



For questions regarding this agenda please contact Pasha Delahunty: pasha.delahunty@conservancy.co.uk

CHICHESTER HARBOUR CONSERVANCY – PLANNING COMMITTEE

A meeting of the Conservancy's Planning Committee will be held at 10.30am on Monday 22 April 2024 at County Hall, Chichester.

Matt Briers CBE, CEO

AGENDA

1. WELCOME AND APOLOGIES

2. DECLARATIONS OF INTEREST

Members and officers are reminded to make declarations of pecuniary or personal interests they may have in relation to items on the agenda and to make any 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. Members are also reminded to declare if they have been lobbied in relation to items on the agenda.

3. MINUTES

Minutes of the Planning Committee meeting held on 26 February 2024 (Page 1).

4. DEVELOPMENT APPLICATIONS

- a. BO/24/00295/FUL - Bosham Reach, Shore Road, Bosham (Page 4)
- b. APP/23/01057 - Land opposite 56 Bath Road, Emsworth (Page 85)
- c. BI/23/02616/FUL - Creek Cottage, Westlands Estate, Westlands Lane (Page 94)
- d. CH/24/00664/FUL - Grey Thatch, Harbour Way, Chidham (Page 110)

5. APPEAL DECISIONS

- a. APP/L3815/W/23/3323630 - Sanderlings, Spinney Lane, Itchenor (Page 132)
- b. APP/L3815/W/23/3320481 - 112 Fishbourne Road West, Fishbourne (Page 135)
- c. APP/L3815/W/23/3325079 - Upper Creek End, Westlands Lane, Birdham (Page 141)

6. TABLE OF RECENT DECISIONS

To consider the report from the Principal Planning Officers (page 145).

7. QUARTERLY REPORT

To consider the report from the Principal Planning Officers (page 151).

8. DATE OF NEXT MEETING

Monday 20 May 2024 at Eames Farm, Thorney Island from 10.30am.

Planning Committee members: *Iain Ballantyne, Heather Baker, Jackie Branson, Jane Dodsworth, John Goodspeed, Pieter Montyn (Vice-Chairman), Nicolette Pike (Chairman), Lance Quantrill and Sarah Payne. Three Conservancy Board vacancies.*

CHICHESTER HARBOUR CONSERVANCY

PLANNING COMMITTEE

Minutes of the meeting held on Monday 26 February 2024 at Eames Farm, Thorney Island.

Present

Iain Ballantyne, Heather Baker, Jackie Branson, John Goodspeed, Pieter Montyn, Sarah Payne, Nicolette Pike (Chairman), Lance Quantrill

Officers

Richard Austin, Pasha Delahunty (Minutes), Steve Lawrence, Linda Park

The meeting started at 10:30am

1.0 WELCOME AND APOLOGIES

1.1 Jane Dodsworth was absent from the meeting.

2.0 DECLARATIONS OF INTEREST

2.1 None (see 7.1 below). Development Applications under review are in Pieter Montyn's division and Iain Ballantyne's ward.

3.0 MINUTES

3.1 Resolved – That the minutes of the Planning Committee meeting held on 11 December 2023 be approved as a correct record and that they be signed by the Chairman.

4.0 DEVELOPMENT APPLICATIONS

4.a. 24/00061/FUL - 1-4 Claytons Corner, Birdham, Chichester

4.1 The Principal Planning Officer (LP) presented her report to members on the application to demolish 4 no. existing semi-detached bungalows and replace with 5 no. dwellings (two detached and one block of three terraced) and their associated works. The Officer recommends no objection subject to the list of conditions set out in the report.

4.2 The layout is in keeping with the area and the plot is within the settlement boundary of Birdham. The proposal was not found to be detrimental given the already built-up setting of the area. No sustainable measures were included in the application and a condition set out in the **Officer's** report is for a statement of those measures to be produced.

4.3 The Parish Council objected to the development, but it appears that was based on a misunderstanding of a Chichester Harbour Conservancy (CHC) policy.

4.4 Action Point – The Officer should add a condition to the report to ensure that demolition materials are removed from the site.

Recommendation

4.5 That Chichester District Council, as Local Planning Authority (LPA) be advised that Chichester Harbour Conservancy raises no objections to the proposed

development subject to the condition set out in the report and including the additional condition set out in point 4.4. The decision was unanimous.

- 4b. 23/02868/FUL - Little Copse, Westlands Lane, Birdham
- 4.6 The Principal Planning Officer (SL) presented his report to members on the application for a replacement dwelling, outbuildings and associated works. The Officer recommends no objection subject to the list of conditions set out in the report.
- 4.7 The Westlands Lane site is within the AONB boundary and outside of the settlement boundary for Birdham, with a public footpath bisecting a portion of the land to the north. There are limited views of the current dwelling from the footpath with the main views from the water and causeway.
- 4.8 The proposal is for the removal and replacement of the current dwelling with a new house with an unusual cantilevered first floor, separate annex, boat shed, garden storage and a gym/games building. The overall appearance of the dwelling and glazing facing the harbour appears improved with recessed windows and louvres. The Planning Officer did note that vehicular garaging was not included with the application.
- 4.9 Attention was drawn to the fact that the increased silhouette had been calculated using the current dwelling and not that of the original house which is not in line with CHC's supplementary planning principles.
- 4.10 Action Point – Members asked that the difference in the interpretation of silhouette calculations between CHC and the LPA should be noted.
- 4.11 Members were concerned about the conventional use of soak-aways, uncontrolled drainage into the harbour and general lack of detail in the sustainability statement.
- 4.12 Action Point – The Planning Officer was directed to add a condition to his report asking that the aspirations set out in the sustainability statement be clarified.
- 4.13 Members also raised concerns about the use of the annex.
- 4.14 Action Point – The Planning Officer was directed to add a condition that the annex should remain ancillary to the main dwelling and not a separate dwelling.

Recommendation

- 4.15 That Chichester District Council, as Local Planning Authority (LPA) be advised that Chichester Harbour Conservancy raises no objections to the proposed development subject to the conditions set out in the report and including the additional considerations set out in points 4.10, 4.12 and 4.14. The decision was unanimous.

5.0 APPEAL DECISIONS

- 5a. APP/L3815/W/23/3319434 - Land off Main Road, Birdham
- 5.1 The group was extremely disappointed that another 150 houses were being allowed outside the settlement boundary of Birdham and on the border of the AONB. The inspector found it was a sustainable location given its access to amenities and transport. Drainage was one area of concern due to the size of the development.

It was thought that changes to the NPPF would apply as the consideration of the appeal was in process. The LPA is taking advice.

- 5b. APP/L3815/C/22/3311612 - Land at Thornham Marina, Southbourne
- 5.2 The enforcement notice was quashed as it the pods were on balance, not found to be dwellings. A key issue appears to be the wording of the notice as it did not ask for a change of use. The suggestion is that the enforcement notice could be reissued.
- 5.3 Action Point – The National Landscapes (NL) Director was asked to write to the LPA and ask that the enforcement notice be reissued.
- 5.4 The NL Director reminded the Committee that while considerable time and effort had been spent pushing for statutory consultee status, that has not been granted. It was suggested that the focus should now shift to lobbying for a protective buffer on the boundary of the AONB. A map featuring the 857+ dwellings that have been approved on the AONB border shows that the defensive landscape is being lost. Other protected landscapes support this approach.
- 5.5 A study of the cumulative impact of the development along the AONB boundary would be welcomed and it was implied that there would be support for this work. The NL Director will speak with the CEO about options and next steps.
- 6.0 TABLE OF RECENT DECISIONS
- 6.1 Members considered the table of recent decisions submitted with the agenda documents. The Principal Planning Officers (LP & SL) highlighted the recent objections.
- 7.0 QUARTERLY REPORT
- 7.1 Lance Quantrill declared that he had an interest to declare in relation to Tournerbury Woods. As no applications were under consideration, he remained in the meeting.
- 7.2 The Principal Planning Officers (LP & SL) presented a set of slides to the members highlighting some of the adverse decision conflicts set out in the Quarterly report. Examples of where issues raised by CHC resulted in positive changes were highlighted. It was noted that the access route to Tournerbury Woods continues to be scrutinized by locals and that the enforcement notice still stands.
- 8.0 DATE OF NEXT MEETING
- 8.1 The next meeting will be held on Monday 22 April 2024 at 10: 30am at County Hall, Chichester.

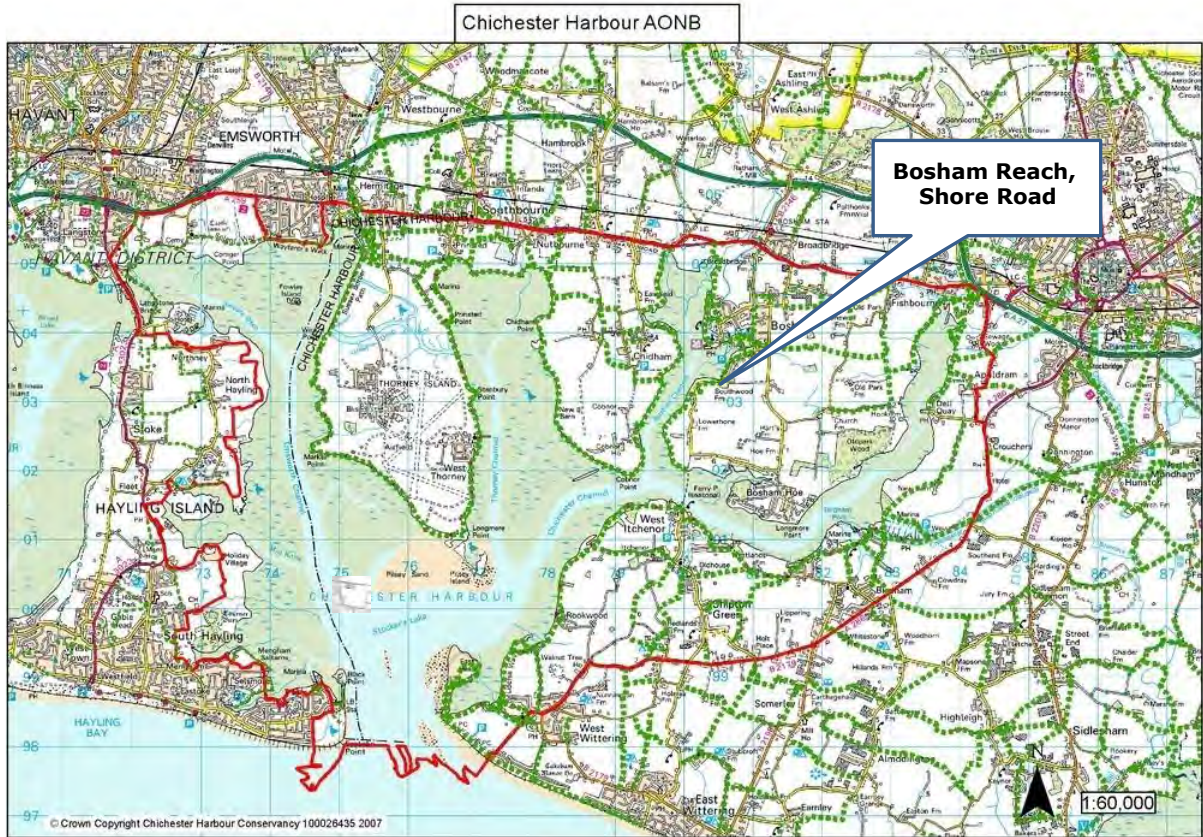
Meeting closed at 11:37am

Chairman

Local Planning Authority planning application reference: 24/00295/FUL

Site: Bosham Reach Shore Road Bosham Chichester West Sussex PO18 8QL
Proposals: Change use of land to residential curtilage and construction of hard surfaced tennis court with fencing.
Conservancy case officer: Linda Park

