

For questions regarding this agenda please ask for Chris Punnett - email: chris@conservancy.co.uk

16<sup>th</sup> November 2011

## **CHICHESTER HARBOUR CONSERVANCY - PLANNING COMMITTEE**

A meeting of the Conservancy's Planning Committee will be held at **11.15am** on **Monday 21<sup>st</sup> November 2011** at **County Hall, Chichester**.

*\* Members are reminded of the decision at the last meeting that all future committee meetings should begin at 11.15am. This has now been arranged with County Hall for the remainder of 2011 and all of 2012. A revised timetable is enclosed with this agenda.*

### **SIÚN CRANNY**

Director

### **AGENDA**

#### **1. Apologies**

#### **2. Declaration of Interest**

Members and officers are invited to make declarations of personal or prejudicial interests that they may have in relation to items on the agenda and are reminded to make declarations at any stage during the meeting if it then becomes apparent that this may be required when a particular item or issue is considered.

#### **3. Minutes** of the Committee meeting held on 24<sup>th</sup> October 2011 (page 3).

#### **4. Urgent Matters**

Items not on the agenda which the Chairman of the meeting agrees should be considered as a matter of urgency due to special circumstances (if members have any urgent matters they are asked to consult the Clerk before the meeting).

#### **5. Development Control Applications**

- (i) To consider planning applications upon which the Conservancy has been consulted, which members have been notified of previously, and to make recommendations to the appropriate local planning authority (page 11).
- (ii) To consider a planning application upon which the Conservancy has been consulted but which it was not possible to circulate to members for prior consultation, and to make recommendations to the appropriate local planning authority (page 24).

## **6. Chichester Harbour Conservancy Planning Guidelines**

To consider a report by Conservancy officers (page 27).

## **7. Development Control - Delegated Action**

To note action taken by the Director, with the agreement of the Chairman, in submitting observations on planning applications upon which the Conservancy has been consulted by the local planning authorities, comments on which were required before the date of this meeting (page 31).

## **8. Appeal Decisions**

To note two Appeal decisions issued by the Planning Inspectorate (pages 35 and 45 respectively).

**Date of Next Meeting:** The next meeting of the Committee will be held at **11.15am on Monday the 19<sup>th</sup> December 2011**, at County Hall, Chichester.

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### **Committee Members**

Chichester DC:	Mr David Myers (one vacancy) Deputy: Mr John Connor
Hampshire CC:	Mr Tim Knight (ex officio as Chairman of the Conservancy) Mr Frank Pearce Mr Alan Rice (Vice-Chairman) Deputies: Mrs Ann Buckley and Dr Ray Ellis
Havant BC:	Jackie Branson and Mr John Smith
West Sussex CC:	Mr Bill Acraman Mr Lionel Barnard Mr Pieter Montyn (ex officio as Vice-Chairman of the Conservancy) Deputy: Mrs Louise Goldsmith
AC Cons' Members:	Mr Nick Fox and Mr Steven Schrier (Chairman) Deputy: Mr Peter Taylor
Local residents:	Mr Keith Martin
Farming/landowning:	Mr Simon Sprackling
Environmental:	Mr Steve Gilbert
Additional two reps:	Mr Michael Glanville and Mr Peter Henshaw

## CHICHESTER HARBOUR CONSERVANCY

### PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held at County Hall, Chichester on 24<sup>th</sup> October 2011.

Present:

Mr Steven Schrier (Chairman)

Jackie Branson

Mr Michael Glanville

Mr Peter Henshaw

Mr Tim Knight

Mr Keith Martin

Mr Pieter Montyn

Mr David Myers

Mr Frank Pearce

Mr Alan Rice

Mr John Smith

Mr Peter Taylor\*

\*Mr Taylor deputised for Mr Nick Fox

Officers: Linda Park (Planning Officer) and Chris Punnett (Administrative Officer)

### APOLOGIES

391. Apologies were received from Mr Nick Fox and Mr Steve Gilbert.

### MINUTES

392. **Resolved** that the minutes of the meeting of the Committee held on 19<sup>th</sup> September 2011 be approved as a correct record and signed by the Chairman.

### DEVELOPMENT CONTROL APPLICATIONS

393. The Committee considered a report detailing the recommendations of the Manager & Harbour Master to the local planning authorities on Development Control applications, a copy of which is attached to the signed minutes. The Planning Officer presented the applications utilising a PowerPoint presentation to identify and describe the applications and sites.

#### **APP/11/01080 (A): Mill Rythe Holiday Village, 16 Havant Road, Hayling Island, Hampshire, PO11 OPB - change of use of part of the land for the siting of 31 static caravans**

394. The Committee considered the information contained in the report, as detailed below:

395. These were the Conservancy's comments on the original plans submitted with this application:

*"Mill Rythe Holiday Village is a development of predominantly short-term holiday lets and leisure facilities situated on the east coast of Hayling Island. The site sits on the south side of the Mill Rythe inlet and is outside but immediately adjoining the AONB boundary, which runs along the shoreline and around the eastern boundary of the holiday village at this point so as to exclude it from the designation. Nonetheless, the holiday village includes several large buildings which are clearly visible from the AONB including from the water and the public footpath on the north side of Mill Rythe.*

*“Permission was granted in May 2009 for refurbishment of one of the main accommodation buildings and its conversion from 24 one-bedroom short-stay units to 8 one/two-bedroom medium stay units (08/54406/024 refers). It was argued that this would provide a wider range of tourism services within the site that would reflect and adapt to the changing market conditions where medium-stay holiday lets have become more popular in this country, thereby providing benefits for long-term tourism in the area. This included various external alterations, including an improved palette of materials that was considered by the Conservancy to improve the appearance of the building and its setting within the rural landscape as viewed from the AONB.*

*“The current application proposes the siting of 31 static 'caravans' within the northern part of the site extending to the sea wall adjacent to Chichester Harbour. No detailed elevations have been submitted but a layout plan and indicative cross-section elevation shows that the caravans would be large mobile-home structures on wheels/stilts and would be higher than the raised sea bank and therefore visible from the Harbour and wider landscape. A limited amount of planting is indicated on the plan but this would be mostly behind or in between the structures as viewed from the Harbour.*

*“The application includes a detailed flood-risk assessment and measures include that the bases of the caravans will be 500mm above the ground, a flood warning and evacuation plan, and the restriction of the lifetime of the development to 25 years. The application asks that a condition limiting occupancy to ten months of the year not be imposed and also that there not be a condition seeking to control the design or asking for elevations of the caravans, because the exact design will depend upon the manufacturer chosen and may be subject to change.*

*“The supporting statement fails to acknowledge the location of the site on the edge of the AONB, but argues that being single-storey, the proposed static caravans would be partially screened from the existing sea defences and will be lower in height than the existing facilities building and many of the chalets, and therefore would be easily assimilated into the landscape. The statement also argues that the 31 new caravans would not result in over-intensive use of the site particularly when considering the fact that 20 of the proposed caravans would be a replacement of those lost via removal of staff caravans and as a result of the loss of chalets through the implementation of the 2009 permission, which reduced the overall number of bed-spaces at the Holiday Village (and, it is stated, has contributed to its eventual insolvency). It is stated that the applicant has not entered into pre-application discussions but has submitted this application as they are keen to get the site out of administration and into a viable trading position.*

*“National Policy and Saved Local Plan/Core Strategy policies are supportive in principle of the improvement of tourist sites including static caravans, provided proposals comply with other policies relating to the character and appearance of the countryside. Policy CS12 of the Core Strategy requires amongst other things that development conserves and enhances the special qualities of Chichester Harbour AONB, meets the aims of the AONB Management Plan and is appropriate to the economic, social and environmental wellbeing of the area. Policy DM4 relates specifically to static holiday caravan development and requires that the development has a close physical relationship to existing caravan sites, and is used for holiday purposes only with a limited period of occupancy (a maximum of ten months per calendar year), making the clear distinction between holiday caravans which are often located outside the urban area (such as would be the case here) and residential dwellings which should be located within existing settlements.*

*“While we are supportive in principle of the improvement of tourist facilities within existing tourist sites, Planning Guideline K2 of the AONB Management Plan cautions against the expansion of caravan sites and instead favours the small-scale, sympathetic conversion of existing buildings for holiday accommodation. In this instance, we are concerned about the scale and density of the proposed development and its proximity to the Harbour (the caravans would be located in one of the most exposed parts of the site as viewed from the*

*AONB). The limited plans submitted demonstrate that the 'caravans' would be clearly visible in views from the water and footpath to the north beyond the existing sea wall, and the lack of screening to the north and typical appearance/colour of caravans/mobile homes would be likely to create a significant visual intrusion into the landscape, particularly at this density and in this prominent position on the site, thereby failing to conserve or enhance its special qualities or contributing positively to the landscape in accordance with the requirements of Core Strategy Policies CS12 or DM9.*

*"We would question whether an alternative location within the existing holiday complex which is less exposed could be explored and would suggest that the conversion/adaptation of existing buildings (or creation of more sympathetic permanent buildings rather than caravans/mobile homes) would be more appropriate in this extremely sensitive rural location on the edge of the AONB. We also question the need for 31 additional holiday units so soon after it was argued that the 2009 conversion would provide a wider range of tourist facilities to adapt to changing market conditions and improve the overall tourist offer of the site. We feel that there may be some scope for a smaller-scale development in an alternative location on the site set back further from the water and with the provision of suitable screen planting to soften any impacts, but this would need to be very carefully designed so as to minimise any increased visual intrusion in the AONB (materials and colours would also be important - for example, light colours such as white or cream should be avoided). However, we would still question the appropriateness of caravans/mobile homes on this site given its existing character and its exposed position in the wider AONB, and would encourage a more considered approach that responds to the landscape setting and accords with Saved Local Plan and Core Strategy policies. Recommend refuse."*

396. The Planning Officer Advised that the applicant had submitted a letter rebutting the Conservancy's concerns and stating that the proposals would not be harmful to the AONB; however, it failed to address any of the concerns or to answer any of the questions raised. Revised plans have now been submitted which show the caravans moved slightly southwards to allow space for a strip of scattered new planting in the area closest to the sea wall. However, the number of caravans remains the same and otherwise the proposal has not been materially altered.
397. The Committee agreed that the latest revised plan does not fully address the concerns and queries raised in the Conservancy's previous comments. It would still result in a significant number of caravans sited in close proximity to the harbour and AONB, being located in one of the most visually sensitive parts of the site. The proposed caravans would still be likely to be visible from the water and the public footpath to the north even with the proposed planting. Members agreed that for environmental reasons it would be preferable to find an alternative location on the site less exposed to view from the AONB, on this fragile coastline, and to consider the conversion of existing buildings or creation of more sympathetic structures such as wooden chalets.
398. **Resolved** that Havant Borough Council be advised that the Conservancy recommends that the application be refused, for the reasons set out in the officers' report.

**APP/11/01211: Crabbers Nip, 60 Bracklesham Road, Hayling Island, PO11 9SJ - two-storey extension comprising first floor extension and additional accommodation at second storey level, with terrace and balcony, with timber cladding**

399. The Committee considered the information contained in the report, as detailed below:

"Crabbers Nip' is a two-storey flat roofed house in white painted render, located at the end of Bracklesham Road, south of the entrance road leading to Hayling Island Sailing Club. Many of the nearby properties on Bracklesham Road have extended upwards with a third storey, varying between pitched and flat roofed additions. The original style of properties is the 'Art Deco' style which the current property retains, and is reflected also in the line of properties running northwards from the site along Wittering Road, fronting onto the harbour.

"The house is visible from the entrance road and also in more distant views from the footpath as it runs northwards along the shingle arm to the sailing club. In views from the east it is viewed against the backdrop of the roof extensions at the properties to the west. In views from the northeast it is viewed against a backdrop of trees.

"The application seeks permission for a first and second floor extension, which would occupy the southern part of the footprint over the existing garages. It would follow the 'cube-like' form of the existing house and would be clad in timber. The existing house roof would be made into a balcony with the addition of railings. The east elevation would include a continuous row of square windows.

"The application property is set in between extended properties on Bracklesham Road to both the north and south, and is currently significantly lower than these properties. The proposed extension would not occupy the whole footprint but would retain the 'stepped' element which is a feature of the 'Art Deco' properties in the immediate area (those which have been retained in their original form or sympathetically extended). The extension would be clearly visible for some distance from the public footpath and harbour; however, viewed in the context of the nearby extensions (some of which are unsympathetic) it would not appear out of place. The proposed timber cladding would work well to break up the massing of the building and limit any visual intrusion in wider views, particularly from the northeast. We would ask that the timber is finished in a suitable natural or dark wood stain or left to weather naturally. We would also ask that the glazing on the east elevation be given greater vertical subdivision to break up its proportions and limit its reflective impacts."

400. The Committee concurred with the Planning Officer's conclusions, and agreed that the proposed property would be acceptable subject to appropriate conditions. Some concern was raised that the proposals would exceed the recommended maximum increase of 25% to the silhouette of the property as set out in the recently updated AONB Design Guidelines for New Dwellings and Extensions; however, the majority of members felt that in this particular instance, given the location of the property in between extensions of a similar or greater height, the proposals would not be unduly detrimental to the wider landscape.
401. **Resolved** that Havant Borough Council be advised that the Conservancy proposes no objection but asks that the following matters be negotiated if possible: -
- (i) Cladding to be natural timber (not synthetic) and finished in a natural or dark stain (or left to weather naturally);
  - (ii) Glazing on east elevation at second floor level be given greater vertical subdivisions.

**BO/11/03765/DOM: Feygate, The Drive, Bosham, Chichester, PO18 8JG - rear and side extensions to existing property. relocation of garage**

402. The Committee considered the information contained in the report, as detailed below:

"'Feygate' is a white painted detached chalet style house on the east side of 'The Drive' in Bosham. It forms the southernmost property in a row of matching houses, with a larger detached house directly to the south. Views of the site are limited to those from the road, as the site is set behind four larger houses on the opposite side of the road which front onto the School Rythe inlet. The site falls within the Settlement Policy Area. The existing property has a large flat roofed single-storey extension and conservatory to the rear.

"Permission is sought for a large roof extension which would extend the existing pitched roof between 8 and 9 metres rearwards above the existing single-storey flat roofed element, to provide increased first floor accommodation. The application also proposes to relocate the garage to the north side of the property, and for a two-storey side extension on the south side with pitched roof dormers in a 'barn hipped' roof which would be slightly below the height of the main roof.

"We acknowledge that the site is not exposed in the wider AONB; however, we are concerned that the scale of the proposed roof extension seems excessive in relation to the existing and neighbouring dwellings of matching design, and that the proposed new section of roof extending towards the rear garden, being larger than the existing roof, would make the building unduly dominant and bulky, to the detriment of local character as viewed from various points within The Drive. We would prefer to see this reduced in depth and possibly set down from the main ridge to reduce its impact."

403. The Committee concurred with the Planning Officer's conclusions, and agreed that the proposed property would not be acceptable because the scale of the proposed roof extension is excessive in relation to the existing and neighbouring dwellings, and the proposed new section of roof would make the building unduly dominant and bulky to the detriment of local character.
404. **Resolved** that Chichester District Council be advised that the Conservancy recommends that the application be refused, for the reasons set out in the officers' report.

