including the group of Claypit Cottages. ... The casement windows of the dwelling are an important part of this character and whilst there is a good argument that they should be improved with modern replacements offering enhanced quality, safety and thermal efficiency, I consider it important that the casement style and proportions should be retained in a form that is sympathetic with the original building. ... In summary, the windows as currently proposed would have a harmful effect on the character and appearance of No. 3 Claypit Cottages and the group as a whole, namely the pairs of Nos. 1 & 2 and 3 & 4. I am of the opinion that they would draw the eye and be perceived as an incongruous alteration to the original building. ... "

### 3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>16/00933/OUT</u> Birdham Parish</p> <p>Case Officer: Jeremy Bushell</p> <p><b>Public Inquiry</b> <b>2-5 October 2018</b> Venue to be confirmed</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>SDNP/17/01998/FUL</u> Bury Parish</p> <p>Case Officer: Derek Price</p> <p><b>Written Representation</b></p>	<p>Arun Cottage The Street Bury RH20 1PA - Demolition of existing dwelling and erection of replacement dwelling with associated landscape design.</p>
<p><u>SDNP/17/02952/FUL</u> Bury Parish</p> <p>Case Officer: Derek Price</p> <p><b>Written Representation</b></p>	<p>Hadworth Barn Hadworth Lane Bury RH20 1PG - Proposed agricultural storage building.</p>
<p><u>SDNP/17/03896/HOUS</u> Duncton Parish</p> <p>Case Officer: Bev Stubbington</p> <p><b>Written Representation</b></p>	<p>Duncton Mill House Dye House Lane Duncton GU28 0LF - New detached ancillary residential outbuilding comprising with garaging, storage and attic room.</p>
<p><u>SDNP/17/03224/FUL</u> Easebourne Parish</p> <p>Case Officer: Rafael Grosso Macpherson</p> <p><b>Written Representation</b></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>

Reference/Procedure	Proposal
<p><u>SDNP/16/04519/FUL</u> East Lavington Parish</p> <p>Case Officer: John Saunders</p> <p><b>Written Representation</b></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><b>Written Representation</b></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>SDNP/17/00949/FUL Funtington Parish</p> <p>Case Officer: Derek Price</p> <p><b>Hearing</b></p>	<p>Land South of Braefoot, Southbrook Road, West Ashling West Sussex - Retention and continued use of mobile home for gypsy family occupation including existing timber shed and refuse enclosure.</p>
<p>SDNP/16/00496/OPDEV Funtington Parish</p> <p>Case Officer: Shona Archer</p> <p><b>Hearing</b></p>	<p>Land South of Braefoot, Southbrook Road, West Ashling West Sussex - Insertion of a cesspit and engineering works</p>
<p><u>15/00375/CONCOU</u> North Mundham Parish</p> <p>Case Officer: Reg Hawks</p> <p><b>Public Inquiry</b> <b>22/05/2018</b> Chichester City Council North Street Chichester PO19 1LQ</p>	<p>Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex - Without planning permission, the change of use of a building to use as a dwellinghouse. Without planning permission, the erection of a dwellinghouse.</p>

Reference/Procedure	Proposal
<p data-bbox="84 230 416 297"><u>15/00375/CONCOU</u> North Mundham Parish</p> <p data-bbox="84 365 446 398">Case Officer: Reg Hawks</p> <p data-bbox="84 461 464 651"><b>Public Inquiry</b> <b>27/09/2017</b> Chichester District Council East Pallant House PO19 1TY</p>	<p data-bbox="521 230 1350 331">Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex - Change of use of barn to residential.</p>
<p data-bbox="84 723 416 790"><u>16/00424/ELD</u> North Mundham Parish</p> <p data-bbox="84 857 446 891">Case Officer: Reg Hawks</p> <p data-bbox="84 954 424 1144"><b>Public Inquiry</b> <b>22/05/2018</b> Chichester City Council North Street Chichester PO19 1LQ</p>	<p data-bbox="521 723 1372 902">10 Acres Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex 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.</p>
<p data-bbox="84 1216 416 1283"><u>17/00838/ELD</u> North Mundham Parish</p> <p data-bbox="84 1350 472 1384">Case Officer: Caitlin Boddy</p> <p data-bbox="84 1447 464 1637"><b>Public Inquiry</b> <b>20/03/2018</b> Chichester District Council East Pallant House PO19 1TY</p>	<p data-bbox="521 1216 1378 1283">Field House Vinnetrow Road Runcton PO20 1QB - Erection of building and its use as a dwellinghouse</p>
<p data-bbox="84 1709 368 1776"><u>15/00202/CONAGR</u> Oving Parish</p> <p data-bbox="84 1843 446 1877">Case Officer: Reg Hawks</p> <p data-bbox="84 1939 440 1973"><b>Written Representation</b></p>	<p data-bbox="521 1709 1337 1809">Ham Farm Church Lane Oving West Sussex PO20 2BT - Appeal against new agricultural building, earth bund and access track.</p>