Application details on LPA webpage – <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S8JGLNERH5N00>



RECOMMENDATION

(a) That Chichester District Council, as Local Planning Authority (LPA) be advised that Chichester Harbour Conservancy raises no objection subject to the following: -

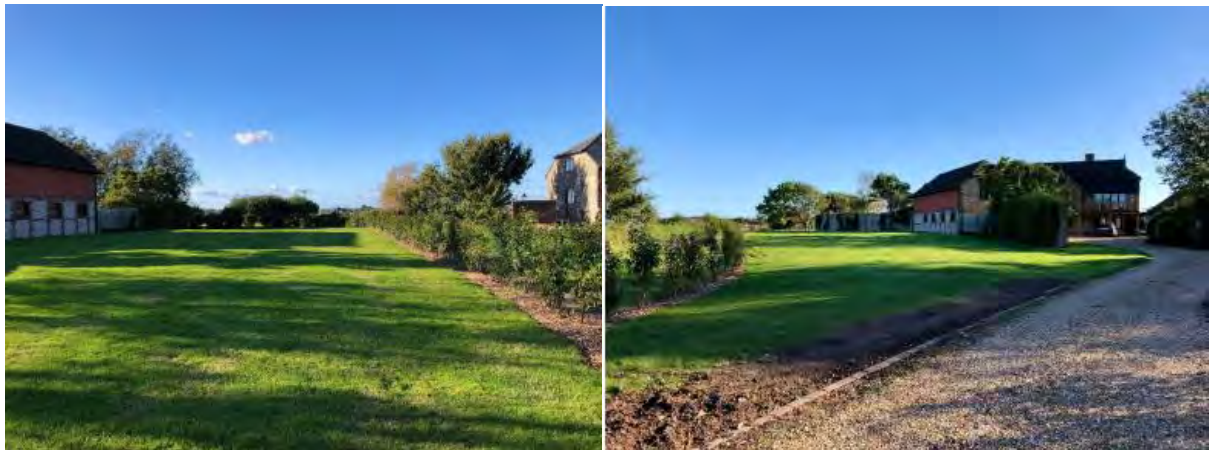
- 1) Materials and finishes in accordance with plans;
- 2) Retention of planting (and its replacement if planting fails);
- 3) No illumination to be installed to tennis court.

Conservancy Officers’ comments and reasoned justification

1.0 Site description

1.1 The site is located along the south side of Shore Road which runs along the edges of the coastal inlet to Bosham village. The site lies towards the southern end of a small ribbon of low density agricultural and residential properties, within a rural setting, with views across the inlet to Bosham Quay and views to the south across open countryside.

- 1.2 The site relates to a narrow portion of land bounded by the curtilage of the application property to the southwest, with a further dwelling to the northeast, and agricultural fields to the south. The application property is set back some distance from Shore Road itself at the end of a long driveway.
- 1.3 A line of evergreen shrubs have been planted along the northeastern side of the site, which are shown on the proposed plans.



Above: Views of the site from the south (LHS) and from the driveway to the north (RHS)



Above: View of the site from shoreline footpath



Above: the site sits between the application property (RHS) and the property on the LHS

2.0 Relevant recent planning history

2.1 BO/21/00068/PRESS – Pre-application Enquiry for the installation of tennis court. CHC delegated pre-application comments of 17 March 2021 raised OBJECTION to the pre-app proposal. The LPA commented by letter on 17 March 2021 that the pre-app proposal would be unlikely to gain permission.

2.2 BO/21/03659/FUL – Full planning application for change of use of land to residential curtilage and construction of hard surfaced tennis court with fencing.

2.3 The Conservancy objected to this application for the following reasons: -

"1. The Change of Use of open countryside to form part of the residential curtilage of the domestic dwelling 'Bosham Reach' would be harmful to the character of this part of the AONB due to the loss of an area of open field and its

intended enclosure as part of a domestic garden to a residential property, together with all associated activity that residential use would entail.

2. The formation of a tennis court and the erection of a tennis court enclosure fence would alter the character of this part of the AONB and introduce a visual structure which is alien to a countryside location and is more in-keeping with a domestic urban location.

Refusal Reason Informatives: -

A. The use of a tennis court during autumn and winter months, or during early or late daytime hours at other times would require the use of floodlighting to illuminate the court and this would create a lighting glow irrespective of how focused the floodlighting beams could be designed, creating light intrusion within the rural countryside location contrary to AONB Planning Principle PPO9: Dark Skies.

B. The planting of a landscaped belt to the periphery of the red-lined site is noted and is considered as a presumptive precursor to the formal and full consideration of the submitted proposal."

2.4 The District Council subsequently refused permission on the following grounds: -

"1) The site lies outside the designated Settlement Boundary and the proposal is consequently located in designated countryside, where the policies of the development plan state that development will only be permitted where it requires a countryside location and where it meets an essential, small scale and local need, which cannot be met within or immediately adjacent to an existing settlement. It has not been demonstrated that the proposal requires a countryside location, nor that it is required to meet an essential, small and local need. Therefore, the proposed development constitutes an unjustified form of development, located outside the settlement boundary that is in conflict with Policies 1, 2 and 45 of the Chichester Local Plan 2014-2029 and sections 12 and 15 of the NPPF 2021.

2) The proposal, by reason of its size, design and urbanising appearance would result in an incongruous form of development that would detract from the character and appearance of the site and surrounding area of the Chichester Area of Natural Beauty. As such the proposal fails to comply with Policies 43, 45 and 48 of the Chichester Local Plan Policies 2014-2029 and paragraphs 130, 174 and Sections 12 and 15 of the National Planning Policy Framework 2021 and there are no material considerations that would outweigh the harm identified."

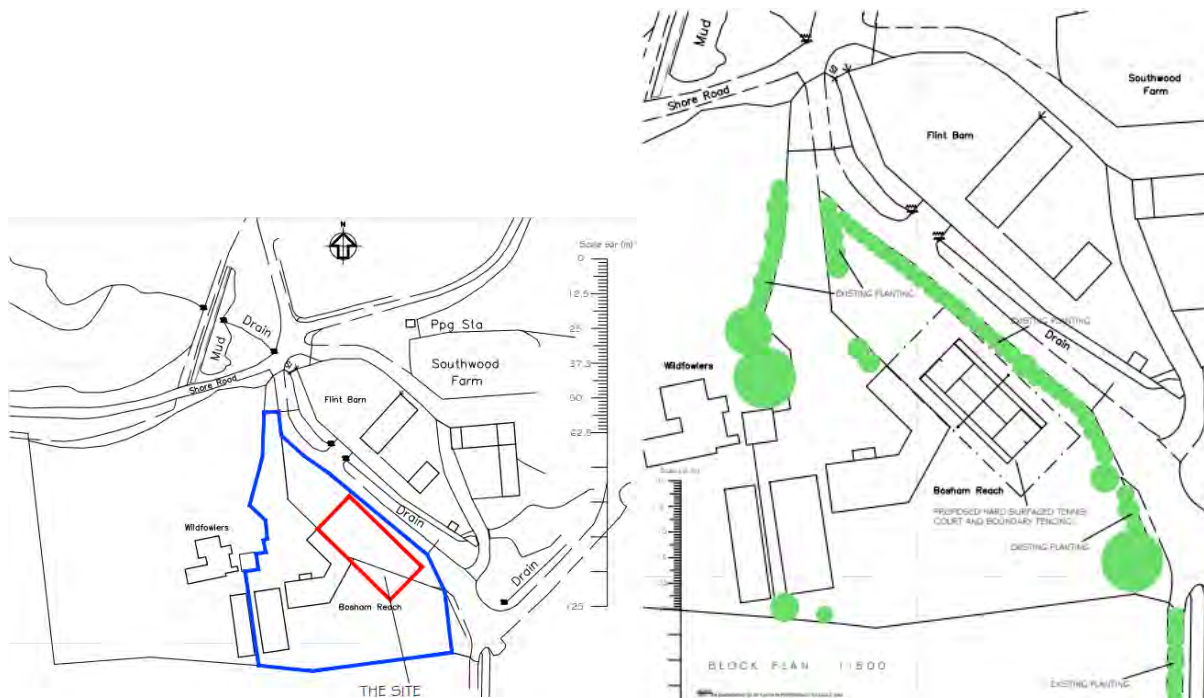
2.5 An appeal was lodged against the refusal and was allowed on 12th June 2023. The Inspector found that despite having former agricultural use, the site does not hold a meaningful relationship with the open agricultural land which is to the south and east, and with which it does not share a common boundary. The site is easily mistaken as part of **the dwelling's garden, is set well back from the road and** faces it end on. Although visible from the road, intervening vegetation and the proximity of buildings to either side mean it is not prominent to view. The Inspector found therefore that the proposed tennis court would not be prominent to view but would be seen from a limited area in a residential context, with

dwellings and their curtilages to either side. As such, it would not harm the character and appearance of the area including the special qualities of the AONB. The full appeal decision is shown at Appendix 1.

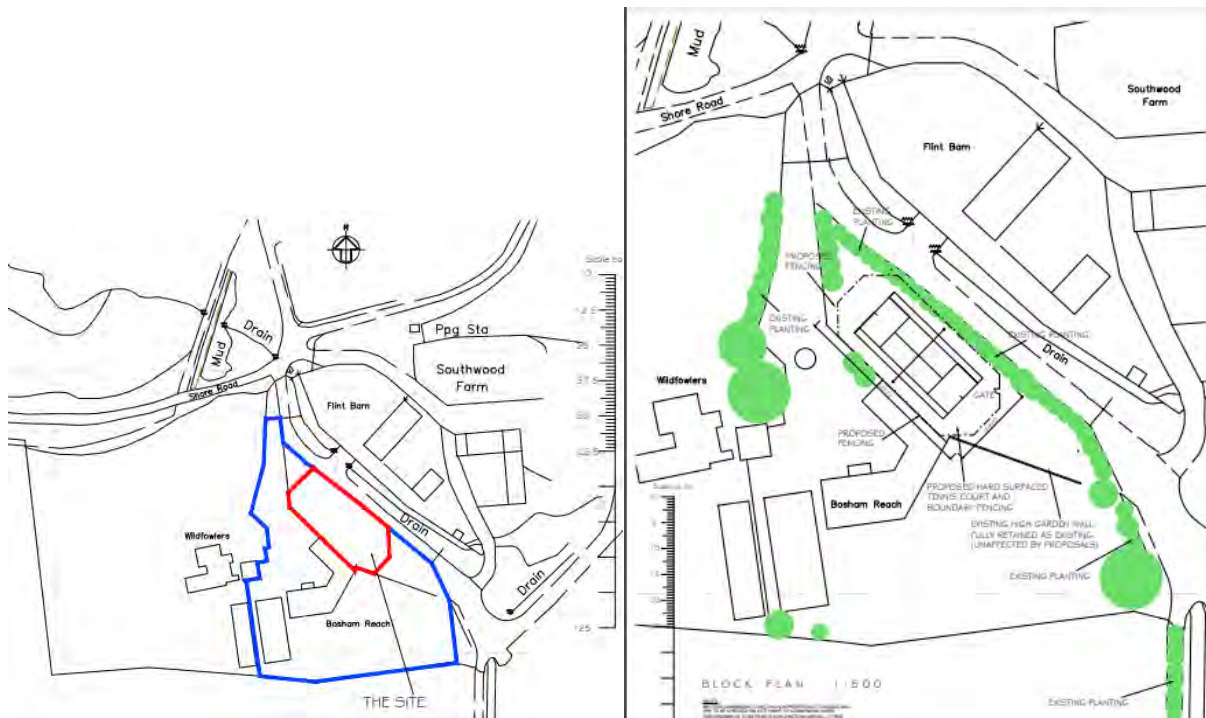
3.0 Proposed development

3.1 The current application seeks to re-position the tennis court allowed on appeal slightly further north-west (towards Shore Road). In all other respects, the proposals remain the same as the application allowed on appeal. The application includes a detailed supporting statement, which makes reference to several other schemes where tennis courts have been approved within the countryside / AONB.