**BO/11/04055/DOM: Pheasant Lodge Old Park Lane Bosham Chichester West Sussex PO18 8EX - proposed timber framed double car port and associated log store**

405. The Committee considered the information contained in the report, as detailed below:

"These were the Conservancy's comments on the previous application (BO/11/01838/DOM):-

*"'Pheasant Lodge' is a dwelling on the south side of Old Park Lane, located in between Church Farm and Dovecote House. It was formerly a barn associated with Church Farm but permission was granted for its conversion in 1996. It lies within the rural area, and there are views of the existing buildings from Old Park Lane to the north and northeast, particularly in the winter. However, the site is fairly well enclosed by trees which in the summer limit views into the site except across the frontage of Church Farm. There are no public footpaths to the south with views of the site.*

*"Permission for a large extension to the south side of the barn was refused permission and subsequently dismissed on appeal in 1998, on the grounds of it resulting in consolidation of the developed area and being an unduly prominent feature in the landscape and harmful to the character, appearance and openness of the AONB, closing in the openness of views from Old Park Lane out into the surrounding countryside. In 2004 permission was refused again for an extension to the south side of the barn, on similar grounds, although the Conservancy had raised no objection given the limited views from the road or wider landscape. In 2005 permission was granted for a smaller extension on the north side of the*

*barn, to mirror the former granary and linked to the existing building with an interconnecting single-storey glazed link. Again, the Conservancy raised no objection due to its appropriate scale, height and materials and limited public views. This extension has been constructed.*

*"A further application was submitted in 2009 (BO/09/03093/DOM) for a large extension of a similar size to the original barn, attached to the west side of the granary extension via a small glazed link, with its length running east to west across the northern part of the site. The Conservancy raised an objection on the grounds that the extension would have been unnecessarily obtrusive in the landscape as viewed from Old Park Lane due to its scale, position and orientation. We acknowledged the applicants' need to stay in close proximity to their business at Church Farm for security reasons and their wish to expand the property to accommodate their family, and therefore stated we would be supportive in principle of a smaller extension. The application was withdrawn.*

*"A later application (BO/10/01699/DOM) sought permission for a relocated extension to the south of the original barn building of a reduced scale which helped to overcome the Conservancy's previous concerns relating to the visual impact as viewed from Old Park Lane, as the extension would now be sited partially 'behind' the existing building from this perspective, and its greater distance from the road would make its impact significantly less noticeable. However, we commented that we would not wish to see any further extensions to this property, which was originally a modest agricultural barn; given its rural position within the AONB. We therefore asked that a suitable condition be imposed to restrict permitted development rights. We also asked for a suitable condition to require window frames, fascias/soffits and gutters to match the existing building. Permission was subsequently granted subject to conditions.*

*"The current application seeks permission for the erection of a detached double car port with lean-to log store, to the west of the recently permitted extension. This would be of timber frame construction with a clay tiled barn-hipped roof, and would measure approximately 5.4 x 7.8m and 4.4m high.*

*"This proposed extension would increase the footprint and massing of the dwelling to an extent that would close the openness of views from Old Park Lane and increase the size of what was originally a modest curtilage structure to an extent that would be harmful to the character of Church Farm and its setting, and the character of this very rural part of the AONB. We previously raised concerns over the possibility of any further extensions to this property, as the latest permission for an extension to the southern end of the dwelling was considered to be the maximum increase likely to be acceptable, given the impact of cumulative additions to the original building. The application includes no justification for this further proposed extension and it should be noted that the Council's Historic Buildings Adviser considers that this proposed further extension would contradict the carefully considered approach to the previous extensions. Recommend refuse."*

*"The last application was subsequently withdrawn. The current application seeks permission for the same car port, in a different position on the site, further away from the dwelling adjacent to the western side boundary, tucked behind the trees which form a group on the northwestern part of the site and along the boundary with Old Park Lane. This would involve a new sweeping driveway leading to the car port; however, the area of hardsurface proposed would be less than for the previous application. Overall this more discreet position would be a significant improvement from the previous application, and would appear as an outbuilding rather than an extension to the already significantly extended dwelling. Views from Old Park Lane would be limited to those across the frontage of Church Farmhouse and from opposite the driveway entrance."*

406. The Committee agreed that given the appropriate design and materials and revised siting, the proposal would not be harmful to the rural character of the

area, provided the existing trees are retained as shown in the application.

407. **Resolved** that Chichester District Council be advised that the Conservancy proposes no objection but asks that the following matters be negotiated if possible: -

- (i) Retention of existing trees as shown in the application;
- (ii) Schedule/samples of materials to be agreed prior to construction (we would ask that the timber cladding is finished in a natural or dark stain or left to weather naturally);
- (iii) A suitable condition to ensure the building is used for ancillary purposes to the main dwelling.

#### **DEVELOPMENT CONTROL - DELEGATED ACTION**

408. The Committee considered a report on action taken under delegated powers, with the agreement of the Chairman and following consultation with the Planning Committee Sub-Group, in making recommendations on behalf of the Conservancy on planning applications to Havant Borough and Chichester District Councils, a copy of which is attached to the signed minutes.

409. **Resolved** that the action taken under delegated powers be noted.

#### **TIME OF MEETINGS**

410. A member suggested that all future meetings should begin at 11.15am, as this would give members the remainder of the day for other commitments. The Committee agreed with this suggestion.

411. The officers agreed to re-arrange all future Planning Committee meetings to begin at 11.15am, subject to accommodation being available at County Hall.

The meeting started at 11.15am and ended at 12noon.

Chairman

**Next Meeting:** The next meeting of the Committee will commence at **11.15am** on **Monday the 21<sup>st</sup> November 2011** at County Hall, Chichester.

**CHICHESTER HARBOUR CONSERVANCY****PLANNING COMMITTEE****21<sup>st</sup> NOVEMBER 2011****REPORT BY THE DIRECTOR****DEVELOPMENT CONTROL APPLICATIONS****BI/11/03981/FUL: WOPHAMS LANE NURSERY, WOPHAMS LANE, BIRDHAM, CHICHESTER, WEST SUSSEX. PO20 7BS****ERECTION OF GROUND MOUNTED SOLAR PHOTOVOLTAIC PANELS.****Planning Policy Framework**

PPS 7 paragraph 21; RE1, RE4, BE11, RE8, RE12: Adopted Chichester District Local Plan 1999. Chichester Harbour AONB Management Plan 2004-2009: BD1: Appendix 3: Policies B5, B6.

**Conservancy Officers' Comments**

Wophams Lane Nursery is located on the east side of Birdham Road, opposite Chichester Marina. It lies just outside but close to the AONB (the boundary of which runs along the Birdham Road) and within the rural area, and comprises several horticultural glasshouses and 'The Barnyard' farm shop and garden centre, including 'Blue Ribbon plants'.

Permission was refused in 2010 for the replacement of 2 existing glasshouses within the eastern part of the site and the erection of a new glasshouse within the southwestern part of the site, adjacent to the main road and AONB boundary. The Conservancy objected due to the landscape impact of a building of this size in such close proximity to the AONB, and the Council's reasons for refusal supported this view.

The current application seeks permission for the installation of ground mounted solar photovoltaic panel arrays in 3 locations. Location A would be set back from the road to the south and east of the existing glasshouses; and locations B and C would be sited in the fields directly adjacent to the road, to the north and west of existing buildings (set back a minimum of 48 metres from the road). The panels would be set at an angle of 35 degrees with a maximum height of 1.8m and each of the 3 arrays would measure a total of 60 metres long and 27 metres wide. Details of the panels, including silver frames and patterns have been included in the application. The application lacks information regarding the management of the site, for example, whether the ground areas would be grazed or mown and whether the remainder of the field would continue to be used for 'pick your own' fruit and vegetables.

Location A would be sited beyond the largest existing glasshouses as viewed from the AONB and would therefore not be visible from the west. Locations B and C would be significantly closer to the AONB, although from most perspectives would be well screened by the existing mature hedgerow of mixed native species which runs along the north and west boundaries of the field (alongside the roads). There are views through to

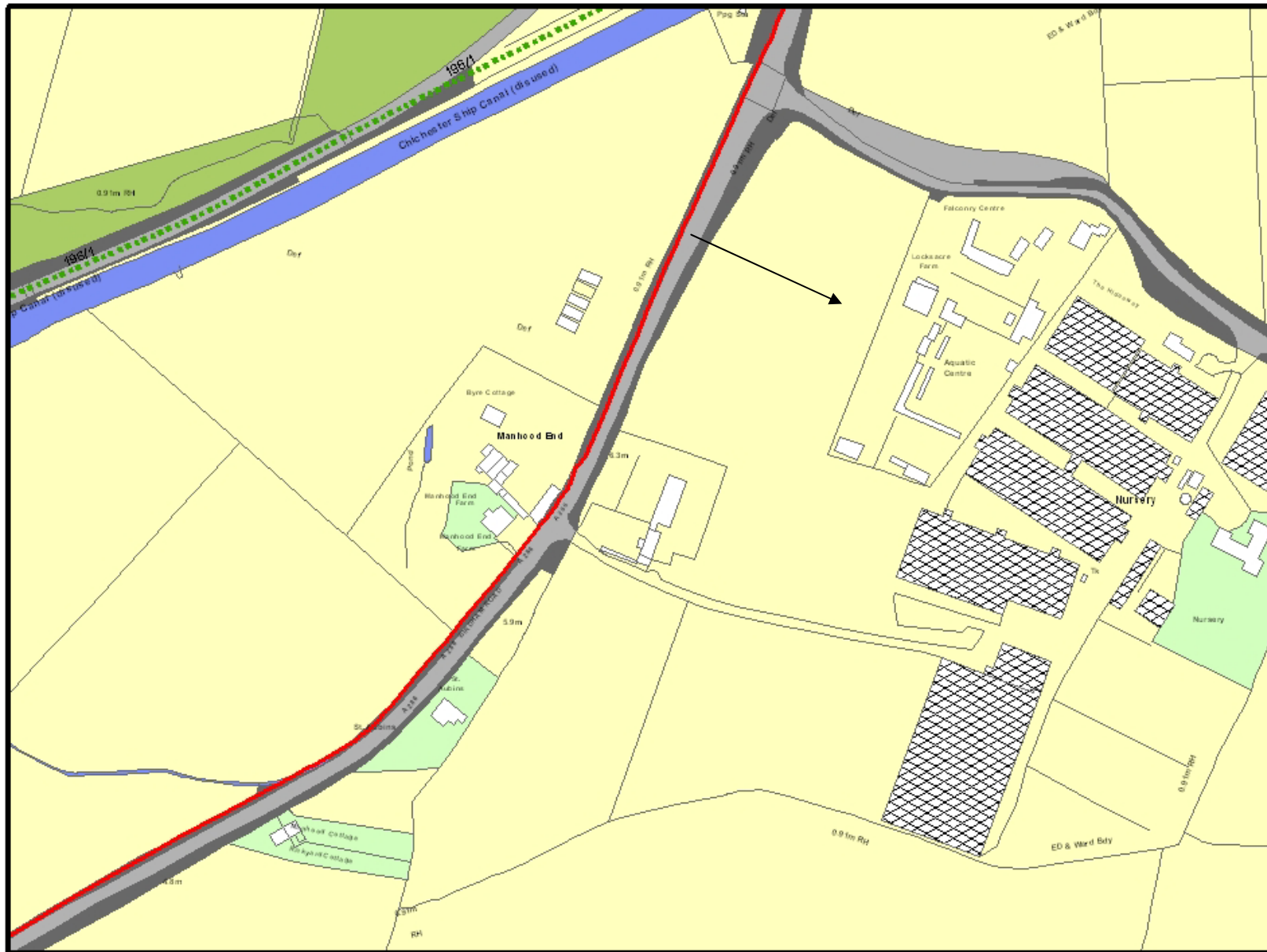
locations B and C from the Birdham Road to the southwest opposite the farm shop due to the lower height of the roadside hedge, and therefore we would suggest that additional planting could be provided on the southern boundary of the field to help screen the panels from this perspective. We would also ask for suitable conditions to ensure that there is no security lighting or fencing installed which would be detrimental to the rural character of the area or cause significant light pollution, and that any proposed hardsurfacing is limited and of appropriate materials.

### **Recommendations**

Propose no objection but ask that the following matters be negotiated if possible: -

- New hedge be planted on the southern boundary of the field to screen the panels from view from the southwest;
- Suitable conditions be included in any permission granted to apply appropriate controls over any security lighting, fencing or hardsurfacing.

# Wophams Lane Nursery



**APP/11/01536: 68 KING STREET, EMSWORTH, PO10 7AZ**

**REFURBISHMENT OF EXISTING DWELLING TO INCLUDE: NEW FENESTRATION LAYOUT ON MAIN HOUSE, THE REBUILDING OF THE EXISTING CONSERVATORY WITH SOLAR PANELS ON THE ROOF, A NEW LARGER GARAGE WITH PITCHED ROOF, NEW SCREEN WALL BETWEEN HOUSE AND GARAGE AND NEW EXTERNAL AND ROODING MATERIALS ON HOUSE AND GARAGE.**

### **Planning Policy Framework**

PPS 7 paragraph 21; CS11, CS12, CS16, DM8, DM9: Havant Core Strategy 2011. Chichester Harbour AONB Management Plan 2004-2009: BD1: Appendix 3: Policies B2, B3. Chichester Harbour AONB Design Guidelines for New Dwellings and Extensions.

### **Conservancy Officers' Comments**

68 King Street is a 1960s dwelling located on its own projecting quay on the eastern end of the Emsworth Harbour frontage, just north of Emsworth Yacht Harbour, and west of the Slipper Mill Pond. It lies within the AONB and the Emsworth Conservation Area. The site is unusual in that all four sides of the building are clearly visible from public viewpoints including from the wider landscape - there are clear views of the west and south elevations from the head of the Emsworth channel, 'the promenade' public footpath to the west, and the footpaths at Emsworth Yacht Harbour; and clear views of the east and north elevations from the footpaths around the Slipper Mill Pond to the east. The existing building is somewhat incongruous due to its use of yellow brickwork and its modern design proportions in comparison with the majority of buildings along the main Emsworth Harbour frontage, which are of more traditional design in red brick with tiled roofs. It comprises a two-storey pitched roof element with a projecting flat roofed sunroom, and a single-storey matching pitched roof element, as well as a flat roofed double garage in the northeast corner of the plot.

Two applications have been submitted in summer 2010; one for the refurbishment and extension of the existing dwelling (APP/10/00350 refers); and the other for its demolition and wholesale replacement (APP/10/00455 refers), with a new 5-bedroom house. Both applications would lead to the same resulting building. Conservancy officers had been presented conceptual plans of a proposed new building prior to the applications, and had commented that any increase in bulk would need to be carefully assessed and invited plans showing a comparative outline of existing and proposed elevations, so that the increase in size could be properly assessed. We also made comments encouraging the use of techniques to minimise the impact of glazing, such as deep eaves overhang, louvres, vertical subdivision of windows and the use of muted or dark coloured frames if large areas of windows are proposed. Finally, we discouraged the proposed use of light blue weatherboarding as suggested and commented that any material and finish should reflect or compliment the surrounding traditional brick buildings.

