

Chichester District Council

Planning Committee

Wednesday 16 May 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
17/01644/FUL Westhampnett Parish Case Officer: Claire Coles Written Representation	Land North Of Junction With Old Arundel Road Stane Street Maudlin Westhampnett West Sussex - Proposed construction of 5 no. dwellings.

2. DECISIONS MADE

Reference/Procedure	Proposal
17/00838/ELD North Mundham Parish Case Officer: Caitlin Boddy Public Inquiry	Field House Vinnetrow Road Runcton PO20 1QB - Erection of building and its use as a dwellinghouse
Appeal Decision: APPEAL DISMISSED	
<p>“...the effective basis of the application was that what was built did not comply with the previous planning permission and the confirmation sought was that the development is not controlled by the planning permission and its conditions...The appeal is dismissed...there is no dispute between the parties that the three conditions are written so as to prevent development occurring until after the actions identified have been carried out. It is also common ground that the conditions were breached in that there was no application to discharge the requirements of the conditions. Condition 5 relates to landscaping with reference to tree protection and condition 7 relates to retention and protection of trees. The application plans, submitted and approved and required by the permission to be followed, showed elements of landscaping, albeit not in detail identifying particular plants, but identifying their general location, and again landscaping on site appeared to follow the principle of this. I conclude that conditions 5 and 7 did not go to the heart of the permission. ...Condition 3 is more important in terms of the potential to go to the heart of the permission in that poor material choice could have been harmful to the development itself, impacting on the surrounding environment. However, here again the approved plan indicates a great deal of detail...Inspection of the building shows it to have been constructed in accordance with the permitted drawings.I conclude that in this situation where the drawings are reasonably detailed in terms of materials that condition 3 did not go to the heart of the planning permission. I therefore conclude that the three conditions did not prevent the planning permission being implemented by the development that has occurred and that it is controlled by the associated conditions. the Council’s deemed refusal to grant a certificate of lawful use or development in respect of erection of a building and its use as a dwellinghouse was well-founded.</p>	

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p>16/00933/OUT Birdham Parish Case Officer: Jeremy Bushell</p> <p>Public Inquiry 2 - 5 October 2018 at 10am Vicars Hall, The Royal Chantry, Cathedral Cloisters, Chichester, West Sussex, PO19 1PX</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>SDNP/17/01998/FUL Bury Parish Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Arun Cottage The Street Bury RH20 1PA - Demolition of existing dwelling and erection of replacement dwelling with associated landscape design.</p>
<p>SDNP/17/02952/FUL Bury Parish Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Hadworth Barn Hadworth Lane Bury RH20 1PG - Proposed agricultural storage building.</p>
<p>15/00064/CONLB Chichester Parish Case Officer: Sue Payne</p> <p>Public Inquiry</p>	<p>13 Parchment Street Chichester West Sussex PO19 3DA - Appeal against LB enforcement notice req removal of 3 no. UPVC casements windows in Grade II listed building in Conservation Area.</p>
<p>SDNP/17/03896/HOUS Duncton Parish Case Officer: Bev Stubbington</p> <p>Written Representation</p>	<p>Duncton Mill House Dye House Lane Duncton GU28 0LF - New detached ancillary residential outbuilding comprising with garaging, storage and attic room.</p>

Reference/Procedure	Proposal
<p>SDNP/17/03224/FUL 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>SDNP/16/04519/FUL 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>SDNP/17/02266/FUL 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>SDNP/17/00949/FUL Funtington Parish</p> <p>Case Officer: Derek Price</p> <p>Hearing</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>Hearing</p>	<p>Land South of Braefoot, Southbrook Road, West Ashling West Sussex – Mobile home inc insertion of a cesspit and engineering works- appeal against enforcement notice.</p>
<p>SDNP/17/05536/CND Harting Parish</p> <p>Case Officer: Rafa Grosso-Macpherson</p> <p>Written Representation</p>	<p>Tye Oak Farm, East Harting Hollow Road, East Harting, Petersfield, West Sussex, GU31 5NA - Variation of Condition 2 of planning permission SDNP/17/01720/FUL - Modifications to internal layout, external appearance and landscape layout.</p> <p>Linked to SDNP/17/05537/CND</p>

Reference/Procedure	Proposal
<p>SDNP/17/05537/CND Harting Parish</p> <p>Case Officer: Rafa Grosso-Macpherson</p> <p>Written Representation</p>	<p>Tye Oak Farm, East Harting Hollow Road, East Harting, Petersfield, West Sussex, GU31 5NA - Variation of condition 2 of permission SDNP/17/02124/LIS. Modified internal layout, external appearance and landscape layout.</p> <p>Linked to SDNP/17/05536/CND</p>
<p>15/00375/CONCOU North Mundham Parish</p> <p>Case Officer: Reg Hawks</p> <p>Public Inquiry 22/05/2018 at 10:00am 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, change of use of a building to use as a dwellinghouse. Appeal against enforcement notice.</p>
<p>16/00424/ELD North Mundham Parish</p> <p>Case Officer: Reg Hawks</p> <p>Public Inquiry 22/05/2018 at 10:00am 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 for in excess of 4 years of barn style building erected under planning permission 10/00517/FUL granted on 28 April 2010.</p>
<p>17/00074/CONENF 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 notice ref: O/27</p>