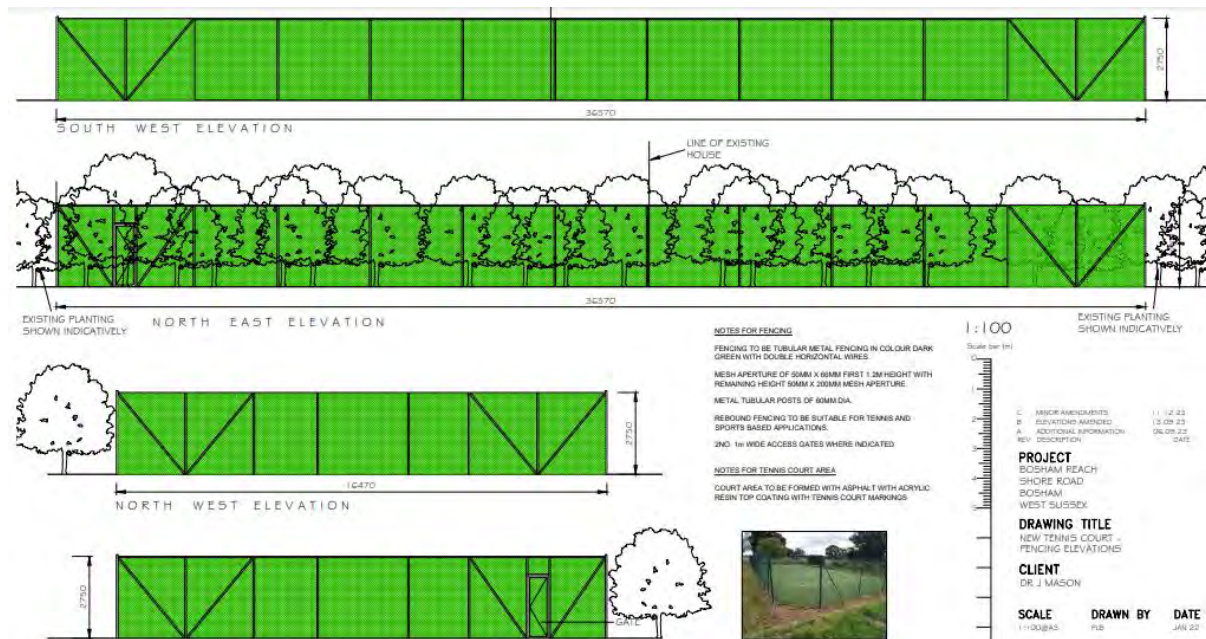
3.2 The proposals, again, seek to incorporate the site into the residential curtilage of 'Bosham Reach' as well as to erect a tennis court enclosed by 2.75m high fencing in dark green and surfaced with asphalt with acrylic resin top coating. Two 1m wide gates will be incorporated into the fencing.



Above: Location and site plan for scheme allowed on appeal (21/03659/FUL)



Above: Location and site plan for current scheme with tennis court repositioned slightly further northwest



Above: Proposed fencing elevations



PHOTO OF TYPICAL TYPE OF FENCING TO BE USED

4.0 Related Planning Policy framework

National Planning Policy Framework (NPPF) (Revised Dec 2023), paragraphs 11, 182.

National Planning Practice Guidance (NPPG) (2014 onwards).

Chichester Local Plan: Key Policies (2014-2029), Policies 43 (Chichester Harbour Area of Outstanding Natural Beauty), 45 (Development in the Countryside), 48 (Natural Environment), 49 (Biodiversity).

Emerging Chichester Local Plan: Policies NE2 (Natural Landscape), NE8 (Trees, Hedgerows and Woodlands), NE10 (Development in the Countryside), NE13 (Chichester Harbour Area of Outstanding Natural Beauty), NE21 (Lighting).

Bosham Neighbourhood Plan (2016)

Chichester Harbour Management Plan 2019-2024 – Policies 1 (Conserving and Enhancing the Landscape), 2 (Development Management), 3 (Diversity of Habitats), 8 (Thriving Wildlife), Policy 9 (Health and Wellbeing).

Chichester Harbour Landscape Character Assessment (CBA update 2019).

CHC Planning Principles (adopted by CHC 17.10.16 onwards), PP01 (Chichester Harbour as a Protected Area), PP09 (Dark Skies).

Joint CH AONB Supplementary Planning Document (SPD) (2017).

4.1 Key issues: Impact on Chichester Harbour AONB

- 4.1 Whilst the Conservancy raised an objection to the original application, the principle of a tennis court in this location has now been established through the recent appeal decision.
- 4.2 The current application seeks only to slightly relocate the tennis court further northwest. Whilst this would be slightly closer to Shore Road, as pointed out by the Inspector, there are limited views of the site from the surrounding area due to the topography and planting, and where the site is visible, it appears as garden land in between two properties. The proposed tennis court would not be a solid structure but rather the proposed fencing would have a lightweight / semi-transparent appearance. This, coupled with its location adjacent to the application property, and the planting to the north and east of the proposed tennis court, would limit the impacts on the character and appearance of the area and the wider landscape.

5.0 Conclusion

- 5.1 The appeal decision has established the principle of a tennis court in this position and it is considered that the slightly altered siting would not materially affect the **Inspector's conclusions regarding the lack of harm to the rural character of the area** or the special qualities of the AONB. These conclusions are accepted.
- 5.2 In this context, the altered siting would not materially affect the overall impact on the AONB / National Landscape, subject to the materials being implemented in accordance with the application, the retention and management of the planting as shown on the plans; and no lighting being installed, to safeguard **the AONB's Dark Skies** in this sensitive rural location adjacent to the Harbour.



Appeal Decision

Site visit made on 6 June 2023

by **A Tucker BA (Hons) IHBC**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/L3815/W/22/3312775

Bosham Reach, Shore Road, Bosham, PO18 8QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Judy Mason against the decision of Chichester District Council.
 - The application Ref BO/21/03659/FUL, dated 21 December 2021, was refused by notice dated 14 July 2022.
 - The development proposed is change of use of land to residential curtilage and construction of hard surfaced tennis court with fencing.
-

Decision

1. The appeal is allowed, and planning permission is granted for change of use of land to residential curtilage and construction of hard surfaced tennis court with fencing, at Bosham Reach, Shore Road, Bosham, PO18 8QL in accordance with the terms of the application, Ref BO/21/03659/FUL, dated 21 December 2021, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - a) The effect of the proposal upon the character and appearance of the area, including the Chichester Harbour Area of Outstanding Natural Beauty (AONB), and
 - b) Whether the site is suitably located for the development proposed with regard to the Council's development strategy.

Reasons

Character and appearance

3. The site is located towards the end of low-density linear development that extends from the main area of Bosham and aligns with the edge of the Bosham Channel, facing towards Bosham Quay. The area is low lying and has a tranquil character that is dominated by its outlook over the Channel and the adjacent undeveloped countryside.
4. The site is within the AONB. The National Planning Policy Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs, which carries the highest status of protection. The flatness of the landform and the unique blend of land and sea are special qualities of the AONB that are readily appreciated from the area surrounding the site.

5. The Adopted Joint Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document places the site within the Harbour Peninsular: Bosham character area. This refers to larger twentieth century shore side houses, set in large garden plots with a suburban character. This describes the linear development close to the site to the north that follows the line of Shore Road.
6. The appeal dwelling and the dwelling to the northeast would appear to have agricultural origins, however they form part of the adjacent linear development.
7. The site is a narrow portion of land that the appellant states is currently without use. It is bound by the residential curtilage of the appeal dwelling to the southwest. To the northeast it borders a narrow track and drainage ditch, beyond which stands a further dwelling. Thus, the appeal site is hemmed in on both sides by existing residential land. Despite having a former agricultural use, it does not hold a meaningful relationship with the open agricultural land which is to the south and east, and with which it does not share a common boundary.
8. The appeal site is mown and undivided from the main area of residential curtilage at the rear of the dwelling. From Shore Road it would easily be mistaken as part of the dwelling's garden. The site is set well back from the road and faces it end on. Although visible from the road, intervening vegetation and the proximity of buildings to either side mean that it is not prominent to view.
9. The proposed tennis court would be seen in the most part alongside the existing dwelling, when viewed from the area of Shore Road to the north where the site is most visible. Owing to the height of the existing building and the trees within the appellant's garden at the rear, the fence enclosure would not be prominent to view. The enclosure would not appear incongruous or cause significant harm; instead, it would be seen from a limited area in a residential context, with dwellings and their curtilages to either side.
10. The surface of the tennis court would be difficult to view from outside the site owing to the flat topography of the area. I note the potential for the area to be used for other domestic activities and thus attract various paraphernalia such as garden furniture and children's play equipment. However, given the nature of the proposal, its location away from the main part of the dwelling's garden, and the quality and scale of the rest of the existing garden area I consider it highly unlikely that this would become an issue.
11. In summary, the proposal would not harm the character and appearance of the area, including the special qualities of the AONB. It would accord with Policies 43 and 48 of the Chichester Local Plan: Key Policies 2014-2029 (LP) and Policy 6 of the Bosham Parish Neighbourhood Plan 2014-2029 (NP). Together these seek to ensure that development proposals conserve the natural beauty and locally distinctive features of the AONB, and the openness and tranquillity of the area.

Location

12. With reference to Policy 2 of the LP, the site is outside the settlement area of Bosham and is thereby restricted to development which requires a countryside location, meets an essential local rural need, or supports rural diversification.
13. Policy 2 links to LP Policy 45. This Policy establishes that development in such locations will be granted if it requires a countryside location and meets the essential, small scale and local need. Policy 2 and Policy 45 of the LP do not relate easily to a proposal to extend a residential curtilage, as in most cases such a proposal would not meet an essential need. Policy 1 of the NP is similarly restrictive.
14. I have however established that the proposal would not harm the character and appearance of the area, including the AONB. Additionally, it would not result in development that would be isolated or generate additional travel. It would therefore not conflict with the objectives of the Council's development strategy which have been prepared within the context of the special environmental qualities of the area, infrastructure requirements and deliverability.
15. For these reasons, whilst the proposal would not strictly accord with these Policies, I am satisfied that the material considerations before me are sufficient that it is reasonable for me to make a decision that is not in accordance with the development plan. I therefore find that the proposed site is suitably located for the development proposed.

Conditions

16. I have had regard to the conditions suggested by the Council. I have considered these against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed condition 2 to specify the approved plans as this provides certainty. In addition to the plan referred to in the Council's suggested condition, I have added the proposed drainage strategy plan included within the Surface Water Drainage Report Ref C1982 Rev PL1 to ensure that surface water at the site is properly managed.
17. I have imposed condition 3 to ensure that the tennis court is constructed of the materials specified in the submission and condition 4 to require the submission of additional details relating to the proposed fencing, to safeguard the character and appearance of the area including the AONB.
18. I have imposed condition 5 to prevent the installation of external lighting of the tennis court, as the provision of such lighting has the potential to have a significant impact on the tranquil character and appearance of the area including the AONB.