The submitted plans with the 2010 applications showed a contemporary dual mono-pitched roof design for the main two-storey part of the dwelling, with a wrap-around glazed balcony element, attached to a large single-storey element with a multi-pitched roof incorporating a living room, bedroom with ensuite, sauna, 12.5m long swimming pool, a gym, garage and store. This element would extend fully to the north boundary of

the site (where the existing flat roofed garage would be demolished), and would include a row of high level glass panels on a vertical wall facing west. The Conservancy raised serious concerns about the overall design and bulk of the proposed dwelling, which had dramatically changed since the pre-application scheme, and it was clear that there would be a substantial increase in bulk as well as footprint with the proposed new building. Of further concern was the design and extent of glazing. The Conservancy concluded that the overall impression from the many exposed public viewpoints would be of a large, contemporary building incorporating large areas of glazing, its scale, bulk and design contributing to its impression of being beyond domestic in appearance, and invited the applicant to reconsider the design to address the concerns raised with regard to bulk, glazing and materials.

The application was withdrawn and a revised scheme (APP/10/00926) introduced a more contemporary, striking roof design with an inverted dual mono-pitch on the two main elevations rising towards the edges. The Conservancy felt that these changes would further increase the prominence of the building in wider views, in particular the more striking roof design and increased glazing at first floor level; and therefore moved even further away from what was considered potentially acceptable in such an exposed location within the AONB. The application was subsequently approved by the Borough Council.

A further application (APP/11/01064) showed a return to a more traditional roof shape of 'dark patinated zinc with a matt finish'. The Conservancy felt the more traditional roof form and other improvements to the design would substantially reduce the perceived bulk and intrusiveness of the building in comparison with the very strikingly 'contemporary' design of the approved scheme. However, we were unsure about how the zinc roof would fit into the historic waterfront and also felt that the extent and proportions of glazing on the west and south elevations remained unsympathetic and therefore we maintained an objection on this basis. The application was approved by the Borough Council.

This latest application proposes to refurbish the existing dwelling with new external materials of subdued natural stone render, retaining the existing concrete tiled roof, with new windows of grey aluminium and solid oak external doors. The existing conservatory would be re-built with solar panels added to the roof; and the existing garage would be replaced with a larger pitched roof building (containing a triple garage and annex accommodation), but would remain much lower than the main building.

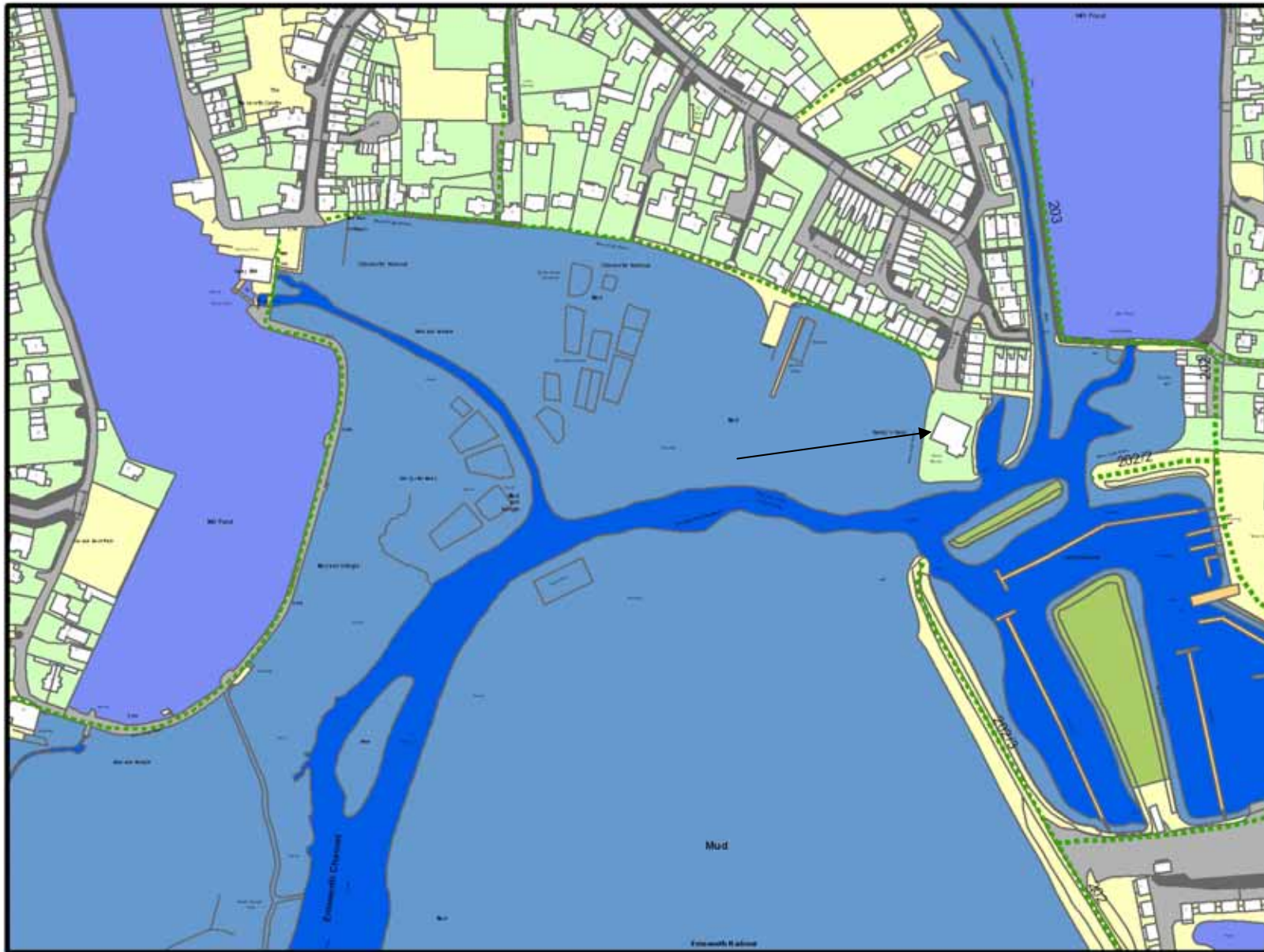
Overall the current scheme would have significantly less impact on the AONB given that the changes involve modest refurbishment of the existing elevation materials, a replacement conservatory with solar panels (which would appear from the plans to be hidden from view by a parapet roof) and a 'brise soleil' to shade upper parts of the glazing; replacement windows and a new garage of limited height which would not be intrusive in views from the surrounding footpaths or the harbour. Our only specific comments would include that materials and external finishes should be agreed by condition, to include soffits and fascia boards, window frames and the colour of the proposed render to ensure that it takes the opportunity of improving the building's appearance in the historic water-frontage. We would also ask that the existing planting on the site is retained and enhanced, and that details of the proposed solar panels are agreed to ensure that they are not visible from public viewpoints. We would also prefer to see vertical subdivision in the conservatory and for the windows on the south, east and west elevations to break up their proportions and reduce reflectivity.

## **Recommendations**

Propose no objection but ask that the following matters be negotiated if possible: -

- Samples of materials to be agreed by condition, to include window frames, soffits and fascia boards, and render colour;
- Retention and enhancement of existing planting on the site;
- Details of solar panels to be agreed to ensure that these are out of sight from public viewpoints; and
- Conservatory windows and square windows on the south, east and west elevations to be given vertical subdivisions.

# 68 King Street, Emsworth



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**BO/11/04547/DOM: FIELD END, SHORE ROAD, BOSHAM, CHICHESTER, WEST SUSSEX. PO18 8QL.**

**THE INSTALLATION OF 18NO. PHOTOVOLTAIC PANELS ON THE SOUTH WEST ROOFSLOPE OF THE PROPERTY.**

### **Planning Policy Framework**

PPS 7 paragraph 21; RE1, RE4, BE11: Adopted Chichester District Local Plan 1999. Chichester Harbour AONB Management Plan 2004-2009: BD1: Appendix 3: Policy B5.

### **Conservancy Officers' Comments**

'Field End' is a modern detached dwelling located on the southern side of School Rythe and Shore Road. It is a rectangular shaped building with a shallow pitched roof covered in grey tiles, with a gable fronting onto the harbour and a balcony underneath overhanging eaves.

A certificate of lawfulness application was submitted recently (BO/11/03577/PLD) for the installation of 18 photovoltaic solar panels on the southwest roofslope of the property, and this was refused due to the fact that 'Permitted Development' (PD) rights had been removed by the original permission in 2003. The Conservancy acknowledged that we had no particular remit in its determination as the application was to be determined on facts of planning law alone; however, we did flag our concerns regarding the potential visibility of the solar panels given the exposed harbourside position of the property and therefore we encouraged the applicant to consider anti-glare panels with black borders in order to limit their visual impacts.

The current application seeks planning permission for the 18 photovoltaic solar panels on the southwest roofslope. The panels would be positioned on the rear portion of this roofslope, occupying just under half of its area. 'Sharp' manufacturers details have been included which show a typical panel with silver borders and a silver lattice pattern on a black panel.

Conservancy officers have viewed the site from the water in the Bosham channel and the School Rythe inlet and note the visibility of the building for significant distances to the west and northwest. However, given the contemporary design of the dwelling, the shallow nature and grey colouring of the existing roof, and the proposed positioning of the panels on the rear portion of the roofslope where they would be less clearly visible (partly due to the presence of a mature tree alongside the building); it is felt that the panels would be unlikely to be unduly intrusive in the landscape. The panels would be unlikely to be visible from the historic core of Bosham on the north side of the inlet due to the orientation of the roof. However, given the views from the water to the west and northwest, we would still encourage the use of panels with black borders (we understand that these are available) as this would significantly reduce any visual intrusion and help the panels to blend better with the existing roof. We would also ask for the southwest boundary tree to be retained as this helps to screen parts of the roof in views from the west.

## **Recommendations**

Propose no objection but ask that the following matters be negotiated if possible: -

- Applicant considers using panels with black borders;
- Retention of southwest boundary tree.



**SB/11/04339/DOM: PRINSTED HOUSE, PRINSTED LANE, PRINSTED, EMSWORTH, HAMPSHIRE, PO10 8HS**

**16 NO. PV SOLAR PANELS TO REAR GARDEN.**

### **Planning Policy Framework**

PPS 7 paragraph 21; RE4, BE11, BE12: Adopted Chichester District Local Plan 1999. Chichester Harbour AONB Management Plan 2004-2009: BD1: Appendix 3: Policy B5.

### **Conservancy Officers' Comments**

These were the Conservancy's comments on a previous application for ground-mounted solar PV panels at this property (SB/11/03041/DOM refers):-

*"Prinsted House is a large detached dwelling located to the south of Prinsted in an isolated rural position, adjacent to Thornham Marina. It has a large garden to the south and east of the house, which meets the foreshore footpath on its southeast corner. The boundaries of the garden are marked by planting, including a mature hedgerow on the boundary with Thornham Lane to the west which provides an effective screen. There are views through the gaps in the more sparse boundary planting on the northeast boundary from the water and foreshore footpath to the north and east.*

*The application seeks permission for a free-standing solar pv panel in the southwest corner of the garden. The structure would comprise a row of 4 panels totalling 6.69 metres long, 1.29 metres high and 0.88 metres deep. The panels would be slanted at a 30 degree angle facing due south.*

*There are likely to be glimpsed views of the proposed structure from the foreshore footpath and water to the north and east, and therefore we would ask for a suitable planting scheme to provide new shrub planting directly to the north, to help to break up the outline of the structure and/or screen it from view from these perspectives. We would also ask that the planting on the north-east boundary of the garden be supplemented to fill in the gaps and therefore reduce the views through towards the proposed structure, given the exposed position of the site adjacent to the foreshore and harbour. Propose no objection but ask that the following matters be negotiated if possible:-*

- New shrub planting to the north of the proposed structure;*
- Supplementary planting on the northeast boundary to infill the existing gaps".*

The application was approved, although the Council felt that a condition for additional screen planting would not be reasonable due to the amount of existing established planting and the distance of the panels from public viewpoints.

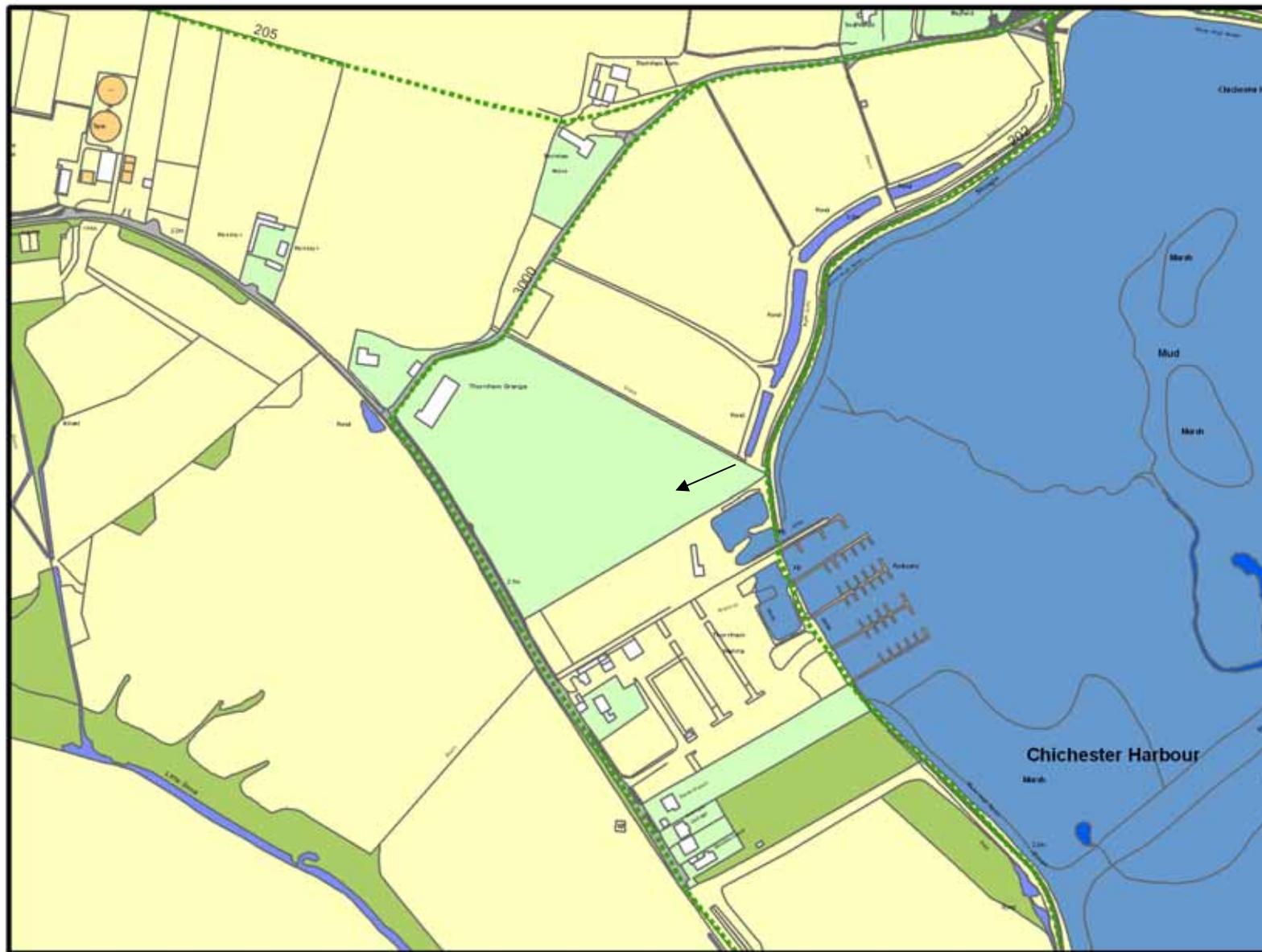
The current application seeks permission for 4 rows of the panels, rather than 1 row as granted under the recent permission, set further north into the garden but with the provision of new Birch tree planting along the north and east sides of the panels. The location of the panels and the proposed additional planting should ensure that they are not intrusive features in the landscape, and therefore we would not wish to raise an objection provided a suitable condition is included to ensure that the new planting is provided. We would however comment that Birch is not a native species typical of the AONB and we would prefer to see native species considered as an alternative.