Reference/Procedure	Proposal
<p data-bbox="84 230 363 300"><u>17/00074/CONENF</u> Oving Parish</p> <p data-bbox="84 365 480 398">Case Officer: Shona Archer</p> <p data-bbox="84 461 437 495">Written Representation</p>	<p data-bbox="521 230 1334 300">Decoy Farm Decoy Lane Oving Chichester West Sussex PO20 3TR - Appeal against enforcement notice - O/28.</p>
<p data-bbox="84 562 296 631"><u>16/03997/OUT</u> Selsey Parish</p> <p data-bbox="84 696 456 730">Case Officer: Steve Harris</p> <p data-bbox="84 792 491 969">Informal Hearing 16/05/2018 at 10:00am Old Court Room, Chichester City Council, North Street, PO19 1LQ</p>	<p data-bbox="521 562 1334 667">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 1055 304 1124"><u>17/01892/DOM</u> Selsey Parish</p> <p data-bbox="84 1189 360 1258">Case Officer: Maria Tomlinson</p> <p data-bbox="84 1279 395 1312">Householder Appeal</p>	<p data-bbox="521 1055 1385 1160">47 Wellington Gardens Selsey PO20 0RF - Retrospective application single storey detached outbuilding ancillary to the house.</p>
<p data-bbox="84 1391 363 1460"><u>16/00359/CONTRV</u> Sidlesham Parish</p> <p data-bbox="84 1525 491 1559">Case Officer: Emma Kierans</p> <p data-bbox="84 1621 475 1655">Informal Hearing 04.07.18</p>	<p data-bbox="521 1391 1369 1529">Land Adj To Ham Road Sidlesham West Sussex – without planning permission, stationing of a mobile home for the purposes of human habitation. Appeal against Enforcement Notice SI/69.</p>
<p data-bbox="84 1727 336 1796"><u>16/03383/FUL</u> Sidlesham Parish</p> <p data-bbox="84 1861 491 1895">Case Officer: Emma Kierans</p> <p data-bbox="84 1957 475 1991">Informal Hearing 04.07.18</p>	<p data-bbox="521 1727 1342 1865">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. Linked to 16/00359/CONTRV above.</p>

Reference/Procedure	Proposal
<p>17/00031/CONMHC Southbourne Parish</p> <p>Case Officer: Shona Archer</p> <p>Public Inquiry</p>	<p>Land North Of Marina Farm Thorney Road Southbourne Hampshire - Without planning permission, change of use of the land to a mixed or dual use for the grazing of horses and the stationing of a mobile home for the purposes of human habitation. Appeal against enforcement notice.</p>
<p>17/01679/DOM West Wittering Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</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>16/00094/CONMHC Westbourne Parish</p> <p>Case Officer: Reg Hawks</p> <p>Public Inquiry held 01.05.18 Awaiting decision</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. Linked to 16/03010/FUL.</p>
<p>16/00191/CONCOU Westbourne Parish</p> <p>Case Officer: Reg Hawks</p> <p>Written Representation</p>	<p>The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Appeal against enforcement notice – without planning permission, change of use to tarmac contractor’s yard. Linked to 17/00378/FUL.</p>
<p>16/03010/FUL Westbourne Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Public Inquiry Awaiting Decision</p>	<p>Racton View Marlpit Lane Hambrook Westbourne PO10 8EQ - Retention of mobile home for a temporary period of 3 years (revised application further to 16/01547/FUL). Linked to 16/00094/CONMHC.</p>

Reference/Procedure	Proposal
17/00378/FUL Westbourne Parish Case Officer: Caitlin Boddy Written Representation	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. Linked to 16/00191/CONCOU.
17/01644/FUL Westhampnett Parish Case Officer: Claire Coles Written Representation	Land North Of Junction With Old Arundel Road Stane Street Maudlin Westhampnett West Sussex - Proposed construction of 5 no. dwellings.

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

High Court		
Site	Action	Stage
Breach Avenue, Southbourne	Challenge of Inspectors Decision letter dated 2 nd November 2017	Permission to proceed with claim granted. Hearing set for Wednesday 20 th June 2018 (one day)

Court Hearings		
Site	Matter	Stage
Decoy Farm, Aldingbourne	Civil claim for clearance costs	Pre-Trial Review adjourned. Date to be confirmed. Case not ready to proceed to trial. More documents to be served by both parties. It is anticipated trial will be listed in September.

Prosecutions		
Site	Offence	Stage
Field West of Five Oaks	Failure to comply with the requirements of an Enforcement Notice	First hearing:- Court date: 25 May at Worthing Magistrates' Court

7. POLICY MATTERS