Conclusion

19. For the reasons above, the appeal should be allowed.

A Tucker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall not begin later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1095/01 Rev C and C1982 PL 100 Rev 1.
- 3) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application forms and plans, unless otherwise agreed in writing by the Local Planning Authority.
- 4) Prior to the installation of the fencing hereby approved, a scheme shall first have been submitted to and agreed in writing by the Local Planning Authority to include:
 - Scaled plans showing the location of the fencing and elevations, and
 - Details of the materials and finishes.

The fencing shall be erected in accordance with the agreed details.

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no illumination shall be erected within the area of the tennis court hereby approved.



Applications & Appeals Services

PLANNING APPEAL

In respect of

**Bosham Reach, Shore Road, Bosham,
PO18 8QL**



Appellant : Mrs Judy Mason

LPA Ref: BO/21/03659/FUL

December 2022

Nikolas J. Antoniou BSc (Hons) DipTP MRTPI

NIKOLAS JAMES ANTONIOU

I hold a Bachelor of Science with Honours Degree and Post Graduate Diploma from the University of Wales, College of Cardiff, in City and Regional Planning and have been a Member of the Royal Town Planning Institute since 1999.

I have over 25 years of experience in Town Planning and have held senior positions in Local Government the most notable being Head of Development Control at Arun District Council. I have worked for national planning consultancies and also held the position of Planning Manager for a house building firm.

For a number of years I have been the Director of NJA Town Planning Ltd and undertake the full range of planning work across a wide geographical area serving the needs of private individuals, private estates and commercial businesses.

I am familiar with the appeal site, the Local Planning Authority and its policies.

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APPENDICES

Appendix NJA/1 – Map showing tennis courts along Shore Road

Appendix NJA/2 – Details of planning application BO/07/00290/DOM, Wildfowlers, Shore Road, Bosham Reach

Appendix NJA/3 – Details of planning application BO/05/02774/FUL, Creek House, Shore Road, Bosham

Appendix NJA/4 – Details of planning application WI/21/03159/DOM, Sanderlings, Spinney Lane, Itchenor

1.0 INTRODUCTION

1.1 This appeal is against the refusal by Chichester District Council, as Local Planning Authority, of a planning application for the **“Change of use of land to residential curtilage and construction of hard surfaced tennis court.”** at Bosham Reach, Shore Road, Bosham, PO18 8QL. NJA Town Planning Limited has been instructed by Mrs Judy Mason to appeal against the refusal by the Council.

1.2 The appeal application was determined by the Council on 14 July 2022 and it was refused for the following reasons:

1) The site lies outside the designated Settlement Boundary and the proposal is consequently located in designated countryside, where the policies of the development plan state that development will only be permitted where it requires a countryside location and where it meets an essential, small scale and local need, which cannot be met within or immediately adjacent to an existing settlement. It has not been demonstrated that the proposal requires a countryside location, nor that it is required to meet an essential, small and local need. Therefore, the proposed development constitutes an unjustified form of development, located outside the settlement boundary that is in conflict with Policies 1, 2 and 45 of the Chichester Local Plan 2014-2029 and sections 12 and 15 of the NPPF 2021.

2) The proposal, by reason of its size, design and urbanising appearance would result in an incongruous form of development that would detract from the character and appearance of the site and surrounding area of the Chichester Area of Natural Beauty. As such the proposal fails to comply with Policies 43, 45 and 48 of the Chichester Local Plan Policies 2014-2029 and paragraphs 130, 174 and Sections 12 and 15 of the National Planning Policy Framework 2021 and there are no material considerations that would outweigh the harm identified.

- 1.3 A copy of the formal decision notice is included with the appeal documentation.
- 1.4 In this Statement of Case, the Appellant will not repeat matters such as site description, planning history, details of the proposal etc., which have already been set out in detail in planning documentation and the Planning, Design and Access Statement submitted with the original planning application. This Statement of Case will consider the proposed development against the policies identified within the Council's reasons for refusal, any other relevant local plan policies together with the National Planning Policy Framework (NPPF) and other material planning policies and considerations.

2.0 RELEVANT PLANNING POLICY

National Planning Policy Framework (NPPF) July 2021

- 2.1 Government planning policy is set out within the NPPF that was updated in July 2021. The relevant sections to the appeal proposal are set out as follows:
- 2.2 Paragraphs 2 and 3 - ***‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements’***. Paragraph 3 requires the NPPF to be read as a whole.
- 2.3 Paragraph 7 - ***‘The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs’***.
- 2.4 Paragraph 8 – ***‘Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):***
- a) ***‘an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to***

support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigation and adapting to climate change, including moving to a low carbon economy’

2.5 Paragraph 10 states ***‘So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)’***. For decision-taking, paragraph 11 c) confirms that this means approving development proposals that accord with an up-to-date development plan without delay.

2.6 Where there are no relevant development plan policies or the relevant policies are out of date, paragraph 11 d) states that planning permission should be granted unless the policies of the Framework that protect areas or assets of importance provide clear reason for refusing the development proposed, or if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework considered as a whole.

2.7 Paragraph 12 - ***‘The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where***

a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed’.

- 2.8 Paragraph 15 requires the planning system to be genuinely plan-led with succinct, up-to-date plans providing a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities and a platform for local people to shape their surroundings.
- 2.9 In terms of decision-making, the Framework states at paragraph 38 that ***‘Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible’.***
- 2.10 The NPPF requires planning policies and decisions to aim to achieve healthy, inclusive and safe places and to enable and support healthy lifestyles including through the provision of sports facilities (paragraph 92).
- 2.11 Paragraph 119 – ***‘Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions’.***

- 2.12 Paragraph 124 – ***‘Planning policies and decisions should support development that makes efficient use of land.....’***
- 2.13 Section 12 of the NPPF sets out the Government’s criteria for achieving well-designed places. This includes the creation of high quality buildings and places with good design being a key aspect of sustainable development. In particular, paragraph 126 states ***‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.’***
- 2.14 Paragraph 130 states that planning policies and decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, not just for the short term but over a lifetime of the development. Developments should also be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and should be sympathetic to local character and history, including the surrounding built environment and landscape setting. This should not however prevent or discourage appropriate innovation *or change.*
- 2.15 Paragraph 134 sets out that development that is not well designed should be refused but significant weight should be given to development that reflects local design policies and government guidance on design and/or outstanding or innovative design s which promote high levels of sustainability or which raise the standard of design more generally in an area.

- 2.16 Paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). All plans should apply a sequential, risk based approach to the location of development (paragraph 161) and when determining planning applications, local planning authorities should ensure that floor risk is not increased elsewhere (paragraph 167).
- 2.17 Paragraphs 170-173 of the NPPF relate to coastal areas and require plans to reduce the risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast.
- 2.18 NPPF paragraph 174 requires planning policies and decisions to contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. Policies and decisions should also recognise the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystems services.
- 2.19 Paragraph 176 states that ***'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given weight in National Parks and the Broads. The scale and extent of development within all of these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'***.
- 2.20 When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, paragraph 177

states that permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

- 2.21 Footnote 60 states that *'For the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'*.
- 2.22 NPPF paragraph 179 requires the protection and enhancement of biodiversity and geodiversity. Paragraph 180 sets out that when determining planning applications, if significant harm to biodiversity cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 2.23 Development on land within or outside a SSSI which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its impact on the features of the site that make it of special scientific interest, and any broader impacts of the national network of SSSI.
- 2.24 Development resulting in the deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are exceptional reasons and a suitable compensation strategy. Development whose primary objective is to conserve or enhance biodiversity should not be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design.

2.25 Paragraph 181 confirms that the following should be given the same protection as habitat sites:

- a) ***'potential Special Protection Areas and possible Special Areas of Conservation;***
- b) ***listed or proposed Ramsar sites, and***
- c) ***sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites'.***

2.26 Paragraph 182 states that ***'The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitat site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitat site'.***

2.27 Section 16 of the NPPF sets out the Government's policies for conserving the historic environment. In respect of designated heritage assets (such as listed buildings), paragraph 199 states that ***'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)'***. Paragraph 200 further sets out that ***'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'.***

2.28 In respect of non-designated heritage assets, paragraph 203 requires consideration of significance, and a balanced judgement will be required having regard to the scale of any harm or loss.

- 2.29 Paragraph 206 states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to better reveal their significance. It states, ***‘Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably’.***

National Planning Practice Guidance

- 2.30 The Government’s National Planning Practice Guidance (NPPG) has been revised and updated since 2014 and it is to be read alongside the NPPF. The NPPG confirms that the NPPF represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of sustainable development. If decision takers choose not to follow the NPPF, where it is a material consideration, clear and convincing reasons for doing so are needed (Paragraph 006 Reference ID: 21b-006-20190315).
- 2.31 In terms of landscape protection, the NPPG reiterates that the NPPF requires plans to recognise the intrinsic character and beauty of the countryside (Paragraph 036 Reference ID:8-036-20190721).
- 2.32 The scale and extent of development within AONBs should, in accordance with the NPPF, be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty (Paragraph 041, Reference ID:8-041-2019021). However, The NPPG does not set out that development should be avoided, but it should be located in a way that reflects the status of AONBs as landscapes of the highest quality.

Chichester Local Plan 2014 -2029

2.33 The Council's decision notice refers to the following policies of the Chichester Local Plan 2014-2029:

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 43: Chichester Harbour Area of Outstanding Natural Beauty
- Policy 45: Development in the Countryside
- Policy 48: Natural Environment

2.34 It is also considered that the following Local Plan policies are relevant to the appeal and which are referred to within this Statement of Case:

- Policy 33: New Residential Development
- Policy 39: Transport, Accessibility and Parking
- Policy 42: Flood Risk and Water Management
- Policy 44: Development around the Coast
- Policy 46: Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside
- Policy 47: Heritage and Design
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 54: Open Space, Sport and Recreation

Neighbourhood Development Plan

2.35 The Bosham Neighbourhood Plan (2014-2029) was 'made' in September 2016. The following policies of the Neighbourhood Plan (NP) are as follows:

- Policy 1: The Settlement Boundary
- Policy 5: Conservation of the Historic Environment

- Policy 6: Landscape and the Environment
- Policy 7: Ecology, Wildlife and Biodiversity
- Policy 8: Flooding and Drainage
- Policy 9: Transport and Highways

2.36 A copy of the Neighbourhood Plan is included with this appeal.

Other Relevant Guidance

2.37 As set out at paragraphs 4.19 – 4.24 of the Planning, Design and Access Statement, the following guidance is relevant to the appeal scheme:

- Chichester Harbour Area of Outstanding Natural Beauty (AONB) Joint Supplementary Planning Document (SPD) 2017
- Chichester Harbour Management Plan 2019 -2024
- Chichester Harbour Landscape Character Assessment 2019
- Surface Water and Drainage SPD 2016
- Historic England Good Practice in Planning 3: The Setting of Heritage Assets 2017

2.38 The Case Officer's report refers to the Village Design Statement for Bosham (2011). Bosham Reach is situated within Character Area 'E', The Lanes.

Relevant Legislation and Case Law

2.39 In considering the issue of the principle of the proposed development it is necessary to also consider the legal framework within which planning decisions are made.