## **Recommendations**

Propose no objection but ask that the following matter be negotiated is possible:

- New planting to be provided in the first available planting season and to be native species typical of the AONB.

# Prinsted House



0 50 100 200 Meters



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**SB/11/04317/FUL: GLEBE FARM, MAIN ROAD, SOUTHBOURNE, HAMPSHIRE  
ERECTION OF AGRICULTURAL BARN (AMENDED DESIGN TO THAT PERMITTED  
UNDER SB/11/02573/PNO AND SB/10/05521/PNO).**

**Planning Policy Framework**

PPS 7 paragraph 21; RE1, RE4, BE11 Adopted Chichester District Local Plan 1999. Chichester Harbour AONB Management Plan 2004-2009: BD1: Appendix 3: Policies A2, B3.

**Conservancy Officers' Comments**

Glebe Farm has recently been split from Weston Fruit Farm and includes apple orchards located on the south side of Main Road, in the rural area west of Nutbourne. A prior notification application was permitted for an agricultural barn for a machinery store, cold store and farm office (11/02573/PNO refers). Planning permission was also granted for an access track leading from Main Road southwards and westwards to the proposed barn (11/00606/FUL refers), to which the Conservancy did not object. The current application seeks planning permission for a slightly amended siting and an amended design for the agricultural barn. The supporting statement states that the holding of 15 acres needs to have a barn to house machinery, tools and have a cool room and packhouse for the apples and other fruit, along with a small farm office and washroom in order to comply with Health and Safety requirements.

The barn would be sited further from the field boundary trees than the permitted barn to ensure the retention of these trees, in the southwest corner of the field, to the south of Main Road. The barn would be 12.2m x 6.2m with a pitched roof rising to 7.3m high. It would be clad in untreated oak with a brick plinth and a cedar shingle roof. The permitted access track and hardstanding would be surfaced in crushed sandstone.

This is a well screened site where views of the site are limited to those from Main Road. The proposed barn may be glimpsed through gaps in the trees during the winter months but it would not appear unduly intrusive given the level of screening, design and proposed natural materials. We would therefore not wish to raise an objection, provided that the District Council is satisfied of the agricultural need for this building. We would however ask for suitable conditions to agree a schedule/samples of materials and finishes for the building, and also for the access track/hardstanding and any proposed gate onto Main Road which should be appropriate to the rural character of the site. We would also ask for a suitable condition to ensure the retention of all boundary trees/planting, and controls on any external lighting, which should be limited given the rural location of the site.

## **Recommendations**

Propose no objection but ask that the following matters be negotiated if possible: -

- Schedule/samples of materials to be agreed prior to construction, including building, access track/hardstanding and any proposed entrance gate onto Main Road;
- Retention and management of boundary planting;
- Suitable controls on any external lighting.

# Glebe Farm



0 115 230 460 Meters

**CHICHESTER HARBOUR CONSERVANCY****PLANNING COMMITTEE****21<sup>st</sup> NOVEMBER 2011****REPORT BY THE DIRECTOR****PROPOSALS TO EXPAND AND REVIEW THE CHICHESTER HARBOUR CONSERVANCY PLANNING GUIDELINES (APPENDIX 3 OF THE AONB MANAGEMENT PLAN)****1. Introduction**

- 1.1 The Conservancy's planning guidelines are contained within appendix 3 of the AONB Management Plan. This is attached to this report as Annex 1, and is separately page-numbered.
- 1.2 The planning guidelines have not been formally 'adopted' by the Local Planning Authorities as the main body of the AONB Management Plan has, but rather their purpose is to guide the Conservancy's Members and officers when assessing planning applications or changes to planning policies at all levels. The guidelines interpret the national and local planning policy framework as it applies to Chichester Harbour AONB.
- 1.3 The review of the AONB Management is the normal opportunity to review the Planning Guidelines but there are important issues which have arisen since the last review that now require relevant amendments to be made. For example, there is no policy addressing the issue of recreational disturbance from new housing development, which has become a very important and significant issue in the past few years as evidence is beginning to emerge regarding ways in which it can affect the wildlife in Chichester Harbour, and potential mitigation of these effects.
- 1.4 Similarly, there is no Conservancy planning guideline addressing the issue of the impact of new housing development on water quality, which is also a significant and current issue for the Harbour, given the recent problems of prolonged periods of storm overflows from the Chichester Waste Water Treatment Works at Apuldram.
- 1.5 In addition, there is also a need for review of some of the existing key policies within the guidelines. For example, given the increasing popularity of renewable energy proposals, in particular for wind turbines and solar panels, particularly since the 'feed-in tariff' has made these a more attractive option for householders and businesses, there is a need to review the existing policies on renewable energy. The Conservancy is currently in the process of producing a detailed guidance document providing a steer as to which types of renewable energy are more likely to be appropriate within or close to the AONB, and to encourage ways of minimising impacts on the landscape. The policies within the planning guidelines should reflect this guidance and make reference to it, which means updating and reviewing the current policies on this topic.

- 1.6 There are also a number of other policies within the guidelines which would benefit from being reviewed, to improve their clarity and effectiveness. It is also considered that the guidelines would benefit from a clearer and more logical layout, with policy titles given above each policy and a possible re-categorisation of the policies so that the letters relate to the topic covered.

## 2 Proposals

- 2.1 As a result of the fact that there are a number of key existing policies which need reviewing in addition to gaps within the guidelines where relevant issues are not covered, it is proposed to carry out a review of the planning guidelines as a whole, with a view to streamlining or improving existing policies as well as adding new ones. This would help to ensure that there is sufficient coverage of the key planning issues that the Conservancy regularly grapples with, as well as ensuring that the policies are as effective as possible at informing the consideration of those planning issues.
- 2.2 Conservancy officers have produced a proposed timetable for the review of the planning guidelines, which it is planned to carry out over the course of the next three planning committees (December 2011, January 2012 and March 2012). A copy of the existing planning guidelines is attached at appendix 1, and a table is set out below showing which policies it is proposed to review at each planning committee.

<b>19<sup>th</sup> December 2011 planning committee</b>	<b>23<sup>rd</sup> January 2012 planning committee</b>	<b>12<sup>th</sup> March 2012 planning committee</b>
Policy A6 – Telecommunication masts	Policy D1 – Marine-related uses	Policy A1 – Major changes to the landscape
Policy A7 – Horse-related development	Policy E1 – Jetties and Slipways	Policy A2 – Agricultural development
Policy A8 – Historic environment	Policy E2 – Redistribution of moorings	Policy A3 – Change of use from agricultural use
Policy B2 – New dwellings and extensions	Policy E3 – Dredging existing areas	Policy A4 – Conversion of agricultural buildings
Policy B3 - Design	Policy E4 – Dredging new areas	Policy A5 – Diversification of farming
Policy B5 – Micro-generation for householders	Policy J1 – New public access to the water	Policy B1 – Residential development
Policy B6 – Large-scale renewable energy	Policy J2 – Moratorium on moorings	Policy B4 - Signage
Policy E5 – Beneficial disposal study	Policy J3 – New marinas	Policy B7 – Appropriate Assessments

Policy E6, E7, E8 & E9 - Sea defences	Policy J4 – Visiting yachts	Policy B8 – Protected species
Policy K1 - Viewpoints	Policy J5 – Replacement of moorings	Policy C1 – Integrated access
	New policy on water quality	Policy C2 – Consultation with the highway authority
	New policy on recreational disturbance	Policy C3 – Car parks
		Policy D2 – Changes of use
		Policy D3 – Extension of employment units
		Policy F1 – Dumping waste
		Policy K2 – Extension of caravan sites
		Policy K3 – Caravan rallies
		Policy N1 – Landscape Character Assessment
		Policy N2 – Felling trees
		Policy N3 – Section 106 agreements

### 3 Recommendation

It is recommended that Members familiarise themselves with the existing planning guidelines and note the proposals outlined in this report, so that the specific changes and/or additions to the Planning Guidelines can be considered and decided at the forthcoming planning committees, as outlined in the above table.



## Appendix 3: Chichester Harbour Conservancy Planning Guidelines for Chichester Harbour AONB

### Purpose of the Planning Guidelines

The purpose of the Conservancy's Planning Guidelines is to guide its members and officers when assessing planning applications or changes to planning policies at all levels. These guidelines interpret the national, regional and local planning policy framework as it applies to Chichester Harbour AONB. The planning policy context, within which the Planning Guidelines sit are given in a Policy Framework in each section of the Guidelines.

### The Planning Aims of the Conservancy

- (i) To protect, conserve and enhance the natural beauty of the Chichester Harbour AONB.
- (ii) To protect, conserve and enhance the value of the area for wildlife.
- (iii) To conserve, maintain and improve the Harbour, and its associated facilities and marine industries, for water-based recreation, where they are consistent with (i) and (ii).
- (iv) To support sustainable forms of industry and agricultural practice where they are consistent with aims (i), (ii) and (iii).
- (v) To support the economic and social needs of the local communities where they are consistent with aims (i), (ii) and (iii).

### 1.0 Agriculture and Landscape

**POLICY A1. The Conservancy will seek to retain the rural nature of the area, opposing applications which involve major changes in geomorphology or which introduce large numbers of people into the landscape. In particular the Conservancy will oppose any applications that have an irreversibly damaging effect on the rural and natural nature of the landscape.**

Areas of Outstanding Natural Beauty are designated for the conservation of the natural beauty of the landscape and to preserve their unique characteristics. Policies and development control decisions made by partner authorities that affect Chichester Harbour AONB should favour the conservation of the natural beauty of the landscape, as well as the economic and social well being of the area.

**POLICY A2. Whilst it is recognised that some agricultural development is permitted development, the Conservancy will seek to minimise the impact on the landscape of agricultural structures, that are out of keeping with the landscape, through the principle of prior notification. If the Conservancy is aware of any threats from permitted development, it will urge the local planning authorities to seek an Article 4 direction for significant landscape or environmental areas, where it is apparent that this landscape or environmental value is threatened by unacceptable land use.**

Almost all the area of the AONB is high-grade agricultural land. As such the pressures for alternative land use in times of over-production have been considerably less than would have been the case had there been large areas of low-grade land. The General Permitted

Development Order 1995 sets out the requirement of prior notification to local planning authorities by a farmer exercising their permitted development rights for agricultural purposes. This means that the Conservancy is also notified of a proposed additional agricultural building within the AONB and has the opportunity to suggest changes or raise concerns.

**POLICY A3. The Conservancy will support only those proposals for a change of use from agriculture to other appropriate uses that can be accommodated without harming the open countryside or special landscape characteristics of that particular locality. Chichester Harbour AONB is outside of the areas designated for horticulture in the adopted local plans. Any application for a change of use to horticulture will need to demonstrate the need for horticulture in that location, the impact of the buildings on the landscape, and the increase of light and noise pollution.**

Farming is currently facing economic problems and this is encouraging farmers to diversify. This has included a change to horticulture within the area. Horticulture is still defined in the Use Classes Order as an agricultural use and therefore is not seen as a change of use in the legislation. The AONB is seeing a substantial increase in the demand for horticulture and has concerns over the intrusiveness of such buildings within the landscape. Glass itself is a reflective material and is very visible from long distance views or within the immediate landscape setting. This is particularly the case when sited close to waterfront locations. Due to the loss of wooded shoreline and an increase in the openness in the landscape, there are very few locations within the AONB that can accommodate horticulture without a detrimental impact on the landscape.

**POLICY A4. The Conservancy will only support the conversion of agricultural buildings to an alternative use if The Design and Access Statement submitted with the application outlines the following:**

- **A business or tourism use is considered for the building before residential;**
- **The design is sympathetic to its landscape context particularly the use of materials, the insertion of additional openings and prevents any urbanisation of the site, particularly if a residential curtilage is to be introduced;**
- **Where a conversion is for a self-catering use or holiday home a holiday occupancy condition should be instated as part of the planning permission;**
- **Where residential is considered to be the best use, the statement should be submitted explaining why the site is unsuitable for employment or a tourism use, and if the site is suitable as an exception site (as defined in PPS 3) and could be considered for affordable housing;**
- **That protected species are not affected, such as bats and barn owls.**

With regard to the alternative uses of agricultural buildings, the Conservancy supports sustainable forms of economic development and recognises that agriculture and local industries must be able to adapt and evolve in response to changing circumstances. However, the landscape and environmental qualities of the AONB are a primary concern and therefore any applications for conversion of redundant agricultural buildings will be scrutinised for their landscape and conservation implications and their impact on the vicinity.

**POLICY A5. The Conservancy will seek to ensure that any proposed development for the diversification of farming, the conversion of existing redundant buildings, a new industrial or employment site, or a tourist or sports facility will not:**

- **Cause a detrimental impact on the landscape by creating excess artificial light;**

- **Cause a detrimental impact on the tranquility of the AONB by the level of noise generated;**
- **Be visually intrusive.**

The pressure for diversification in farming together with the ubiquitous nature of industry means that Chichester Harbour AONB has locations that are attractive to industrial development. This type of development can be intrusive in the landscape and create light or noise pollution. Part of the reason for designating Chichester Harbour as an AONB is to retain its tranquility and landscape character. The AONB Landscape Character Assessment (2005) has identified areas where tranquility should be protected and sensitive areas where the cumulative effect of lighting will be damaging.

**POLICY A6. The Conservancy will only support telecommunications masts where:**

- **A Design and Access Statement shows that there is a genuine need for the mast in that location within the AONB and no other suitable site or mast sharing opportunities are available outside of it;**
- **That the mast is sited in an appropriate location within trees, or within an existing redundant structure/building;**
- **That the mast is sensitively designed, its colour, height and bulk is kept to a minimum and that opportunities to disguise the mast are made (for example it could be made to look like other vertical key features in that landscape, for example trees or telegraph poles).**

The Conservancy is now receiving further pressure for the erection of telecommunications masts within or adjacent to the AONB boundary. Any applications for these intrusive features need to be considered with care.