Reference/Procedure	Proposal
<p data-bbox="84 230 363 302"><u>17/00074/CONENF</u> Oving Parish</p> <p data-bbox="84 353 480 387">Case Officer: Shona Archer</p> <p data-bbox="84 427 438 461"><b>Written Representation</b></p>	<p data-bbox="521 230 1334 336">Decoy Farm Decoy Lane Oving Chichester West Sussex PO20 3TR - Appeal against non-compliance with Enforcement Notice O/11 - O/12.</p>
<p data-bbox="84 526 363 598"><u>17/00074/CONENF</u> Oving Parish</p> <p data-bbox="84 658 480 692">Case Officer: Shona Archer</p> <p data-bbox="84 732 438 766"><b>Written Representation</b></p>	<p data-bbox="521 526 1334 631">Decoy Farm Decoy Lane Oving Chichester West Sussex PO20 3TR - Appeal against non-compliance with Enforcement Notice O/27 - O/28.</p>
<p data-bbox="84 840 296 911"><u>16/03997/OUT</u> Selsey Parish</p> <p data-bbox="84 972 458 1005">Case Officer: Steve Harris</p> <p data-bbox="84 1046 341 1117"><b>Informal Hearing</b> <b>16.05.2018</b></p> <p data-bbox="84 1122 421 1227">Chichester City Council North Street Chichester PO19 1LQ</p>	<p data-bbox="521 840 1334 945">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>
<p data-bbox="84 1288 304 1359"><u>17/01892/DOM</u> Selsey Parish</p> <p data-bbox="84 1420 363 1491">Case Officer: Maria Tomlinson</p> <p data-bbox="84 1514 397 1547"><b>Householder Appeal</b></p>	<p data-bbox="521 1288 1334 1359">47 Wellington Gardens Selsey PO20 0RF - Retrospective single storey detached outbuilding ancillary to the house.</p>
<p data-bbox="84 1624 363 1695"><u>16/00359/CONTRV</u> Sidlesham Parish</p> <p data-bbox="84 1756 493 1789">Case Officer: Emma Kierans</p> <p data-bbox="84 1830 341 1901"><b>Informal Hearing</b> <b>4.07.2018</b></p> <p data-bbox="84 1906 462 2011">Chichester District Council East Pallant House PO19 1TY</p>	<p data-bbox="521 1624 1334 1695">Land Adj To Ham Road Sidlesham West Sussex - Appeal against Enforcement Notice SI/69</p> <p data-bbox="537 1736 922 1769">LINKED TO 16/03383/FUL</p>

Reference/Procedure	Proposal
<p><u>16/03383/FUL</u> Sidlesham Parish</p> <p>Case Officer: James Cross</p> <p><b>Informal Hearing</b> <b>4.07.2018</b> Chichester District Council East Pallant House PO19 1TY</p>	<p>Land Adjacent To Ham Road Sidlesham West Sussex - Use of land as a travellers caravan site consisting of 2 no. touring caravans, 1 no. amenity structure and associated development.</p> <p>LINKED TO <u>16/00359/CONTRV</u></p>
<p><u>17/01679/DOM</u> West Wittering Parish</p> <p>Case Officer: Maria Tomlinson</p> <p><b>Written Representation</b></p>	<p>Chislehurst 53 Marine Drive West Wittering PO20 8HQ - Two storey front extension, rear extension and conversion of loft space to habitable accommodation.</p>
<p><u>16/00094/CONMHC</u> Westbourne Parish</p> <p>Case Officer: Reg Hawks</p> <p><b>Public Inquiry</b> <b>1-2 May 2018</b> Chichester District Council East Pallant House PO19 1TY</p>	<p>Racton View Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ - Appeal against stationing of a mobile home for human habitation</p>
<p><u>16/00191/CONCOU</u> Westbourne Parish</p> <p>Case Officer: Reg Hawks</p> <p><b>Written Representation</b></p>	<p>The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Appeal against change of use to tarmac contractor.</p>

Reference/Procedure	Proposal
<u>16/03010/FUL</u> Westbourne Parish  Case Officer: Caitlin Boddy  <b>Public Inquiry</b> <b>01/05/2018</b> Chichester District Council East Pallant House PO19 1TY	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).
<u>17/00378/FUL</u> Westbourne Parish  Case Officer: Caitlin Boddy  <b>Written Representation</b>	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.

#### 4. VARIATIONS TO SECTION 106 AGREEMENTS

#### 5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

#### 6. COURT AND OTHER MATTERS

High Court		
Site	Matter	Stage
Land at Breach Avenue, Southbourne	Challenge of Inspector's decision letter dated 2 <sup>nd</sup> November 2017	Application lodged 12 <sup>th</sup> December 2017. Supplementary Statement of Grounds lodged on 7 <sup>th</sup> February 2018. Awaiting Court's permission to proceed with the claim.
Court Hearings		
Site	Matter	Stage
Decoy Farm, Oving	County Court Claim for Clearance costs	Case Management. Pre-Trial Review: 24 April 2018

<b>Prosecutions</b>		
<b>Site</b>	<b>Breach</b>	<b>Stage</b>
Field West of Five Oaks	Breach of Enforcement Notice	Court date obtained for first hearing on 25 May 2018
The Old Tanneries	Breach of Enforcement Notice	Hearing adjourned to 25 May 2018 for review of compliance

## **7. POLICY MATTERS**

NONE