2.40 Planning legislation holds that the determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. The development plan incorporates the Local Development Framework for an area and any 'saved' policies

carried over from a previous Local Plan. An adopted Neighbourhood Plan forms part of the statutory development plan. National planning policies, planning policy statements, minerals policy statements and circulars are material considerations.

- 2.41 Specifically, section 70 (2) of the Town and Country Planning Act 1990 states that in dealing with an application for planning permission (or permission in principle), the authority shall have regard to the provisions of the development plan, including a post-examination draft neighbourhood development plan, any local finance considerations and any other material considerations (all so far as material to the application).
- 2.42 Similarly, section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

- 2.43 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 states that if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved, or published.
- 2.44 When considering whether or not a proposed development accords with a development plan, it is not necessary to say that it must accord with every policy within the development plan. The question is whether it accords overall with the development plan (*Stratford on Avon v SSCLG* [2014] JPL 104). Even if a proposal cannot be described as being in accordance with the development plan, the statutory test requires that a balance be struck against other material considerations. The Courts have emphasised that a planning authority is not obliged to strictly adhere to

the development plan and should apply inherent flexibility: *Cala Homes (South) Limited v SSCLG* [2011] JPL 1458 and *Tesco Stores Ltd v Dundee City Council* [2012] 2 P.&C.R. 9.

- 2.45 More recently in *Corbett v Cornwall Council* [2020] EWCA Civ 508 the appeal court Judge emphasised the importance of considering the plan as a whole when he said;

‘Under section 38(6) the members’ task was not to decide whether, on an individual assessment of the proposal’s compliance with the relevant policies, it could be said to accord with each and every one of them. They had to establish whether the proposal was in accordance with the development plan as a whole. Once the relevant policies were correctly understood, which in my view they were, this was classically a matter of planning judgment for the council as planning decision-maker’.

- 2.46 Paragraph 3 of the NPPF confirms that the Framework should be read as a ‘whole’ and the NPPG confirms that ***‘Conflicts between development plan policies adopted, approved or published at the same time must be considered in the light of all material considerations, including local priorities and needs, as guided by the National Planning Policy Framework’*** (012 Reference ID:21b-012-20140306).

- 2.47 In respect of what constitutes a material planning consideration, the NPPG (Paragraph 008 Reference ID: 21b-008-20140306) states that this is one that is relevant to making the planning decision and that the scope of what can constitute a material consideration is very wide. However, in general, the Courts have taken the view that planning is concerned with land use and public interest, so that the protection of only private interests (such as the impact of a development on the value of a neighbouring property or loss of private rights to light) could not be material considerations.

3.0 APPRAISAL OF THE APPEAL PROPOSAL

3.1 The following section provides the Appellant's response to the Council's Committee Report (in bold):

Planning Considerations

The main considerations are:

- i. **Principle of development**
- ii. **Design and Impact upon Visual Amenity/Character of Area**
- iii. **Impact upon the Amenity of Neighbouring Properties**
- iv. **Flood Risk and Drainage**

Principle of Development

The application site is located outside of any Settlement Boundary, which is defined as the 'Rest of the Plan Area'. Policies 2 and 45 of the Local Plan set out the development strategy relating to the location of new development in the countryside. Policy 45 of the Local Plan states that within the countryside, development will be granted where it requires a countryside location and meets the essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements, and sets out that the following criteria need to have been met:

1. The proposal is well related to an existing farmstead or group of buildings, or located close to an established settlement;
2. The proposal is complementary to and does not prejudice any viable agricultural operations on a farm and other existing viable uses;
3. Proposals requiring a countryside setting, for example agricultural buildings, ensure that their scale, siting, design and materials would have minimal impact on the landscape and rural character of the area.

The application site consists of land to the east of Bosham Reach, outside of the domestic curtilage of Bosham Reach. It is considered that the land would form part of the 'open countryside'. The submitted Planning, Design and Access and AONB Statement states that the parcel of land serves no useful purpose. It appears that the land is not currently in agricultural use.

Limited justification to demonstrate the need for the tennis court has been given nor are there any material considerations that warrant its siting. The proposal is therefore contrary to policies 2 and 45 of the Local Plan. The NPPF is clear that in decision taking the presumption is in favour of permitting development that accords with the development plan. It follows that where a proposal does not accord with the terms of the development plan, as is the case with this application, that the presumption in favour does not apply. The proposal is not in accordance with Policies 1, 2 and 45 of the Local Plan therefore it is not in accordance with national policy and there are no other material considerations that would justify an exception to be made to these policies. The principle for the development has not therefore been established and there are no material considerations that would outweigh this.

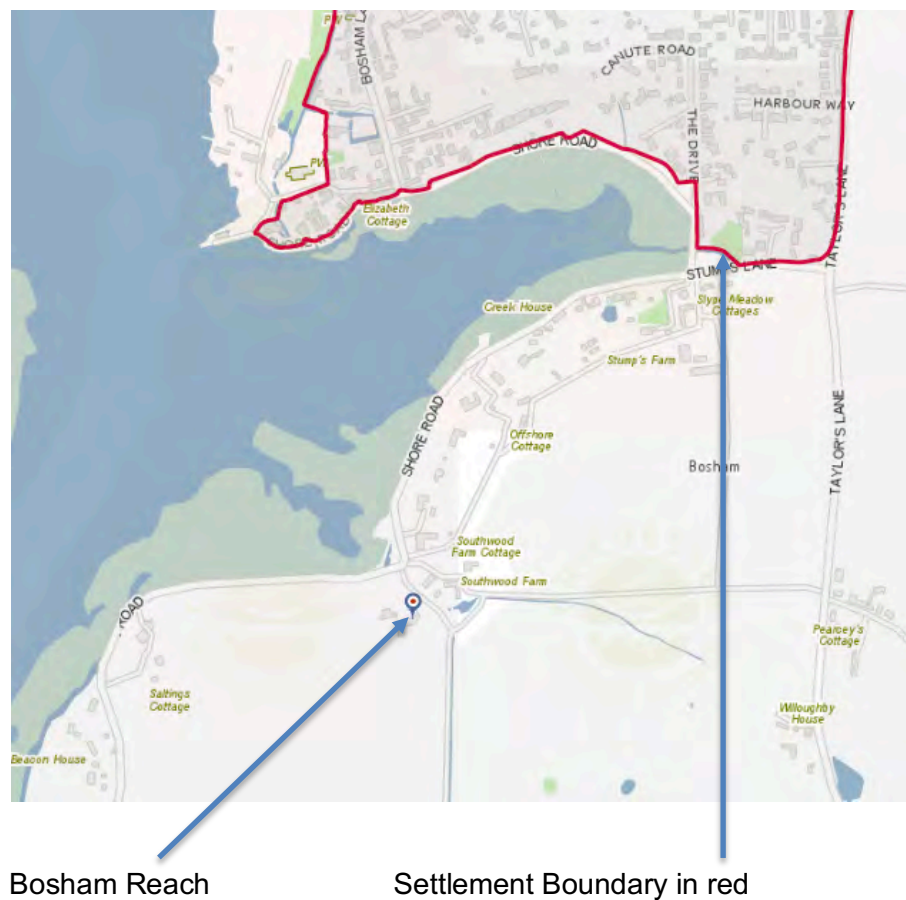
- 3.2 Local Plan policy 1 (Presumption in Favour of Sustainable Development) states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Planning applications that accord with the policies of the Local Plan will be approved without delay (unless material considerations indicate otherwise). Where there are no policies relevant to the application, or relevant policies are out of date, Policy 1 states that the Council will grant planning permission, unless material considerations indicate otherwise taking into account whether –

'1. Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or

2. Specific policies in that Framework indicate that development should be restricted'.

- 3.3 Local Plan policy 2 (Development Strategy and Settlement Hierarchy) identifies the locations where sustainable development, infrastructure and facilities will be accommodated. The appeal site is located just outside of the settlement of Bosham which is described by policy 2 as a 'Service Village'. Services Villages (along with Settlement Hubs) will be the focus of new development and facilities outside of Chichester.

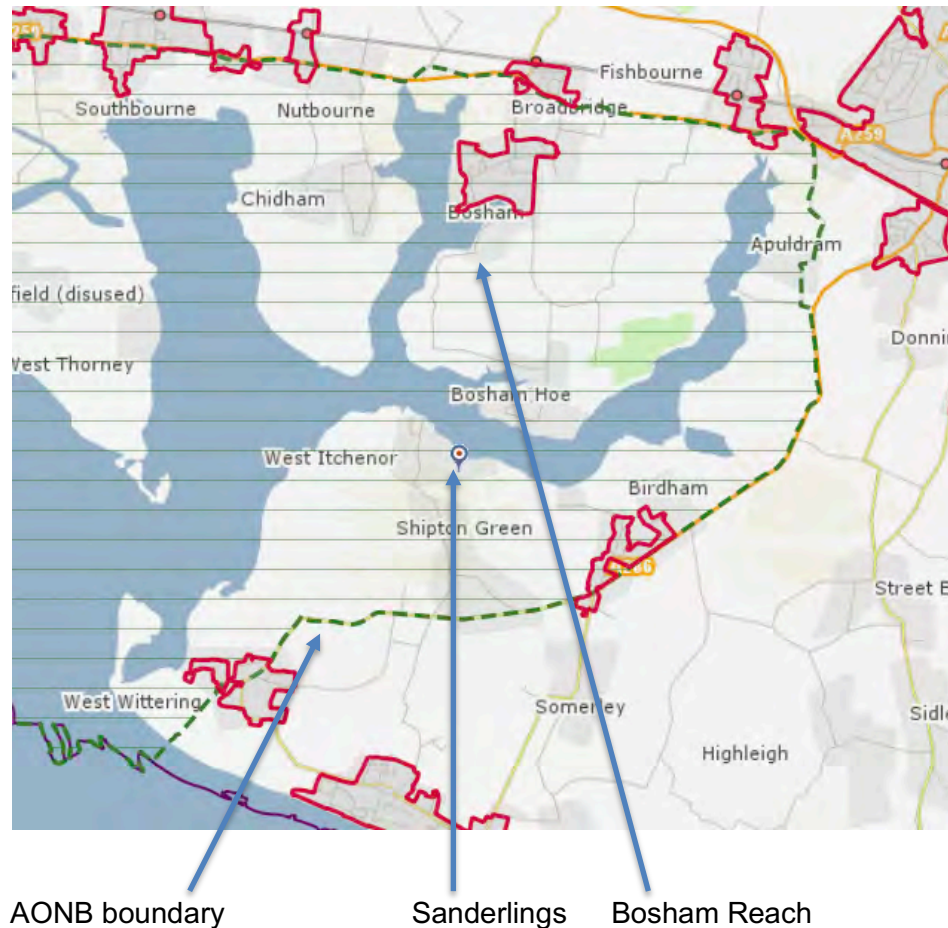
Figure 1: Location of Bosham Reach. Extract from Chichester District Council 'My Maps'.