**POLICY A7. The Conservancy will only accept horse related development within the AONB that minimizes its impact on the wider landscape, does not have a detrimental visual impact by being located together with other similar developments, which are not of poor quality and not harmful to any sensitive sites for nature conservation. Any horse related development should:**

- **Locate new buildings in existing groups of buildings on a site;**
- **Be a structure necessary for grazing of horses and a simple horse shelter should still be of good design, using appropriate local materials of a dark palette and low ridge height.**
- **Locate the structure against planting or another built backdrop to minimize its impact.**
- **Apply conditions to ensure the inside storage of jumps and horse equipment; to encourage planting of native species typical of Chichester Harbour AONB or post and rail fencing to any field boundaries.**

The use of agricultural land for horse grazing is changing the character of the AONB and eroding its rural qualities, particularly where paddocks are poorly managed and fields subdivided with inappropriate fencing, and horse shelters of poor quality are constructed. This together with other paraphernalia such as jumps and horse equipment stored outside of the buildings has a detrimental impact on the character of the landscape, particularly in exposed locations. Where planning permission for horse related buildings is required then conditions to secure improvements in land management for horse use for that particular site can be pursued. In

addition any new structure should be of appropriate scale, local materials and positioned in a location in the field where it has a minimal impact on the wider AONB landscape.

**POLICY A8 –The Conservancy will seek to ensure that historic environment issues are addressed in the Local Development Frameworks and also given due consideration in planning applications. Where a site of archaeological importance is identified, the Conservancy will liaise with the relevant local authority archaeology officer and advise the local planning authority on its records of the site and whether development is likely to be harmful to identified archaeology.**

Historic landscape features, scheduled ancient monuments, listed buildings and archaeological sites are all-important components of the Chichester Harbour AONB landscape and contribute to its overall character. The Conservancy holds details of the Chichester District, Hampshire County and West Sussex County Historic Environment Records which provide describe sites of archaeological interest within the AONB.

### **Agriculture and Landscape : Planning Policy Framework**

These guidelines should be read within the following planning policy context:

*PPS 7 Countryside paragraphs 15-21,30,32,40, Annex A, Annex E, E30-E35; PPG 8 Telecommunications paragraphs 3,20, 24-28,Appendix: paragraphs 7, 64,66-69; PPS 3 paragraph 30. PPG16: paragraph 12. Annex B: paragraphs 15-18.*

*South East Plan Submission Draft: C2.*

*Adopted West Sussex Structure Plan 2001-2016: CH2, CH3, CH4, CH5, CH6, CH7.*

*Adopted Hampshire County Structure Plan Review 2001-2016: C1, C5, E6, E8.*

*Adopted Havant Borough District Wide Local Plan 2005: C1, L1, R6, PC4,*

*Adopted Chichester District Local Plan Review 1999: RE1, RE4, RE6,RE12, RE14, RE29, C1, BE3.*

### **2.0 Built development - Land based**

**POLICY B1. In principle, the Conservancy will support only those proposals for new residential development which are in existing defined settlement boundaries as shown on the proposals maps in the adopted Local Development Plans, or are expressly intended to meet the social and economic needs of the rural communities and which do not adversely affect the landscape or conservation qualities of the AONB. Any applications for infilling within hamlets or villages outside of the identified built up areas will be resisted where it would result in harm to the character of the area by reducing plot size, intensifying development, and would result in unsustainable development.**

The AONB is designated for its special landscape qualities. In Chichester Harbour planning policies and development control decisions should take full account of the special qualities that justify the designation of the AONB and sustain or further its purposes. The Conservancy's Landscape Character Assessment defines landscape types and landscape character areas providing guidance for proposed development. The Landscape Character Assessment defines key features and elements of each landscape character area and how new development will fit its context.

To this end the Conservancy continues to support prioritising development in Urban or Settlement Policy Areas as defined in the adopted development plans. Whilst it is understood that the planning authorities have approved infill or replacement dwellings outside of these areas, the

Conservancy will not normally support residential development outside of defined settlements boundaries, unless it can be clearly demonstrated in a design statement that the infill development or replacement dwelling will not cause a detrimental impact on the wider AONB landscape. Sometimes there is a genuine socio-economic need for a rural exception site for housing, in accordance with the local housing needs survey. The Conservancy would support the principle of exception sites.

**POLICY B2. The Conservancy will oppose any property extension or replacement dwelling which significantly increases the size of the property to the detriment of the landscape and that increases the developed frontage of the waterside, when seen from public vantage points, such as public footpaths, the water.**

The Conservancy's report on small-scale incremental changes shows that most damage to the AONB comes from the cumulative impact of small developments within a concentrated area. The AONB's attractiveness and landscape quality fuel the demand for significantly extending homes, or creating much larger, grander replacement dwellings within the AONB in ways that are out of keeping with the landscape, particularly in waterside locations. The Conservancy will continue to resist development that is detrimental to the landscape.

**POLICY B3. The design construction and alteration of buildings in the AONB should reflect the nature of the landscape and the natural environment by linking the built environment through the use of vernacular styles and materials and good design. Special consideration will be given to such applications in respect of listed buildings. Chichester Harbour Conservancy in conjunction with two local planning authorities have produced Design Guidelines for New Dwellings and Extensions which should be referred to when assessing or presenting new proposals.**

Proposals for new development should enhance the local distinctiveness of the AONB. Features that are locally distinctive of the built environment of Chichester Harbour include:

- Settlement patterns
- The siting of its buildings and the distance between them
- The materials used
- Its landscape setting and topography
- The proximity to sites of archaeological importance or to the setting of listed buildings, open spaces and trees.

**POLICY B4. Applications for further signage in Chichester Harbour AONB and on its boundary will be resisted in areas where clustering of signage is already identified as being harmful to the rural character of the AONB. Business premises which already have signage, will be asked to consider advertising collectively by having one single coordinated sign for their advertising. This signage should be an appropriate colour, scale and lettering and for be located in one position on the site. The illumination of signage is not appropriate to the character of the AONB and all signage should be kept to the minimum size possible.**

Chichester Harbour AONB is a Special Area of Advertisement Control and proposals for new signage to properties/business should be located and designed to ensure minimal impact on the AONB landscape. Further signage should be avoided on premises where a clustering of signage

at the site or in the immediate vicinity is already eroding the quality of the area. The Conservancy in conjunction with its partners hope to produce Design Guidance on new non-highway signs to promote appropriate scaled signs and identify areas where clustering is already an issue and harmful to the AONB landscape, this can be on the border to the AONB as well as within the AONB.

**POLICY B5. Micro-generation for householders: The installation of solar panels, domestic wind turbines, heat pumps either individually or in conjunction with other installations should be appropriate to the scale of the property, its setting and should have a minimal impact on the wider AONB landscape, in particular:**

- a. Wind turbines either on buildings or stand alone should be positioned so as to minimise views of them from public vantage points in the wider AONB landscape, i.e. from the water or public footpaths; should be a dark colour and not white; and not require the removal of existing planting/trees at the site.
- b. Solar panels should be positioned on a roof slope of a dwelling or ancillary building facing away from public vantage points, match the roof colour or be integral to the roof and be of minimum scale required.
- c. Ground source heat pumps should be sited so they do not cause disturbance to designated sites for nature conservation and have minimal noise emissions to maintain the tranquility of the AONB
- d. Air source heat pumps should be sited behind buildings and out of view from public vantage points; be small in scale and have minimal noise emissions to maintain the tranquility of the AONB.

**POLICY B6. Large-scale renewable energy sources are unlikely to be appropriate within Chichester Harbour AONB or close to its boundary because of the visual intrusion in the exposed Coastal Plain landscape and disturbance to designated sites for nature conservation, which make up its character. Policy EN5 of the South East Plan Submission Draft confirms that within protected landscapes renewable energy development should be of small-scale or community based and that those proposals within or close to designated areas should not undermine the purposes of designation either for landscape or nature conservation. The Conservancy would wish to see these principles of EN5 reflected in Local Development Framework policy including areas outside of the AONB but visible from within it. (For example Wind Turbines on the Downs could still have significant visual impact on Chichester Harbour AONB as well as South Downs AONB.)**

In its response to the consultation for Permitted Development Rights for Householder Micro-generation (small scale forms of renewable energy for individual households) the government confirms that there will be no greater restrictions on permitted development rights for these types of development for National Parks or AONBs. This means there will be permitted development rights available to householders for solar, wind, heat pumps, combined heat and power, biomass and the restrictions applied in protected landscapes will be the same as undesignated areas. The Conservancy, in conjunction with its partners intends to produce Design Guidance on microgeneration to try to address some of these issues. The policy above hopes to provide those seeking to install microgeneration technology with suggested locations and materials that would be more appropriate to the character of Chichester Harbour AONB.

**POLICY B7. Natural England is the statutory consultee responsible for advising on whether an Appropriate Assessment is required under the Habitats Regulations. Local Planning Authorities are responsible for undertaking a screening opinion to establish whether an Environmental Impact Assessment (EIA) is required for Schedule 2 or 3**

developments within the AONB. The Conservancy will normally be consulted in these situations and will assess the potential impacts based on its own data and guidance such as the Biodiversity Action Plan and Landscape Character Assessment (2005) and will seek to ensure there will be no harm to the designated sites for nature conservation.

**POLICY B8.** The presence of protected species on a site is a material consideration in planning terms. The extent of protected species and how they may be affected by any proposed development should be assessed prior to development being permitted and appropriate conditions suggested through survey if these would make the development acceptable. Areas around existing designated sites can also be part of an overall habitat network as defined in PPS 9 paragraph 12. Where development affects these areas and the integrity of a designated site the Conservancy is likely to raise an objection to the proposals.

The impact of development within the AONB on designated sites for nature conservation is a key issue and the Conservancy seeks to ensure that no harm to designated sites occurs through the development process. Designated sites are an important part of the Harbour's ecology and character and the legislation contained in the Habitat Regulations (1994), the EIA Regulations, the Crow Act (2000) and the Wildlife and Countryside Act (1981), all provide a stringent legislative framework to ensure this avoided unless its in the overriding national interest. The Conservancy will comment on all planning proposals that affect wildlife and will seek to inform the process based on its own data and survey work.

### **Built development - Land based: Planning Policy Framework**

These guidelines should be read within the following planning policy context:

*PPS 1 paragraph 17; PPS 7 paragraph 21, and paragraphs 3.19 –3.21; PPS 3 paragraph 30, 68-69;*  
*South East Plan Submission Draft: C2, EN1, EN5, NRM4, NRM5, NRM6*  
*Adopted West Sussex Structure Plan 2001-2016 deposit draft: CH2, DEV1*  
*Adopted Hampshire County Structure Plan Review 2001-2016: H9, H10, C1,C2, E6, E7*  
*Adopted Havant Borough District Wide Local Plan: C1,D1, L1, ENG1, D4, NC1-NC5.*  
*Adopted Chichester District Local Plan Review 1999: RE1, RE2, RE3, RE4, RE12, RE14, C1, BE9*

### **3.0 Infrastructure and Integrated Access**

**POLICY C1.** To improve integrated access within the AONB, the Conservancy will expect appropriate new development to make contributions to improving local public transport services and cycling or walking opportunities within the AONB as identified in the Local Transport Plans. Major employment and tourism uses will be expected to produce Green Travel plans to show how workers and visitors will be using alternative methods of travel.

The accessibility issues around parts of the AONB are mainly in the peninsula locations of Hayling Island and the Manhood. The improvement of the infrastructure and accessibility in these areas will be supported in principle. .

The Hampshire and West Sussex Local Transport Plans do encourage greater use of public transport, walking and cycling, both for visitors and local people. The Conservancy and its partners are promoting several initiatives including a new cycle network and the provision of a

rambler bus, as well as improving facilities for horse-riders. In addition, the Conservancy will work together with its partners to provide more integrated access links and information for the AONB. This will include leaflets showing train times, bus times around the AONB and links for pedestrians and cyclists from main public transport nodes.

The diversification of farming and conversion of redundant agricultural buildings can often be for employment or tourism uses that make an important contribution to the economic vitality of the AONB. Where such uses are compatible with the landscape the Conservancy will look for the submission of Green Travel Plans and some funding towards routes and links for the AONB.

**POLICY C2. The Conservancy will seek early consultation with the appropriate highway and planning authorities on any new road proposals within or adjacent to the AONB.**

Although alternative methods of transport to the car are being promoted in Local Transport Plans, there is still pressure for new roads within or just outside the AONB that will affect the rural quality and tranquility of the area.

**POLICY C3. The Conservancy will support small, screened and well-sited, car parks and some extension of the existing car parking areas where these are significant to the needs of the AONB.**

The Conservancy is aware of the demand for additional parking in the area. Being mindful that car parks can be an attraction to visitors, the siting and screening of these should be very carefully considered. The Conservancy will look to reduce parking pressure in small village environments.

**Transport and Integrated Access : Planning Policy Framework**

These guidelines should be read within the following planning policy context:

*PPG 13, paragraphs 40 – 44*

*South East Plan Submission Draft: C2.*

*Adopted West Sussex Structure Plan 2001-2016: NE12, NE13, NE14.*

*Adopted Hampshire County Structure Plan Review 1996-2011: T1, T2, T4, T8, T12*

*Adopted Havant Borough District Wide Local Plan: T5, T6, T8.*

*Adopted Chichester District Local Plan Review 1999: RE4, TR8, TR9*

**4.0 Built Development – Commercial**

**POLICY DI. To protect existing waterside sites for marine uses and water related facilities any new development or redevelopment of boatyard and marina sites will only be permitted for uses associated with boat building, repair, maintenance and ancillary uses. Where a site has been vacant for a long period of time and it can be demonstrated through marketing for at least a year that a marine facility is no longer viable, a mixed use retaining some marine use and alternative employment uses will be considered provided that can be accommodated without harming the special qualities of the area and which are capable of reversion to marine industrial use at a later stage.**

The Conservancy and its partners view a change of use of any existing Harbour boatyards to residential development with concern. In the interest of maintaining the health of the local economy, the Conservancy and its partners will support suitably appropriate alternative commercial uses where these can be accommodated, without harming the essential qualities of the area.

**POLICY D2. All applications for a change of use will be considered alongside the need to maintain the landscape and nature conservation interest of the AONB. Any applications for conversion of redundant agricultural buildings to industry will be scrutinised for their landscape and conservation implications and their impact on the vicinity.**

**POLICY D3. Extension of existing employment units on existing industrial parks or estates within or on the boundary of the AONB need to ensure that the scale of the extension, it's proposed materials are designed to minimise the visual impact of the building. Where an existing building is visually intrusive, any application that seeks an extension to it should ensure some remodelling of the building to improve its appearance and its amenity within the AONB. Existing planting to the site boundaries should be retained and further planting of native species typical of Chichester Harbour AONB should be undertaken to ensure the rural character of the area is maintained.**

It is contrary to the purposes of the AONB designation to allow major industrial or commercial development in Chichester Harbour AONB. In Chichester Harbour it should be assessed whether the proposed commercial development is necessary to sustain the rural economy and this should be balanced with the need to protect the countryside. In addition, any new commercial uses should be accessible by a variety of transport modes, unless the development would only create modest traffic movements.