- 3.4 The provisions of Local Plan policies 1, 2 and 45 are noted at paragraphs 5.1 to 5.3 of the Planning, Design and Access Statement. In addition to these policies, and in respect of development outside of settlement boundaries, it is noted that there is no relevant guidance within the NPPF (specifically in relation to domestic forms of development within the countryside) apart from the requirement of paragraph 174 for development to recognise the intrinsic character and beauty of the countryside.
- 3.5 Having regard to the provisions of Local Plan policy 45, whilst the proposal does not relate to agricultural development, it is a small scale, domestic proposal, which, for the reasons described within this Statement of Case, will have little and no harmful impact upon the countryside and the visual amenities and special conservation of the Chichester Harbour AONB.
- 3.6 In the absence of any local planning policy relating to the provision of domestic tennis courts (or other similar residential development) within the countryside, the Council has still previously granted planning permission for such proposals and a number of cases are included at Appendices NJA/2 to NJA/7 of the Planning, Design and Access Statement.
- 3.7 In addition, the Planning Inspector will note that a number of tennis courts exist along Shore Road and these are shown on the map included at Appendix NJA/1. Not all of these properties have a planning history relating to tennis courts, however the relevant history for the tennis courts at Wildfowlers and Creek House is as follows:
1. Wildfowlers – A planning application was submitted for the tennis court in 2007 (BO/07/00290/DOM) which was deemed to be permitted development. Nevertheless, the Chichester Harbour Conservancy raised no objections to the proposed tennis court (details included at Appendix NJA/2).

2. Creek House – Planning permission was granted for a tennis court in 2005 (BO/05/02774/FUL) sited on paddock land, outside of the residential curtilage of the dwelling. A public right of way separates the house from the paddock (and location of the tennis court). The Case Officer’s report sets out that the proposed tennis court would not form a **‘visually intrusive feature in the rural landscape or domesticate an area which is rural in character’**. This conclusion was formed notwithstanding an objection from the Chichester Harbour Conservancy (details included at Appendix NJA/3).
- 3.8 A more recent case is included at Appendix NJA/4 of this Statement of Case which relates to the construction of a tennis court at Sanderlings, Spinney Lane, Itchenor. Planning permission was granted for the proposal under reference WI/21/03159/DOM on 31 May 2022, less than two months before planning permission was refused for the tennis court at Bosham Reach.
- 3.9 Sanderlings is located some distance away from any settlement boundary but like Bosham Reach it is located within the Chichester Harbour AONB. Figure 2 below shows the approximate location of Sanderlings in relation to Bosham Reach.

Figure 2: Location of Sanderlings in relation to Bosham Reach (settlement boundaries shown in red). Extract from Chichester District Council 'My Maps'.



- 3.10 The Case Officer's report for Sanderlings refers to Local Plan policies 2 and 45 as being relevant to the proposal and whilst there is no specific appraisal in respect of the property's location outside of a settlement boundary (and within the AONB), it notes that 'Overall the scheme is considered to comply with the policies within the Development Plan, the SPD and there are no material considerations that would outweigh this compliance'.
- 3.11 Also on Spinney Lane, Itchenor is Wheelhouse where the Council granted planning permission in March 2021 for the construction of a tennis court. The Case Officer's report for the proposal (application WI/20/03382/DOM)

references Local Plan policies 2 and 45 and notes the countryside location of the property but then goes on to state that *'The principle of the proposal is acceptable.....'* Details of application WI/20/03382/DOM are referenced at paragraphs 5.16 and 5.17 of the Planning, Design and Access Statement (and included within its Appendix NJA/3).

Design and Impact upon Visual Amenity/Character of Area

The tennis court is proposed to be constructed of hardsurfacing, green fencing is proposed round the boundaries of the tennis court. No elevations have been submitted to illustrate the design of the proposed fencing. Given that the principle of the development would not be acceptable, it is considered that this plan was not required. The submitted Planning, Design and Access and AONB Statement states that the fencing comprises wire and the court will be finished in a dark green colour.

The proposed tennis court would not be contained within the existing garden area and would be sited to north east of the existing dwellinghouse. The manmade surface of the tennis court and the wire fence by virtue of their construction and appearance would visually conflict with the surrounding area and would be harmful to the character of the AONB. It is noted that there is existing planting to the north, north east and east sections of the application site. From review of satellite imagery and street view, this planting appears to have been carried out relatively recently and therefore, it would take some time before the planting to become established. Given that the planting is a natural feature, it cannot be relied upon in perpetuity to screen the development and the extent of screening would be reduced during months when vegetation is not in leaf. In addition, the planting could not reasonably be controlled by condition for more than a few years and therefore it could not be relied upon to screen the tennis court in the long term.

The proposed change of use would also result in the extension of the residential use of Bosham Reach and domestic paraphernalia into the surrounding landscape. It would not be possible to control the siting of residential paraphernalia, including garden furniture, gazebos, play equipment and so on, within the site. So, because of its siting, residential character and developed appearance, the proposal would harmfully extend the existing residential development into the landscape, to the detriment of the character of the AONB.

It is considered that the proposal would cause significant harm to the character and appearance of the surrounding area and the AONB. It would therefore conflict with policies 43, 45 and 48 of the Local Plan which require development to protect the tranquil and rural character of the area and sensitively contribute to its setting and quality. The proposal would also be contrary to paragraph 174 of the NPPF which requires development to recognise the intrinsic character and beauty of the countryside.

- 3.12 It has been noted that NPPF paragraph 174 requires development to recognise the intrinsic character and beauty of the countryside. In reference to the site's location within the Chichester Harbour AONB, the NPPF at paragraph 176 states that 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all of these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'.

3.13 The proposed tennis court and the change of use of land is small scale and limited development within the AONB. The proposal therefore falls to be considered within the remit of NPPF paragraph 176 and paragraph 177 is not relevant (which refers to 'major' developments).

3.14 Local Plan policy 43 (Chichester Harbour AONB) relates to development within the Chichester Harbour AONB. It states that planning permission will be granted where it can be demonstrated that the following criteria have been met:

'1. The natural beauty and locally distinctive features of the AONB are conserved and enhanced:

2. Proposals reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB;

3. Either individually or cumulatively, development does not lead to actual or perceived coalescence of settlements or undermine the integrity or predominantly open and undeveloped, rural character of the AONB and its setting; and

4. Is appropriate to the economic, social and environmental well-being of the area or is desirable for the understanding and enjoyment of the area (where this is consistent with the primary purpose of conserving and enhancing natural beauty); and

5. The policy aims of the Chichester Harbour AONB Management Plan'

3.15 Local Plan policy 48 (Natural Environment) seeks to ensure that development does not adversely impact the openness of the views in and around the coast, designated environmental areas and the setting of the South Downs National Park or the tranquil and rural character of the area.

3.16 Whilst the appeal site is located within the AONB countryside, it is not remote or isolated from a settlement or other built form. The settlement boundary of Bosham is located a short distance to the north and a ribbon of residential development runs along both sides of Shore Road. Whilst Bosham Reach is located towards the end of the ribbon of development,

it is not the last property in the row. Furthermore, the appeal site is enclosed to the side boundaries and situated in-between Bosham Reach, Flint Barn and Southwood Farm.

- 3.17 The land is previously developed in that it was occupied by barns that have been removed. The site is not situated within a prominent, countryside position and it has become redundant, serving no agricultural or other useful purpose. The site does not form part of any high quality agricultural land and it is effectively cut off from the fields to the east. Due to its siting and connection to Bosham Reach, it is logical that the land should become incorporated into the residential curtilage of the dwelling. This will not result in any harmful encroachment into the countryside or loss of important agricultural land.
- 3.18 In terms of the proposed tennis court itself, this will be set back from Shore Road, close to the side elevation of Bosham Reach. The tennis court will not be situated beyond the eastern boundary of the existing residential curtilage which already extends past the small parcel of land in question. As such, neither the extended residential curtilage nor the proposed tennis court will 'jut' out into the countryside to the east.
- 3.19 The proposed tennis court is not a 'solid' structure – the fencing comprises wire and the court will be finished in a dark green colour. The material finishes and colour, along with the sensitive siting will help to ensure that the tennis court will not appear as an intrusive feature within the AONB. Furthermore, the land is set back from the shoreline and it is largely hidden from Shore Road. The proposed change of use and construction of the tennis court will have no adverse impact upon public views from Shore Road or wider harbourside views.
- 3.20 In terms of the Case Officer's concern in respect of the attraction of 'domestic paraphernalia into the surrounding landscape' it will be noted that the parcel of land is small and that the proposed tennis court in fact occupies much of the space that the change of use applies to. This leaves

limited areas for any possible domestic items and there is no reason to assume that this will necessarily occur. This is particularly given the extent of the existing curtilage to Bosham Reach and where the main garden area will remain. In addition, it is reiterated that the set back from Shore Road limits any public views into the site.

- 3.21 The Case Officer's report gives no weight to the existing planting to the north, north east and eastern boundaries of the site. Whilst this evergreen planting is young, it is fast growing and it will in time provide additional screening to the tennis court and the boundaries of the enlarged residential curtilage. This will benefit the setting of the site (photographs of the planting are included at the end of this Statement). Nevertheless, the planting is not being relied on to make the proposal acceptable, because even without it, the proposed tennis court and use of the land will not result in any significant harm to the visual amenities of the countryside landscape and special qualities and scenic beauty of the AONB.
- 3.22 In reference to the comments made by the Chichester Harbour Conservancy, it is stated that the proposal would be harmful to the character of the AONB due to the loss of an area of open field. The site cannot reasonably be described as a 'field', it is a small area of land which is almost completely cut off from the land to the east and is now largely self-contained. Furthermore, as previously noted (and mentioned within the accompanying Heritage Statement) the site formerly comprised two large barns which would have had much more of an impact upon the AONB landscape than the tennis court now proposed.
- 3.23 In terms of the alleged harm to the character of the AONB, no justifications are provided within the Chichester Harbour Conservancy comments (for example, which, if any views would be affected and the degree of any harm) apart from that the proposal would result in the loss of an open field and the 'associated activity that residential use would entail'.

- 3.24 The presence of tennis courts within the local area of Bosham is not unusual, including at the neighbouring dwelling Wildfowlers to the west and north along the lane. When considering the context of the surroundings, which predominantly comprises large, detached houses set in spacious plots, the proposed extension of the residential curtilage to incorporate the small parcel of land (which serves no other purpose) will not appear as an incongruous change and subsequently the tennis court will not appear as an alien feature.
- 3.25 Given its small size and position, almost completely cut off from the land to the east and set back from Shore Road, the proposed change of use will not have any detrimental impact upon the openness or purpose of the AONB countryside. There will be no loss of any important or useful agricultural land.
- 3.26 No lighting is proposed to be installed to the tennis court and as it is to be used for private domestic purposes, it will not introduce any level of harmful activity or intensification of use. As such, the dark night skies and the tranquillity of the AONB will be preserved.
- 3.27 In reference to the tennis court permitted at Sanderlings (WI/21/03159/DOM) which also adjoins undeveloped AONB countryside to the rear, the Chichester Harbour Conservancy noted that *'There is indication of cabled in power (for lighting) to the tennis courts for floodlights'*. This is also the case in respect of the appeal proposal. In addition, the Chichester Harbour Conservancy comments state:

'The proposal is modest, proportionate, and subservient in regard to the host dwelling. The relatively small scale of the proposed works would have a visual impact within the site, but only a minimal visual appearance within the local area. The proposals are considered to have little significant visual impact on the wider AONB protected national landscape or be demonstrably harmful to the natural beauty of the AONB

environment and surrounding supporting hinterland/buffer area subject to the application of suitable planning conditional controls.

The Chichester Harbour Conservancy raises no objections to the current submission. Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol; should be considered by the LPA'.

3.28 Similarly, the proposed tennis court at Bosham Reach will appear as a modest, proportionate and subservient addition to the property resulting in only minimal (and non-harmful) visual impact upon the surroundings for the reasons described. The tennis court will be viewed in the context of the surroundings comprising residential development, and it will not appear out of keeping in this respect.

3.29 In summary, the proposal will protect and preserve the special landscape qualities of the Chichester Harbour AONB and the coastal area, thereby complying with NPPF paragraphs 174 and 176 and Local Plan policies 33 (New Residential Development), 43 (Chichester Harbour AONB), 44 (Development around the Coast), 45 (Development in the Countryside) and 48 (Natural Environment) and policy 6 (Landscape and the Environment) of the Bosham Neighbourhood Plan. The proposal also does not conflict with the Chichester Harbour AONB Management Plan, the provisions of the Chichester Harbour AONB SPD and the Bosham Village Design Statement (2011) particularly having regard to the characteristics of the local character area.

Impact upon the amenity of neighbouring properties

The NPPF states in paragraph 130 that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the Chichester Local Plan include requirements to protect the amenities of neighbouring properties.

Due to the siting of the tennis court, it would not have a negative impact on the amenities of the neighbouring properties.

- 3.30 The NPPF states at paragraph 130 that planning should ensure a good quality of amenity for existing and future users of places and policy 33 of the Local Plan also requires proposals to protect the amenities of neighbouring properties.
- 3.31 The location of the proposed tennis court is appropriately distanced from the adjacent dwellings and the incorporation of the land into the residential curtilage of Bosham Reach will not result in any harmful intensification of use or noise and disturbance. The proposed use will be a low key, quiet one, as appropriate to the character of the area. The proposal therefore complies with Local Plan policy 33 and the amenity requirements of the NPPF.

Flood Risk and Drainage

During the consultation process the Council's Drainage Officers were consulted and have advised that the application site is within tidal flood zone 3, however given the proposed use, they have no objection to the principle of the proposal on flood risk grounds. In addition, they have advised the proposed surface water drainage would be acceptable in principle and if the application is approved, the drainage strategy drawing should be included in any approval.

- 3.32 A Surface Water Drainage Report prepared by CGS Civils (dated 12 April 2022) was submitted to the Council during the course of the application. It confirms that the surface water from the tennis court will discharge to ground with the tennis court acting as a large blanket soakaway thereby allowing itself to self-drain. The court sub base has been designed to cater for a 1 in 100 year storm event + 40%. The report demonstrates that the proposed drainage measures will ensure suitable drainage for the proposed development and as such the proposal complies with Local Plan

policy 42 (Flood Risk and Water Management) and Neighbourhood Plan policy 8 (Flooding and Drainage).

Other Matters

It is noted that the submitted Planning, Design and Access and AONB Statement and appendix documents sets out other approved application relating to tennis courts. While there are examples of tennis courts within the area, each application is assessed on its own merits. Therefore, the Local Planning Authority has assessed the principle of the application within the report above.

- 3.33 Local planning authorities have a duty to consider applications in a transparent and consistent manner. The Council's varying approach creates uncertainty for Applicants but the decisions referenced demonstrate that the Council has previously accepted the construction of domestic tennis courts within the countryside and Chichester Harbour AONB. The cases referred to are considered to be material to the determination of the appeal.

Conclusion

The site lies outside the designated Settlement Boundary and the proposal is consequently located in designated countryside. It has not been demonstrated that the proposal requires a countryside location, nor that it is required to meet an essential, small and local need. It is therefore unacceptable in principle and the proposal would be contrary to local and national planning policies and design guidance, with particular reference to policies 2, 43, 45 and 48 of the Chichester Local Plan, sections 12 and 15 of the National Planning Policy Framework and policies 1 and 6 of the Bosham Neighbourhood Plan. The application cannot, therefore, be recommended for approval.

- 3.34 The above and the Council's decision notice refer to Sections 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment) of the NPPF. However, it would be unreasonable to imply that the proposed development is unacceptable against the entire content of these parts of the NPPF.
- 3.35 The Appellant's Design and Access Statement and this Statement of Case refer to and addresses the specific paragraphs of the NPPF most relevant to the proposal. In particular, and in reference to the Council's reasons for refusal, it is demonstrated that the proposal complies with NPPF paragraphs 126, 130, 174 and 176 on the basis that neither the proposed change of use of the land nor the tennis court (including its design, scale and siting) will result in any harm to the visual amenities of the area including the special landscape qualities and scenic beauty of the AONB.
- 3.36 In turn, the proposal also complies with Local Plan policies 1, 2, 43, 45 and 48. Neighbourhood Plan policies 1 (The Settlement Boundary) and 6 (Landscape and the Environment) are not referred to within the main 'Planning Considerations' section of the Case Officer's report or within the Council's reasons for refusal. There is nevertheless no overriding conflict with these policies given the lack of any harm identified.
- 3.37 It should be noted that the Case Officer's report confirms that the Parish Council raised no objections to the proposal and no third party comments are referenced. Furthermore, the NPPF provides support for the proposal in that it encourages healthy lifestyles including through the provision of sports facilities (paragraph 92). In addition, Local Plan seeks to assist in enhancing the well-being and promotion of healthy lifestyles (policy 52).

4.0 CONCLUSIONS

- 4.1 This appeal Statement of Case supports the proposal for the change of use of a small parcel of land adjacent to the north eastern boundary of Bosham Reach and the construction of a tennis court to be used for domestic purposes ancillary to the dwelling.
- 4.2 The Council objects to the proposal on the basis of the site's location outside of a settlement boundary and that the proposal *'by reason of its size, design and urbanising appearance'* would appear incongruous and detract from the appearance of the Chichester Harbour AONB.
- 4.3 The proposed change of use of the land to incorporate into the curtilage of Bosham Reach is logical given the fact that it is cut off from the agricultural land to the east, that it is positioned in-between residential properties and as it serves no agricultural or other useful purpose. Historically the land was occupied by two large barns but it is no longer associated with any agricultural use. Given the siting of the land and its small size, its use as residential curtilage will not result in any harmful encroachment into open countryside.
- 4.4 In terms of the proposed tennis court, this will be set back from Shore Road and it will not appear as an unduly prominent feature to harbour views from the north or to views from the adjacent properties to the east and west. The tennis court will be grouped with the house and it will not extend into land beyond the extent of the existing residential curtilage to the south and east. Given the existence of residential development nearby (including several other tennis courts as described), the proposal will not appear out of keeping with the context of the surroundings and as it will not appear as an unduly prominent feature to views within the AONB countryside, its special landscape qualities and scenic beauty will be preserved.

- 4.5 In summary, the proposed development complies with the relevant provisions of the NPPF when considered as a whole together with the relevant policies of the development plan (including the Neighbourhood Plan) as identified. It is therefore respectfully asked that this appeal is allowed.

Photographs of hedge planting at the appeal site







Wildfowlers

The Appeal Site

South Meadow

Field End

Creek House
The Red House



The Saltings Cottage

The Appeal Site

May 21, 2007

Cara Bradley,
Wildfowlers,
Shore Road,
Bosham,
Sussex PO18 3

B6/07/00290/DM

| DEVELOPMENT & BUILDING CONTROL SERVICES | | |
|--|--------------|------------|
| Handed to  | - 1 JUN 2007 | Reply Sent |
| Ack Sent | | File |

Richard Dixon,
Planning Officer,
Chichester DC,
East Pallant House,
1 East Pallant,
Chichester,
West Sussex PO19 1TY

Dear Mr Dixon,


Thank you for the copy of your letter dated 21st March '07 that got lost in the post.

We are writing to confirm the contents of this letter ; that as the proposed tennis court is no more than 3 metres above ground, planning permission is not required. Therefore work has commenced to build a tennis court, as per the plans, and agree that the application can be withdrawn.

As discussed, I look forward to receiving the application fee back in the post, if you could kindly pass a copy of this letter to your financial dept..

Thank you for your help in this matter.

Yours sincerely,


Cara Bradley



CHICHESTER DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 DEVELOPMENT & BUILDING CONTROL SERVICES

APPLICATION FOR PLANNING PERMISSION SERVICES

(6 copies of this form required, together with plans and appropriate fee)

IT IS IMPORTANT THAT YOU READ THE GUIDANCE NOTES AS COMPLETION INVOLVES DELAY

COMPLETE IN BLOCK CAPITALS AND BLACK INK

Form PP
 - 6 FEB 2007
 Reply Sent
 File
 CHICHESTER DISTRICT COUNCIL
 Development & Building Control Services Directorate
 15 FEB 2007
 THE DISTRICT COUNCIL DOES NOT
 ACCEPT RESPONSIBILITY FOR THE
 LOSS OF ORIGINAL PLANS

| | |
|--|---|
| 1. Applicant | Agent (if any) to whom correspondence should be sent |
| Name: MRS CARA BRADLEY | Name: MR ELLIOT WINGFIELD |
| Address: WILDFOWLERS SHORE ROAD BISHAM PO18 8QL | Address: COLONIA COURTS 47 DENNING WAY LISS, HAMPSHIRE GU33 7H |
| Telephone Number: 07765 221 870 | Telephone Number: 07767 676 624 |

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|---|-------------------------------------|---------------------------------|--------------------------|--------------------------------------|----------------------------------|--------------------------|--|-------------------------------------|--------------------------|---|---|--------------------------|--|--|
| 2. Type of Application (see Note 2): | If yes, state those matters to which this application relates: | | | | | | | | | | | | | | | | | | |
| <table border="0"> <tr> <td></td> <td>State Yes or No</td> <td></td> </tr> <tr> <td>(a) Full planning permission (including change of use)</td> <td><input checked="" type="checkbox"/> Yes</td> <td>(i) Siting <input type="checkbox"/></td> </tr> <tr> <td>(b) Outline planning permission</td> <td><input type="checkbox"/></td> <td>(ii) Design <input type="checkbox"/></td> </tr> <tr> <td>(c) Approval of Reserved Matters</td> <td><input type="checkbox"/></td> <td>(iii) External appearance <input type="checkbox"/></td> </tr> <tr> <td>(d) Renewal of Temporary Permission</td> <td><input type="checkbox"/></td> <td>(iv) Means of access <input type="checkbox"/></td> </tr> <tr> <td>(e) Permission to develop land or for retention of building or continuance of use without complying with a condition imposed on a planning permission</td> <td><input type="checkbox"/></td> <td>(v) Landscaping of the site <input type="checkbox"/></td> </tr> </table> | | State Yes or No | | (a) Full planning permission (including change of use) | <input checked="" type="checkbox"/> Yes | (i) Siting <input type="checkbox"/> | (b) Outline planning permission | <input type="checkbox"/> | (ii) Design <input type="checkbox"/> | (c) Approval of Reserved Matters | <input type="checkbox"/> | (iii) External appearance <input type="checkbox"/> | (d) Renewal of Temporary Permission | <input type="checkbox"/> | (iv) Means of access <input type="checkbox"/> | (e) Permission to develop land or for retention of building or continuance of use without complying with a condition imposed on a planning permission | <input type="checkbox"/> | (v) Landscaping of the site <input type="checkbox"/> | Tick where Appropriate If yes, state the date and number of the permission and where appropriate, outline the particular condition: Date: <input type="text"/> Application Number: <input type="text"/> Condition Number: <input type="text"/> |
| | State Yes or No | | | | | | | | | | | | | | | | | | |
| (a) Full planning permission (including change of use) | <input checked="" type="checkbox"/> Yes | (i) Siting <input type="checkbox"/> | | | | | | | | | | | | | | | | | |
| (b) Outline planning permission | <input type="checkbox"/> | (ii) Design <input type="checkbox"/> | | | | | | | | | | | | | | | | | |
| (c) Approval of Reserved Matters | <input type="checkbox"/> | (iii) External appearance <input type="checkbox"/> | | | | | | | | | | | | | | | | | |
| (d) Renewal of Temporary Permission | <input type="checkbox"/> | (iv) Means of access <input type="checkbox"/> | | | | | | | | | | | | | | | | | |
| (e) Permission to develop land or for retention of building or continuance of use without complying with a condition imposed on a planning permission | <input type="checkbox"/> | (v) Landscaping of the site <input type="checkbox"/> | | | | | | | | | | | | | | | | | |

3. (a) Full Address or Location of the land to which this application relates:

(b) State whether applicant owns or controls any adjoining land (State Yes or No) if yes the land must be edged with a thick dashed line on the location plan

(c) Area of site Hectares/Square metres
 Dimensions of the application site and distances from new buildings to boundaries must be clearly indicated on plans.