In this context the Conservancy is concerned that industrial development should be confined to existing sites and suitable activities where these have established rights. With regard to the conversion of such sites, the Conservancy recognises that the main impetus for such a change arises from the difficulty in maintaining the financial viability of boatyards in the face of increased land development values. However, the Conservancy is also aware that a policy, which resisted any change of use, could lead to a derelict site and the loss of employment. Therefore the Conservancy is sympathetic to applications for alternative industrial uses where these do not harm the AONB and where reversion to marine industrial use is possible.

There are existing industrial estates on the edge of the AONB and also smaller rural employment sites within the AONB. Any application to extend or alter these buildings in these locations will be assessed on its visual impact on the AONB and the need for that extension will need to be described in any supporting statement to ensure the new extension is of an appropriate, scale and form to its landscape setting.

### **Built Development - Commercial : Planning Policy Framework**

These guidelines should be read within the following planning policy context:

*PPG 4, 1992: paragraph 13*

*PPS 7: paragraphs: 5, 19, 20, 22.*

*South East Plan Submission Draft: C2, NRM8,*

*Adopted West Sussex Structure Plan 2001-2016: CH1, CH2, DEV1, DEV2, DEV3, DEV4*

*Adopted Hampshire County Structure Plan Review 1996-2011: EC1, EC3, EC4*

*Adopted Havant Borough District Wide Local Plan 2005: EMP 7, EMP9, C1, L1.*

*Adopted Chichester District Local Plan Review 1999:RE4, RE14, RE15, C1, C7, B2, B3, B4, B5*

## 5.0 Jetties and Slipways, Navigational Facilities and Sea Defences

**POLICY E1.** In considering proposals for development of jetties and slipways the Conservancy will take ecological, landscape and safety of navigation considerations into account with a presumption against development in those areas identified as being unspoilt by existing structures, where the landscape and conservation value is high and the area is most congested by vessels.

**POLICY E2.** Development which creates the need to modify, relocate or redistribute the number of moorings, marina berths or launch-on demand facilities will only be allowed if there is no detrimental impact on safety of navigation, sailing, the designated sites for Nature Conservation and landscape.

The Harbour is designated as internationally important for nature conservation. It also carries national and local designations for nature conservation. The 1994 Habitats Regulations requires Natural England to assess whether the proposed development will have a significant adverse impact on the features and species of interest within the European site. If Natural England decide it will be damaging then the developer will be required to undertake an Appropriate Assessment.

Following an Appropriate Assessment the local planning authority and Natural England can determine whether the development is acceptable and if so what conditions may be necessary.

**POLICY E6.** Proposed sea defence works must not be damaging to nature conservation interests and environmental impacts must be properly assessed.

**POLICY E7.** If shown to be necessary, the sea defence must be well engineered and capable of withstanding with the forces acting on the sea defence. Any impacts on nature conservation interests should be mitigated.

**POLICY E8.** The sea defence works should be as sympathetic to the landscape as possible and the materials and style chosen must be carefully considered in each location and not selected purely by cost. The Conservancy's recommended form of replacement sea defence is rip-rap style revetment. This method of construction helps to reduce erosion by absorbing the impact of the waves; it also enables vegetation to grow over it in time making it more natural part of the landscape.

**POLICY E9.** Sea defence works should not have an adverse impact on navigation.

Chichester Harbour's shoreline is continuously eroding as it has always done as part of the natural coastal process. The whole area is slowly sinking due to geological movements in the South East area. With the onset of global warming and sea level rise, the inter-tidal mud-land is being squeezed between rising sea levels and coastal defences. This leads to a significant reduction in the area of mudflats and salt marshes that support plants, invertebrates and birds. Because of the European and national nature conservation designations in the Harbour, Relevant Statutory Authorities have to take reasonable steps consistent with their functions to further the conservation and enhancement of Sites of Special Scientific Interest and to not undertake or give permission for any works that adversely affect the integrity of the European site.

When considering applications for new sea defences several factors should be considered:

- Movement of material along the coastline
- The effects on economic activity
- The introduction of managed retreat in low-lying coastal areas.
- Cumulative effects.
- Navigation.

Local planning authorities in conjunction with partner organisations have a responsibility for improving and enhancing the coast in areas of natural beauty and high conservation value and to restore stretches of the despoiled coastline.

As a consequence of global warming, the threat of increased flood risk means that Harbour side landowners are increasingly seeking to defend their boundaries. Farmers of low-lying areas also wish to carry out works and improvements to their sea defences. Where sea defence works are sought it is likely that an Appropriate Assessment will be required.

### **Jetties and Slipways, Navigational Facilities and Sea Defences : Planning Policy Framework**

These guidelines should be read within the following planning policy context:

*PPS 9: paragraphs 6-12 and 15 and 16. Circular 06/2005: paragraphs 9-20, 99,118-124, Statutory Instrument 1999 No.293, Town and Country Planning EIA Regulations 1999.*

*PPG 20,1991:4.5 and 4.6;*

*South East Plan Submission Draft: C2, NRM4, NRM5, NRM6*

*Adopted West Sussex Structure Plan 2001-2016: CH1, CH2, CH5, ERA2,ERA3*

*Adopted Havant Borough District Wide Local Plan 1994: R1 (iii), R8, R9, NC1-NC5*

*Adopted Chichester District Local Plan Review 1999:RE4, C1, C2, C3, C4, C9, C10*

### **6.0 Formal Recreation and Tourism**

**POLICY J1. The Conservancy will oppose any facility, which will provide new public access to the water for vessels or will increase the number of vessels using the harbour.**

**POLICY J2. The Conservancy will continue to maintain a moratorium on additional deepwater moorings.**

**POLICY J3. The Conservancy will oppose any proposals for new marinas at heads of channels.**

**POLICY J4. The Conservancy will support the provision of additional facilities for visiting yachts and the improvement of existing recreational facilities where these are consistent with the planning aims (i) and (ii).**

**POLICY J5. The Conservancy will support the replacement of existing moorings with marina berths.**

Whilst recreation is not an objective of AONBs, the demand for recreation can be met as long as it is consistent with maintaining its natural beauty. All estuary plans have to manage the rapid growth of the demand for marinas, boat moorings, parking, and dry berthing and launching.

For some time, the Conservancy has recognised that water-based recreation in the Harbour has reached a point of congestion at peak periods, which can be dangerous and detracts from the value of recreation. The Conservancy will oppose any further proposals for marinas at or near the heads of channels. It has a moratorium on further deepwater moorings and will recommend refusal of any applications, which permit additional public access to the water for vessels, in order to keep this crowding to a minimum. However, the Conservancy feels that a blanket ban on moorings or the movement of moorings would reduce its ability to manage the Harbour in response to changes in patterns of use. Additional marina berths, boat racks and other facilities can only be created by wasting existing moorings or other boat storage facilities.

### Formal Recreation and Tourism : Planning Policy Framework

These guidelines should be read within the following planning policy context:

*PPG 17, 2002: paragraphs 28, 29,31*

*PPG 20,1991:paragraphs 3.4 –3.9*

*South East Plan Submission Draft: C2,TSR2.*

*Adopted West Sussex Structure Plan 2001-2016 deposit draft: CH1, CH2, NE11*

*Adopted Havant Borough District Wide Local Plan: R8 and R9.*

*Adopted Chichester District Local Plan Review 1999:RE4, C5, C6,*

### 7.0 Informal Recreation and Tourism

**POLICY K1. The Conservancy will support the sympathetic location of additional viewpoints, improvements to the rights of way network for long-term access and those with limited mobility, provision of a cycle network and additional visitor information at appropriate locations.**

1.5 million people visit Chichester Harbour AONB every year because of its unique character, landscape and tranquility. This means that any new development in the AONB needs to draw on the character of its countryside and not detract from the very asset on which its popularity depends.

The Conservancy remains concerned over the carrying capacity of the AONB and will continue to seek ways in reducing the impact of visitors on the AONB, both in terms of the visitors themselves and also how they travel to and around the AONB.

Sustainable forms of transport should be supported and the Conservancy has now established a Chichester to West Wittering cycle route to encourage a reduction in car use. Work will continue with access partners to identify improvements to existing routes and opportunities for new long-term access solutions, primarily through the Rights of Way Improvement Plans and liaison with AONB landowners.

**POLICY K2. The Conservancy will seek to resist any further extension of caravan sites but would support the small scale, sympathetic conversion of existing buildings for holiday accommodation and small scale tented camping sites where this does not infringe conservation policies or create new dwellings in the countryside. (Refer to policy A4.)**

The demand for tourist accommodation is served by small-scale guesthouses in the Harbour villages and by caravan sites. There is a shortage of self-catering accommodation in the AONB. The conversion of derelict or underused farm buildings can provide appropriate sites for such uses in principle. To ensure that these conversions are not lost to residential use, the Conservancy will seek holiday occupancy conditions where appropriate.

**POLICY K3. The Conservancy will seek to ensure that caravan rallies, establishment of Certified Locations or other caravanning / camping related activities be for a duration, frequency and extent which is appropriate to the AONB. In addition, the location of such facilities should not have a detrimental impact upon the AONB, and visually sensitive and exposed sites should be avoided.**

The presence of caravans, even in small numbers for short periods of times, can have a detrimental impact upon the AONB landscape. To ensure that their impact is reduced, exposed or visually sensitive sites should be avoided. In addition, the frequency and duration of events or rallies should be maintained at a level appropriate to the sensitive landscape of the AONB. The Conservancy will continue to work with the local Planning Authorities, landowners and the Caravanning and Camping Club to ensure that there are no detrimental landscape impacts from caravanning / camping within the AONB.

### **Informal Recreation and Tourism : Planning Policy Framework**

These guidelines should be read within the following planning policy context:

*PPG 13, 2001: paragraphs 37, 40, 41, 42*

*PPS 7: 18,19,21,35-40*

*Good Practice Guide on Planning For Tourism: Paragraphs 3.24-3.25 and 5.3,5.11. Annex A paragraph 7, Annex B.*

*South East Plan Submission Draft: TSR4ii, TSR5, TSR6, C3, C4.*

*Adopted West Sussex Structure Plan 2001-2016: CH1, CH2, NE11, NE12*

*Adopted Havant Borough District Wide Local Plan 1994: C1, L1, TO3-TO6*

*Adopted Chichester District Local Plan Review 1999:RE4, C5, C6, R4,*

### **8.0 Environmental management and improvements through planning conditions and Section 106 Agreements**

**POLICY N1. The Conservancy wishes to see landscape proposals conform to the guidelines laid down in the Landscape Character Assessment (2005) and the Chichester Harbour AONB Design Guidelines for New Dwellings and Extensions (2007).**

Particular attention will be paid to the siting, design and landscaping of all applications. Landscape proposals involving tree planting will be scrutinised to ensure that the planting is in keeping with the existing landscape and uses species typical of the AONB, and has a nature conservation value. Mechanisms to achieve the implementation of improvements to the objectives of the AONB include Section 106 agreements and planning conditions. The Conservancy will support their use where appropriate.

**POLICY N2. If proposals to fell trees are made in areas identified by the landscape assessment and the tree and hedgerow survey as significant to conservation or the landscape, the Conservancy will request the local planning authority to make whatever**

**Tree Preservation Order is necessary to enable more time for landscape and conservation considerations to be assessed.**

Where trees add special interest or areas of woodland are identified as being under threat the Conservancy will seek a Tree Preservation Order where appropriate. It is recognised that protection for trees and hedgerows will at times, be required at short notice.

**POLICY N3. The Conservancy will work in conjunction with its local planning authority partners to ensure that Section 106 agreements and planning conditions are used to mitigate negative impacts on the environment of the AONB and secure positive, social, economic and environmental benefits to fulfil the purposes of the designation.**

The Conservancy will seek the co-operation of the local planning authorities in obtaining the necessary legal agreements to protect locations affected by development and to achieve some gains. Such agreements could cover:

- Improvements in access to the countryside, including access by the disabled.
- Sympathetic management of land of conservation value, excluding it from further pressure.
- Improvements to the general infrastructure, which encourage acceptable levels of use.

The use of planning conditions in the granting of planning permission is a way of enabling the development to take place provided that criteria set out in the conditions are met and if not can be enforced. Sometimes when planning appeals are allowed by the Planning Inspectorate their report often contains some useful model conditions. The Conservancy would support the introduction of conditions by the local planning authorities where appropriate. However planning applications should be good enough to approve and not simply made acceptable by conditions.

**CHICHESTER HARBOUR CONSERVANCY****PLANNING COMMITTEE****21<sup>st</sup> NOVEMBER 2011****REPORT BY THE DIRECTOR****DEVELOPMENT CONTROL APPLICATIONS DETERMINED UNDER MEMBERS DELEGATED POWERS**

**WW/11/03924/FUL:** MERRY HARBOUR, ROMAN LANDING, WEST WITTERING, CHICHESTER, WEST SUSSEX, PO20 8AS  
REPLACEMENT HOUSE AND DETACHED GARAGE.

PLANNING POLICY FRAMEWORK

PPS 7 paragraph 21; RE4, BE11, BE12: Adopted Chichester District Local Plan 1999. Chichester Harbour AONB Management Plan 2004-2009: BD1: Appendix 3: Policy B3. Chichester Harbour AONB Design Guidelines for New Dwellings and Extensions.

CHICHESTER HARBOUR CONSERVANCY'S COMMENTS

'Merry Harbour' is a detached, thatched roof dwelling with pale pink painted elevations, situated on the north side of the Roman Landing private estate. The properties on this side of the road back onto open countryside to the north, and are visible in a treed setting across the open fields from the foreshore footpath to the northwest. The buildings themselves fall within the defined settlement policy area of West Wittering, and comprise an eclectic mix of styles ranging from the 1920s to the present day. There are glimpses of some of the properties from Ellanore Lane to the northeast, however, 'Merry Harbour' is screened by trees from this perspective. The main public view is therefore from the foreshore to the northeast; however, this view is from some distance, and only parts of the roof of the existing building are visible amongst the trees. The site is bounded by mature evergreen hedging on the south, east and west boundaries.

Permission was sought in April 2010 (WW/10/01685/FUL) for a replacement dwelling of a contemporary design with a series of shallow pitched roofs covered in cedar shingles, above elevations of heather grey bricks, untreated cedar boarding and flintwork with brick quoins. Windows would be vertically subdivided in grey aluminium frames, with first floor balconies on the north elevation which would be surrounded by hardwood railings. The new dwelling would have had a significantly larger footprint but a slightly lower roof height. The Conservancy was concerned about the number of applications within the AONB where the footprint of proposed replacement dwellings is considerably larger than that of the existing property, this application being an example of a considerable increase in size. However, we had concluded that as the site is not a prominent one in wider AONB landscape terms, and the design and use of materials in combination with the surrounding trees and hedges would make it unlikely that the new dwelling would be an unduly intrusive feature in the wider landscape, we did not have strong grounds for objection on this basis of impact on the wider AONB landscape.

The application was refused by the District Council on the grounds that the design would fail to relate sympathetically to adjacent properties or reinforce local distinctiveness. An appeal was lodged and subsequently dismissed on the same grounds, with particular reference to the appearance of the roof which would have a shallow-roofed gable facing the road, whereas the roofs of existing dwellings on the estate are generally steeply pitched.

The current application seeks to address these reasons with a new design with a slightly reduced footprint from the previous scheme, and a steeply pitched clay tiled roof (no higher than the existing building) and pitched roof dormer windows. A detached double garage has also been included on the west side of the frontage, with a clay tiled hipped roof with a lead flat top and flint panel elevations (this is a re-orientated version of a 2008 approval to which the Conservancy did not object).

The dwelling incorporates a two-storey element which extends northwards from the existing footprint, with a double pitched and hipped roof. This element has been reduced in bulk and improved in design terms (roof and windows) following comments from Conservancy officers at the pre-application stage. The new dwelling would have elevations of coloured render, flint with brick quoins, and untreated cedar boarding on the north and west elevations of the projecting rear element which would be visible from the wider landscape. The design includes various sets of full-height glazed panels at ground floor level on both the front and rear elevations (although the total amount of glass has been reduced from previous plans), including five panels at first floor level on the north/west elevation return - however, three of these panels would be partially screened by hardwood balcony railings. Window frames would be grey coloured aluminium or timber.

Overall this proposed design would relate more closely to surrounding dwellings within the Roman Landing Estate, and is likely to have a reduced perceived bulk as viewed both from the private estate road and also from the wider AONB to the northwest in comparison with the refused scheme. The proposed detached garage would not be visible from the wider landscape, although it is shown in place of a tree shown on previous sets of plans. We would ask that a replacement tree is planted elsewhere on the site to compensate for this loss, along with the retention and ongoing management of all existing boundary planting. We would also ask for a suitable condition to require a schedule and samples of external materials to be agreed prior to construction to ensure a high quality building.

#### DATE CONSIDERED

04/11/11

#### CONSIDERED BY

Chichester Harbour Conservancy Planning Committee sub-group under delegated powers.

#### DECISION

The Local Planning Authority is advised that the Conservancy has no objection to this application, but asks that the following matters be negotiated if possible: -

- Detailed landscaping scheme to be agreed, to include retention of boundary planting and replacement of tree lost to new garage; and
- Schedule and samples of materials to be agreed, including window frames, fascias/soffits and guttering.

**WI/11/02331/DOM (AMENDED PLANS 2):** THE ANCHORAGE, SPINNEY LANE, ITCHENOR, CHICHESTER, WEST SUSSEX, PO20 7DJ

ERECTION OF EXTENSION ABOVE EXISTING GARAGE; ERECTION OF TIMBER FRAMED STORAGE BUILDING; AND ASSOCIATED WORKS TO MAIN HOUSE (ALL TO FACILITATE OCCUPATION BY DISABLED PERSON).

#### PLANNING POLICY FRAMEWORK

PPS 7 paragraph 21; RE4, BE11, BE12: Adopted Chichester District Local Plan 1999. Chichester Harbour AONB Management Plan 2004-2009: BD1: Appendix 3: Policy B3. Chichester Harbour AONB Design Guidelines for New Dwellings and Extensions.

#### CHICHESTER HARBOUR CONSERVANCY'S COMMENTS

The Conservancy commented on two previous sets of plans under this application. These have been revised again in an attempt to address concerns raised by the Council's planning committee, officers and neighbours. This latest plan shows the first floor part of the extension shifted westwards over a slightly increased footprint (including a covered canopy area at ground level), with the roof pitch and eaves both lowered so that they are below those of the main house by at least 700mm. The eastern side elevation would have a cat slide roof extending down to ground floor level.

This revised design would reduce the bulk and massing of the proposed extension and make it subservient to the main house, which represents a significant improvement over both previous sets of plans, and addresses the concerns raised in our comments dated 27th June 2011. We still have some concern over the appearance of the lift shaft element and how this would fit into the overall design; however, the applicant argues that this would only be glimpsed from Spinney Lane and would be visible from a limited perspective from the harbour. On this basis and given the fact that it would be set back significantly from the nearest part of the building from both perspectives, subject to suitable materials it should not be unduly visually intrusive. We would therefore propose no objection, subject to appropriate conditions, as set out in our comments dated 27th June 2011.

#### DATE CONSIDERED

04/11/11

#### CONSIDERED BY

Chichester Harbour Conservancy Planning Committee sub-group under delegated powers.

#### DECISION

The Local Planning Authority is advised that the Conservancy has no objection to this application, but asks that the following matters be negotiated if possible: -

- Samples of materials to be agreed prior to construction, to include window frames and garage/storage building doors and fascias;
- Proposed timber storage building be removed from the site after its use for medical equipment and supplies storage is no longer required;
- Proposed new planting to be provided in the first available planting season following construction of the extension and to be native species typical of the AONB;
- Use of the proposed extension be restricted to the intended use or ancillary uses to the main dwelling and not to be sold, let or lived in as a separate dwelling contrary to the Council and Conservancy's policies.

**LV/11/03912/OUT:** HUNTERS REST, LAVANT ROAD, CHICHESTER, WEST SUSSEX, PO19 5RD

ERECTION OF 20 DWELLINGS INCLUDING 2 X TWO-BED HOUSES, 8 X THREE-BED HOUSES AND 10 X FOUR-BED HOUSES, WITH ANCILLARY CAR PARKING, LANDSCAPING AND PUBLIC OPEN SPACE.

#### PLANNING POLICY FRAMEWORK

Chichester Harbour AONB Management Plan 2004-2009: BD2: Appendix 3: Policy B1, B7.

#### CHICHESTER HARBOUR CONSERVANCY'S COMMENTS

This site lies adjacent to the northern boundary of the Chichester City settlement policy area, sitting in between the A286 Lavant Road and the cycle way to the west. The application proposes the demolition of the existing house and the erection of 20 houses on the site in a cul-de-sac arrangement.

The two main issues for sites some distance from the AONB relate to potential impacts on the designated sites within Chichester Harbour through increased recreational disturbance and a deterioration in water quality. As the proposal relates to over 6 dwellings, the Council's 'Interim Policy Statement on Development and Disturbance of Birds in Chichester and Langstone Harbours SPA' requires that a judgement on the need for an Appropriate Assessment will be made on a case by case basis. This site lies between 3 and 4 kilometres from Chichester Harbour SPA and therefore would have less impact on the designated sites in terms of increased recreational disturbance than sites in closer proximity and with more direct footpath links to the harbour. As such, in this instance, we don't consider the impacts to be significant - however, the views of Natural England will be important in this regard. We also understand that the proposed new houses would connect to the Lavant wastewater treatment works and therefore would have no impact on the struggling wastewater treatment works at Apuldram which feed directly into the harbour. We would therefore not wish to raise an objection to this application.

#### DATE CONSIDERED

04/11/11

#### CONSIDERED BY

Chichester Harbour Conservancy Planning Committee sub-group under delegated powers.

#### DECISION

The Local Planning Authority is advised that the Conservancy has no objection to this application.



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## Appeal Decisions

Hearing held on 4 October 2011

Site visit made on the same date

**by Gloria McFarlane LLB(Hons) BA(Hons) Solicitor (Non-practising)**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 25 October 2011**

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**Appeal Ref: APP/L3815/C/11/2151289 and 2151294**

**Granary West, Westlands Farm, Westlands Lane, Birdham, PO20 7HH**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Roger Jones and Mr Mark Barber against an enforcement notice issued by Chichester District Council.
- The Council's reference is BI/11/00062/CONBC.
- The notice was issued on 16 March 2011.
- The breach of planning control alleged in the notice is failure to comply with condition No 2 of a planning permission, Ref BI/98/01697/FUL, granted on 19 October 1998.
- The development to which the permission relates is 'change of use of farm building to provide 2 no. holiday chalets and boat/trailer storage and associated works'. The condition in question is No 2 which states that: "The holiday chalets shall be used for holiday accommodation only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order)". The notice alleges that the condition has not been complied with in that the said holiday chalet is being occupied by person(s) who are not on holiday.
- The requirements of the notice are to cease the occupation of the said holiday chalet by person(s) who are not on holiday.
- The period for compliance with the requirements is six months.
- The appeals are proceeding on the grounds set out in section 174(2)(a), (e) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered in appeal 2151289.

**Summary of Decision: The appeals are dismissed and the enforcement notice upheld.**

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**Appeal Ref: APP/L3815/C/11/2151235 and 2151242**

**Granary East, Westlands Farm, Westlands Lane, Birdham, PO20 7HH**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Jeremy Martell and Mr Roger Jones against an enforcement notice issued by Chichester District Council.
- The Council's reference is BI/11/00061/CONBC.
- The notice was issued on 16 March 2011.
- The breach of planning control alleged in the notice is failure to comply with condition No 2 of a planning permission, Ref BI/99/00600/FUL, granted on 21 June 1999.
- The development to which the permission relates is 'proposed additional holiday chalet within building 5'. The condition in question is No 2 which states that: "The holiday chalet shall be used for holiday accommodation only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use

Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order)". The notice alleges that the condition has not been complied with in that the said holiday chalet is being occupied by person(s) who are not on holiday.

- The requirements of the notice are to cease the occupation of the said holiday chalet by person(s) who are not on holiday.
- The period for compliance with the requirements is six months.
- The appeals are proceeding on the grounds set out in section 174(2)(a), (e) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered in appeal 2151235.

**Summary of Decision: The appeals are dismissed and the enforcement notice upheld.**

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**Preliminary Matters**

1. The appeals are made by Mr Roger Jones who is the owner of Granary West and Granary East; Mr Mark Barber who is the occupier of Granary West; and Mr Jeremy Martell who is the occupier of Granary East. The grounds of appeal and the points made are the same in each of the appeals and I will consider them together.
2. The Appellants and the Council referred to an extensive range of national planning policies and, in addition, the Appellants referred to a number of development plan policies that are not cited on the notices. Whilst I have taken them into account, I have determined these appeals on the basis of the policies that I consider to be most relevant, as set out below.

**The appeals on ground (e)**

3. In an appeal under this ground the Appellant has to show that the notice was not properly served on everyone with an interest in the land and that the person not served has been substantially prejudiced. Although Mr Barber and Mr Martell have both made appeals on this ground, they were properly served as occupiers of the two premises and there is no dispute about this. I will therefore not consider them in this ground of appeal. However, Mr R Jones says that although he had exchanged contracts on the purchase of Westland Farm, which includes the premises that are the subjects of the notices, prior to the service date of the notices he was not served with the notices and he was therefore substantially prejudiced.
4. Section 172(2) of the 1990 Act requires a copy of the notice to be served on the owner and on the occupier of the land and on any other person having an interest in the land, being an interest, in the opinion of the authority, which is materially affected by the notice. The 'owner of land' means 'a person, other than a mortgagee not in possession, who whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let'<sup>1</sup>. Mr Jones was therefore not the owner of the land when the notices were issued and served; nor was he the occupier because he did not complete the purchase and move in to Westlands Farm until after the notices were issued.

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<sup>1</sup> S.336(1) of the 1990 Act

5. The Encyclopedia of Planning Law<sup>2</sup> advises that 'any other person having an interest' is a person such as a mortgagee or someone with the benefit of an easement or restrictive covenant. In addition, such a person must be, in the opinion of the Council, materially affected by the notice. It is perhaps unfortunate that the Council did not serve a requisition for information on the then owners, but the Council considered that it had the required information about the owners and occupiers because it had been dealing with an application for a Lawful Development Certificate by the then owners and had undertaken a Land Registry search before the notices were issued in mid-March 2011.
6. Even if a requisition for information had been served, from what I was told about the previous owners' occupation of Westlands Farm there is no guarantee that it would have come to their attention within a reasonable time scale for the Council to issue the notices. There is also the possibility that the requisition could have been completed before the exchange of contracts. Such matters are, however, speculation on my part.
7. It is also unfortunate that the previous owners did not make Mr Jones aware of the Council's concerns about the occupation of the premises. But I understand that the previous owners may not have received the letter from the Council dated 16 February 2011 advising them that enforcement action would be taken by the Council. I do not know when the previous owners 'came home and found the notices' which had been issued and served at the premises on 16 March 2011. However, Mr Jones said that they had moved out prior to completion of the sale on 31 March 2011. I cannot speculate when the notices came to the previous owners' attention and why, if they knew about them, they did not inform Mr Jones. However, as part of the conveyancing process those instructed by Mr Jones had made a Local Authority search and the permissions granted in respect of Granary East and Granary West and the LDC application were a matter of public record, even if the notices had not been registered by that time. I do not consider that, because a search was made, the Council had been put on notice of the possibility of Mr Jones having an interest at some time in the future. Searches are generally made before exchange of contracts and it does not necessarily follow that a purchase will be completed. Anyone can make a Local Authority search of a property if they so wish without having, or obtaining, an interest in the property.
8. It may well be that Mr Jones may have acted differently in his purchase of Westlands Farm if he had been aware of the notices. But in the circumstances, at the time of service of the notices I do not consider that the Council was acting unreasonably in not making further investigations because it was aware of who the owners and the occupiers were; the Council had no reason to know that Mr Jones was buying the property; and therefore there was no necessity for Mr Jones to have been served with the notices.
9. The notices were served in accordance with section 329 of the 1990 Act which requires a notice to be served by delivering it to the person on whom it is to be served or by leaving it at the usual or last known place of abode of that person. There is no requirement for personal service of a notice. The certificates of

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<sup>2</sup> P172.24

service<sup>3</sup> show that the notices in these appeals were, among other things, left at Westlands Farm addressed to the previous owners.

10. Even if there had been failure to serve the notices correctly and Mr Jones did have an interest, this does not render them a nullity. I do not consider that Mr Jones has been substantially prejudiced because he became aware of the notices in time for him to lodge appeals against them. It may be that Mr Jones may have a defence to any prosecution that could result from the notices but to take this any further would be speculation on my part.
11. The appeal on ground (e) fails.

### **The appeals on ground (a) and the deemed planning applications**

12. I consider that the main issue is whether there is any justification for the discharge of the condition limiting occupation of the premises to holiday accommodation.
13. Granary East and Granary West are two parts of a single storey brick building with a slate pitched roof. They are located within the rural area and Chichester Harbour Area of Outstanding Natural Beauty (AONB) approximately 2 km from the Post Office in Birdham village and outside the settlement boundary. They were once part of a farmyard and there are a number of barns and other buildings in the vicinity together with the original farmhouse. The surrounding area comprises open fields and hedgerows.
14. Although there was no appeal on ground (d) and the application for a LDC was withdrawn, there is no dispute that the accommodation has never been used for holiday lets but has been let as 'ordinary' rented accommodation. As such, the Appellants contend that the dwellings make a valuable contribution towards the supply of small rented homes in the area, of which there is a shortage and for which there is insufficient allocated land to meet expected housing need.
15. The Council's reasons for issuing the notice are that it seeks to remedy the breach of planning control, namely the permanent loss of two dedicated units of tourist accommodation and the creation of two permanent two bedroom dwellings in the countryside in an unsustainable location.
16. National planning policy and Development Plan policies<sup>4</sup> seek to protect the countryside for its own sake whilst recognising the need for suitably located and designed development to facilitate the economic and social well being of designated areas such as AONBs and their communities<sup>5</sup>. Tourism is regarded as vital to many rural economies and this is recognised in policy TR2 of the South East Plan and policy EC7.1 of PPS4<sup>6</sup> which encourage sustainable rural tourism.
17. Tourism South East produced a report for the Council in February 2006<sup>7</sup> which, among other things, considered tourist accommodation in the Manhood Peninsular, where the appeal sites are located. The fact that the accommodation at the appeal sites is not mentioned in the report is not

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<sup>3</sup> Appendices 2 and 3 to the Council's statement

<sup>4</sup> The South East Plan policy C3 and Chichester District Local Plan First Review 1999 saved policy RE4

<sup>5</sup> Planning Policy Statement 7 'Sustainable Development in Rural Areas' (PPS7) paragraph 21

<sup>6</sup> Planning Policy Statement 4 'Planning for Sustainable Economic Growth'

<sup>7</sup> Appendix 6 page 21 to the Appellant's Statement

surprising given that the accommodation was never let as tourist accommodation. The report advises that there is a demand, which is not fully met, for B&B and self-catering accommodation in the Witterings, which are not far from the appeal sites, with the proviso that if further tourism development is to take place the upgrading of transport infrastructure would be important. I appreciate that this report is some years old and that I have no information about transport infrastructure, but no evidence was presented by the Appellants to show that the demand for tourist accommodation has changed.

18. There therefore appears to me to be a need for holiday accommodation of the type provided by Granary East and Granary West, that is, self-catering accommodation of a high standard in a popular tourist area.
19. There is also a need for housing in the area which has to be balanced against the tourist needs. Housing need was considered in the Council's 'Interim Policy Statement on Housing – Facilitating Appropriate Development'<sup>8</sup>. This Statement acknowledges that there are few suitable sites left within Settlement Policy Areas (SPA) for housing and that outside SPA there is a presumption against development. The Interim Policy advises that new housing development may be acceptable outside existing SPA providing all of the specified criteria are met. However, the Interim Policy appears to me to have little relevance in these appeals as it is primarily concerned with new housing sites and construction rather than the change of use of a building.
20. I acknowledge the Council's view that the creation of two residential units would not be of strategic importance but that they would be a 'windfall' and as such the two dwellings would count towards housing requirements<sup>9</sup>. However, the emerging National Planning Policy Framework does not count windfall sites in the same way<sup>10</sup>.
21. The thrust of Government policy, currently found in the emerging National Planning Policy Framework, is to promote sustainable development and support economic growth through the planning system. However, housing in rural areas should not be located in places distant from local services<sup>11</sup> and isolated homes in the countryside should be avoided unless there are special specified circumstances. In these respects the draft NPPF carries forward advice in PPS7<sup>12</sup> and the advice is also reflected in policy CC1 of the South East Plan.
22. The accommodation at the appeal site is some 2 km from the services and facilities in Birdham village which comprise a post office and general store. The distance to the village hall, church and school is a little shorter. Although the land is flat and there appears to be limited traffic on the roads from the appeal site to the village, it seems to me likely that most journeys from the appeal site to the post office/shop would be made by car rather than walking or cycling. Permanent residents are likely to require far more facilities and services than those available from the village shop and would be likely to travel to Chichester, a distance of some 8 km. Although there is a bus route and the bus stop is some 1 km distant, it seems to me again likely that most journeys

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<sup>8</sup> Document 2 Effective 20 July 2011

<sup>9</sup> Appendix 6 to the Appellant's statement - Draft Housing Numbers and Locations Consultation Document paragraph 4.6

<sup>10</sup> Paragraph 109 of the NPPF

<sup>11</sup> Paragraph 112 of the NPPF

<sup>12</sup> Paragraphs 8 and 9

would be undertaken by private car. I appreciate that holiday makers would also make a significant number of journeys to and from the appeal site but these would, in my opinion, be of a more transient nature and not regular journeys at busy times of the day and evening such as to and from work and school as would be made by permanent residents. Also people on holiday would not need such things as educational facilities and medical services would be for emergencies only. The use of the appeal premises for holiday accommodation would promote economic growth as such occupants would be more likely, for example, to eat out and participate in the recreational and tourist activities on offer in the area.

23. Granary East is currently occupied by Mr Martell and his family. Although the accommodation is not tied to his employment, the rent is relatively modest and takes into account that Mr Martell is employed by Mr Jones as a part-time caretaker providing, in particular, security. I appreciate that Westlands Farm is isolated; that Mr Jones and his family are not in permanent residence; and that not all walkers in the area realise that the public footpath no longer runs alongside the Farmhouse and that they often stray into the garden. But the Farm is not totally vacant because there is residential occupation in the same complex of buildings at The Stables and given that the protection of livestock is not a sufficient justification for a new agricultural dwelling<sup>13</sup>, I am of the opinion that the security provided by Mr Martell and his other caretaking duties cannot alone be justification for the change of use.
24. I have considered whether the imposition of other conditions would be appropriate. However, I am of the opinion that the imposition of different conditions in place of the condition restricting use to holiday lets would be unreasonable because personal conditions to restrict the occupation to Mr Barber and Mr Martell would not overcome the harm I have identified above concerning the creation of two separate dwellings in the countryside and Circular 11/95 advises that a personal condition will scarcely ever be justified in the case of a permission for a permanent building<sup>14</sup>; no justification has been provided for restricting the use of one of the premises to staff accommodation; and the imposition of personal or staff accommodation conditions would leave Granary East and Granary West with no lawful use when the current occupiers move out.
25. The notices relate to the separate accommodation at Granary East and Granary West and not to any additional land. Mr Jones<sup>15</sup>, as owner of The Granary building together with a considerable amount of adjoining land has provided a unilateral undertaking pursuant to s.106 of the 1990 Act in which he covenants not to dispose of the freehold title to Granary West and Granary East unless they are also disposing of the freehold title to the Farm House and associated farmland as part of the same transaction to the same purchaser<sup>16</sup>. Whilst this would result in both Granary East and Granary West remaining as rented accommodation, with or without a staff use, it does not prevent the creation of two separate units of accommodation in the countryside which I consider to be unacceptable. I therefore am unable to take the planning obligation into account in reaching my decision.

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<sup>13</sup> PPS7 Annex A paragraph 6

<sup>14</sup> Circular 11/95 'The Use of Conditions in Planning Permissions' paragraph 93

<sup>15</sup> And Ms Charnaud who is also a freehold owner of the property

<sup>16</sup> There is also a proviso relating to the separate sale of the farmland

26. Mr Jones said that if the appeals were unsuccessful and the deemed planning applications were refused he would not let the properties as holiday accommodation but would leave them empty, primarily because of the proximity of The Granary building to the Farmhouse and him not wanting a series of strangers staying in them. Whilst I consider that the implications of this course of action would be unfortunate, it would be a decision for Mr Jones as owner to make and no person or authority could force him to let the accommodation to people on holiday.
27. Submissions were made relating to Articles 1 and 8 of the European Convention on Human Rights and I recognise that dismissal of the appeals and refusal of the deemed planning applications would interfere with Mr Martell's and Mr Barber's home and family lives. However, this must be weighed against the wider public interest. For the reasons given above, I find that the loss of tourist accommodation and the creation of two dwellings in the countryside would be inappropriate and I am satisfied that the legitimate aim of maintaining tourist accommodation can only be adequately safeguarded by the dismissal of the appeals and refusal of permission. Although when considering the planning merits of an appeal it is not normally relevant to take into account whether a development has been carried out with the benefit of planning permission, the Courts have determined such an issue is material when considering whether a person's human rights have been violated. I therefore take into account that permanent occupation of Granary East and Granary West is not the lawful use of the properties. On balance, I consider that the dismissal of the appeals and refusal of the deemed applications would not have a disproportionate effect on Mr Martell and Mr Barber within the terms of the European Convention on Human Rights.

***Conclusions on the appeals on ground (a) and the deemed planning applications***

28. I appreciate that saved policy RE14 of the Local Plan sets out a presumption for the change of use of buildings in the rural area and that the specific criteria are largely met in this case. But the need for housing in the rural area and the need to promote tourism in the area are finely balanced, as are the policy issues in respect of both. For the reasons given above, and taking all other matters into account, I consider that national planning policy, extant and emerging, and policies in the development plan do not permit the grant of planning permission for two dwelling-houses in this location. I therefore conclude that there is no justification for the discharge of the conditions limiting occupation of the premises to holiday accommodation.
29. The appeals on ground (a) fail and the deemed planning applications are refused.

**The appeals on ground (g)**

30. The Appellants maintain that six months is too short a period in which they could find suitable and affordable accommodation. In the grounds of appeal the Appellants sought a twelve month period for compliance but this was increased to 18 months in their statement of case and at the Hearing.

31. The Appellants provided a print-out of properties to rent<sup>17</sup> with rental values similar to those of Granary Easy and Granary West. There are none listed for Birdham but there are properties in nearby West and East Wittering and Sidlesham as well as a large number of properties in Chichester. I appreciate that it may not be easy for Mr Barber and Mr Martell to find alternative accommodation that meets all their needs but it appears to me that there are properties available currently that could be suitable.
32. I therefore consider that the period of six months is not an unreasonable one in which to comply with the requirements of the notice. However, I draw the Council's attention to its powers in s.173A of the 1990 Act to extend any period specified in the notice whether or not the notice has taken effect should it be necessary.
33. The appeals on ground (g) fail.

### **Conclusions**

34. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the enforcement notices and refuse to grant planning permission on the deemed applications.

### **Decisions**

#### **Appeal Ref: APP/L3815/C/11/2151289 and 2151294**

35. The appeals are dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

#### **Appeal Ref: APP/L3815/C/11/2151235 and 2151242**

36. The appeals are dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*Gloria McFarlane*

Inspector

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<sup>17</sup> Document 3

## **APPEARANCES**

### FOR THE APPELLANTS

Mrs E Lawrence      Planning consultant  
BTP MRTPI

Mr & Mrs Jones      The Appellant and his wife

### FOR THE LOCAL PLANNING AUTHORITY

Mr W Sowman      Planning Enforcement Officer  
BREP (New Zealand)

## **DOCUMENTS SUBMITTED AT THE HEARING**

- Document 1 -      Copy of the Council's letter of notification and list of persons notified
- Document 2 -      Interim Policy Statement on Housing, submitted by the Council
- Document 3 -      List of properties for rent in the area, submitted by the Appellant





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## Appeal Decision

Site visit made on 8 November 2011

by **N P Freeman BA(Hons) Dip TP MRTPI DMS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 November 2011

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**Appeal Ref: APP/L3815/H/11/2157279**

**Lewis Saab, Ronic House, Main Road, Bosham, W Sussex, PO18 8PN**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 by Lewis Saab (Mr P Tregear) against the decision of Chichester District Council to refuse to grant express consent.
  - The application Ref. No. CH/11/01884/ADV, dated 3 May 2011, was refused by notice dated 6 July 2011.
  - The proposal was for an illuminated fascia sign (Sign A) and a free-standing double-sided, illuminated pylon sign (Sign B).
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### Procedural matter

1. The appeal form only identifies the pylon (totem) sign under the heading "Description of the Advertisements" but it is evident that the advertisement application made and refused related to both Signs A and B. I noted that these signs are already displayed. I will therefore consider the appeal on this basis.

### Main Issue

2. This is the impact on amenity, in particular the nearby Chichester Harbour Area of Outstanding Natural Beauty (AONB) and the character and appearance of the surroundings.

### Reasons

3. The appeal premises, a motor dealership selling Saab and Mitsubishi vehicles, is located on the northern side of the A259 (Main Road) on the edge of the small village of Chidham, within a ribbon of development. However it lies outside any defined settlement within the designated rural area. Although not within the AONB, the boundary runs along the opposite (southern) side of Main Road, encompassing Cutmill Creek, which forms part of the wider Chichester Harbour AONB. The premises also come within an Area of Special Control (ASC) for advertisements.
4. Neither the Council nor any other party have raised objection to the "Mitsubishi" fascia sign, which has been positioned on the 'mansard' roof slope of the showroom, alongside an existing fascia sign ("Saab") of similar size. I consider that the two signs as now displayed are of reasonable proportions and not overly intrusive or harmful to the AONB or surrounding countryside. I conclude that consent should be granted for Sign A.
5. Turning to the pylon sign (Sign B) this is located close to the road frontage at the south-eastern corner of the site. It is a sizeable, solid feature 4.2m high by 1.32m wide with an internally illuminated top panel reading "Mitsubishi Motors"

with company logo. At the south-western corner of the site there is another pylon sign of similar height and size for "Saab".

6. I was able to walk a section of the footpath on the opposite side of the A259 which goes southwards along the edge of the harbour into the AONB. I could see the top of the sign, which would be the illuminated part, from certain places along this path as is clear from the photograph supplied by the Chichester Harbour Conservancy. Although it is seen against a backdrop of the showroom and a nursing home to the west it is nevertheless an incongruous feature which does not conserve the natural beauty of the AONB. As such I find it conflicts with the terms of 'saved' Policy RE4 of the Chichester District Local Plan (LP) – First Review.
7. I have borne in mind that a pylon sign has already been permitted at the opposite end of the garage frontage and that approving the additional fascia sign would mean that there is a considerable amount of signage which enables both car makes to be advertised satisfactorily. The introduction of yet another large illuminated sign has created an excessively cluttered appearance along this section of road frontage which has an adverse impact of the adjacent rural surroundings. This is contrary to criteria (1) and (2) of 'saved' Policy BE9 of the LP which apply to signs in an ASC.
8. I am aware that neither the Harbour Conservancy nor the Chidham and Hambrook Parish Council raised objection, subject to the imposition of a condition controlling the level of illumination. However, in the light of my own assessment above I do not find that this is a sound basis for permitting the sign. I have also had regard to the claims of the appellant that the two competing car companies would be unlikely to accept a combined pylon sign – an idea suggested by the Council. Firstly, I do not find this to be a convincing claim given that both makes of car are being sold from the premises; secondly, even if this was the case, I do not consider it provides an argument that outweighs the harm I have identified.
9. Bringing these points together, I conclude that the pylon sign has, and would continue to have, a harmful impact on the amenities of the surrounding rural area, in particular the natural beauty of the AONB, and should not be permitted. I therefore will issue a split decision granting consent for Sign A but not for Sign B.

### **Decision**

10. That part of the appeal that relates to the illuminated fascia sign (Sign A) as applied for is allowed and consent granted for its display. The consent is for five years from the date of this decision and is subject to the standard conditions set out in Schedule 2 of the 2007 Regulations. That part of the appeal that relates to the free-standing double-sided, illuminated pylon sign (Sign B) is dismissed.

*NP Freeman*

INSPECTOR