(d) Description of proposed development (If residential development, state number of units proposed and type if known e.g. Houses, Bungalows, Flats)

(e) State whether the proposal involves:

| | | | | |
|---|--|--|---------------------------|--|
| (i) New building(s) or structure(s) | <input checked="" type="checkbox"/> NO | (iv) Alteration of an existing access to a highway | } Vehicular Pedestrian | <input checked="" type="checkbox"/> NO |
| (ii) Alteration or extension of building(s) | <input checked="" type="checkbox"/> NO | (v) Closure of existing access | | <input checked="" type="checkbox"/> NO |
| (iii) Construction of a new access to a highway | } Vehicular Pedestrian | (vi) Change of use only | | <input checked="" type="checkbox"/> NO |
| | | <input checked="" type="checkbox"/> NO | | |

(f) Materials: State Materials to be used in the proposed development

TENNIS COURT INCLUDING PERIMETER FENCE/WALL.

TARMAK COURT FINISH. CHAIN LINK FENCE

4. **Particulars of Use of Buildings or Land** - State: (a) Present use SINGLE DWELLING
 (b) If vacant, the last use

5. **Additional Information:**

- (a) Is the application for Industrial, Office, Warehousing, Storage, Shopping, Commercial purposes or places of public assembly? (see Note 5) NO If yes, complete Part 2 of form CP.1
- (b) Is the application for the winning or working of Minerals? NO If yes, complete Part 4 of form CP.1
- (c) Is the application for an Agricultural dwelling or building? NO If yes, complete Part 6 of form CP.1
- (d) Does the proposed development involve the demolition of any residential units? NO If yes, how many units? Please indicate their positions on plans
- (e) Does the proposed development involve the felling of any trees? NO If yes, indicate their position on plans
- (f) Does the proposed development involve any public right of way within the site? NO If yes, indicate the position on plan
- (g) Does the proposed development involve demolition or alteration of a building of Special Architectural or Historic interest or demolition within a Conservation Area? NO If yes, a separate application for: **Listed Building Consent** or **Conservation Area Consent** may be necessary
- (h) Is there any land contamination affecting the application site? NO
 Is there any land contamination capable of reaching/affecting the application site? NO
 If yes, full details must be attached.
- | | Existing | Proposed |
|--|----------|----------|
| (i) (i) How will surface water be disposed of? | N/A | N/A |
| (ii) How will foul sewage be disposed of? (e.g. Mains, Cesspit etc.) | N/A | N/A |

6. **Plans** (see Note 6). List of drawings and plans submitted as part of the application - indicate drawing numbers and scales. 6 Sets of all drawings are required. Additional copies in respect of major applications will assist in determination of such applications. Fully dimensioned drawings would be of assistance.

7. **Fees** (see Note 7).
 If a fee is submitted please give the amount £135.00 (Please complete & return a fee form)

8. **I/WE APPLY FOR PLANNING PERMISSION AS DETAILED ABOVE**
 SIGNED [Signature] DATE 3/2/07
 on behalf of MRS CARLA BRADLEY (insert applicant's name if signed by an agent)

9. **Certificate under Section 66** of the Town and Country Planning Act 1990 and Article 7 of the Town & Country Planning (General Development Procedure) Order 1995.
N.B. A signed certificate MUST accompany this application (see Note 9). If the applicant is the sole owner (a) the following certificate should be completed and signed.

CERTIFICATE A
 (a) Owner means a person having a free hold interest or a tenancy the unexpired term of which was not less than seven (7) years.

CERTIFICATE A (a) I certify that:-
 1. At the beginning of the period of 21 days ending with the day of the accompanying application nobody, except the applicant, was the owner of any part of the land to which the application relates.
 * 2. None of the land to which the application relates is or is part of an Agricultural holding.
 * 3. * I have / * The Applicant has given the required notice to every person other than * myself / * himself / * herself who, at the beginning of the period of 21 days ending with the date of the application was a tenant of any Agricultural holding on all or part of the land to which the application relates as follows. (Delete where inappropriate *).

| Name of Tenant | Address | Date of Service Notice |
|----------------|---------|------------------------|
| N/A | | |

SIGNED [Signature] DATE 3/2/07
 on behalf of MRS CARLA BRADLEY



Design and access statement produced in accordance with CDC's guidance (Annexe A-B of guidance note) for new tennis court at 'Wildfowlers', Shore Road, Bosham.

Context

The application site is a substantial single dwelling on a large plot considered suitable for a tennis court.

Amount

The proposed court is positioned in a corner of the plot to the owner's wishes. It's construction and appearance is standard and in accordance with The Lawn Tennis associations guidance (LTA).

Layout

The layout is standard and positioned in accordance with the owner's wishes.

Scale

The size of the court (35m x 17.5m) and height of perimeter fence (2.75m) is standard and in accordance with LTA's guidance.

Landscaping

Please refer to plan. No level changes are proposed. Court has tarmac finish and perimeter fence is 2.75m high. No trees will be effected by the proposal. The small boundary hedge to the southern edge of the court will be removed.

Appearance

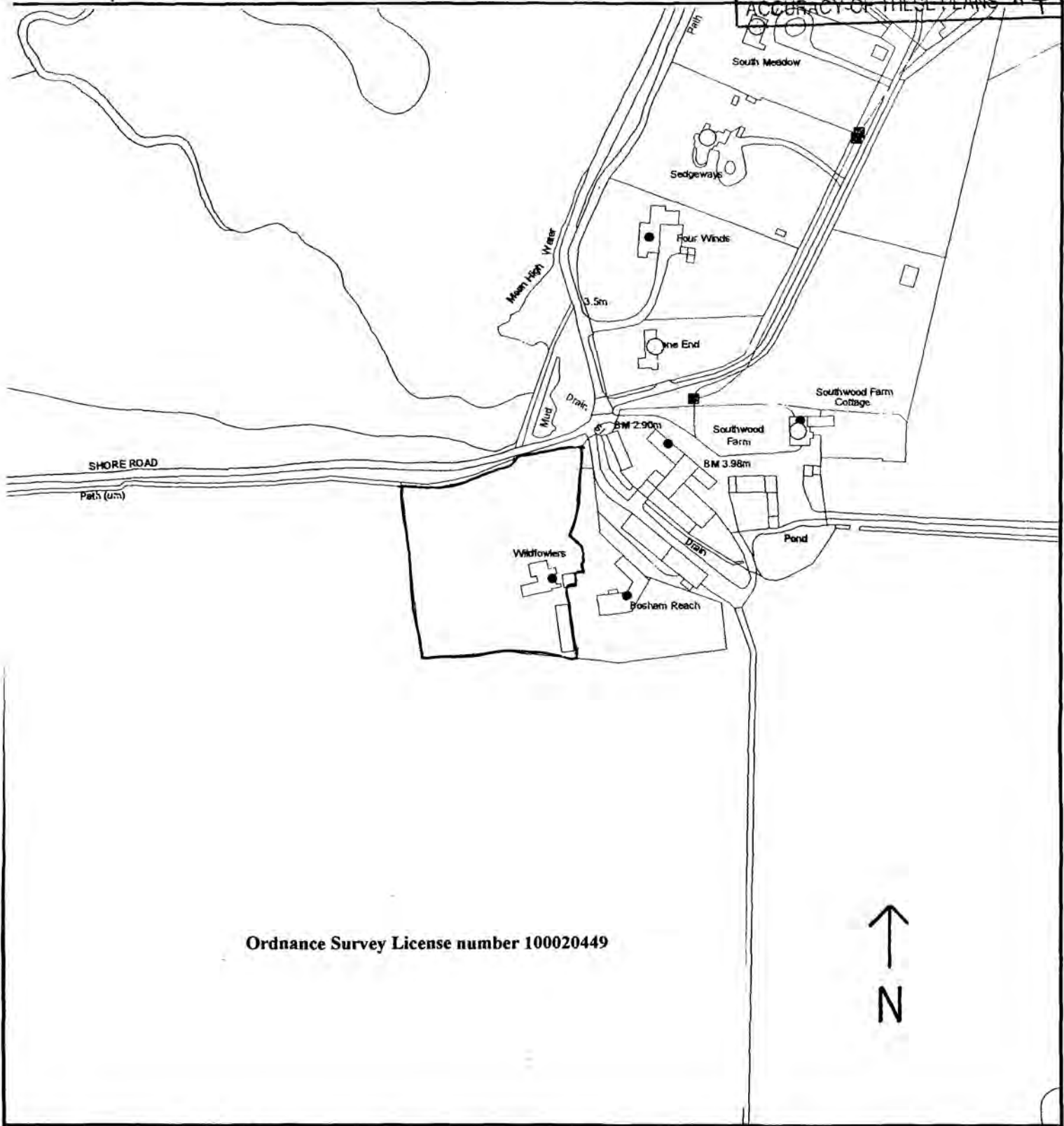
Please refer to plan. Standard size painted tarmac court surrounded by 2.75m chain link fence with tubular post incorporating 6m long and 2.75m high practise wall.

Access

To court via gate in middle of fence (a) and level.

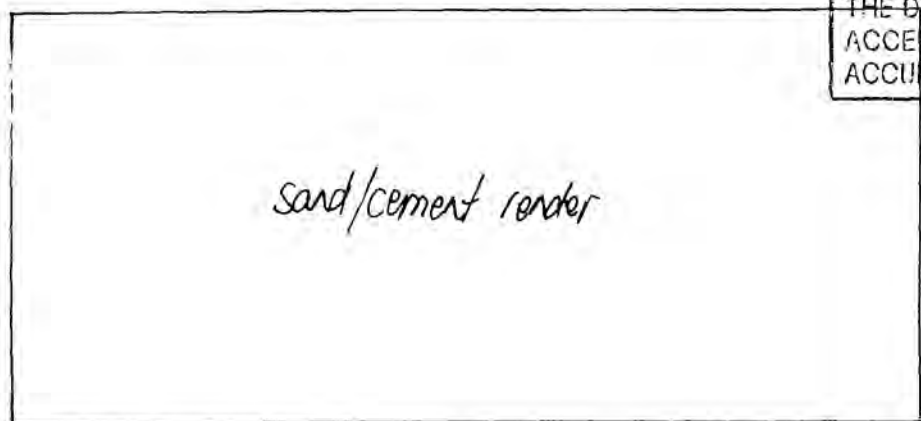
Location plan

CHICHESTER DISTRICT COUNCIL
Development Control
PLAN RECEIVED APPLICATION NO. **2007/0029/01/DM**
15 FEB 2007
THE DISTRICT COUNCIL DOES NOT
ACCEPT RESPONSIBILITY FOR THE
ACCURACY OF THESE PLANS **A4**

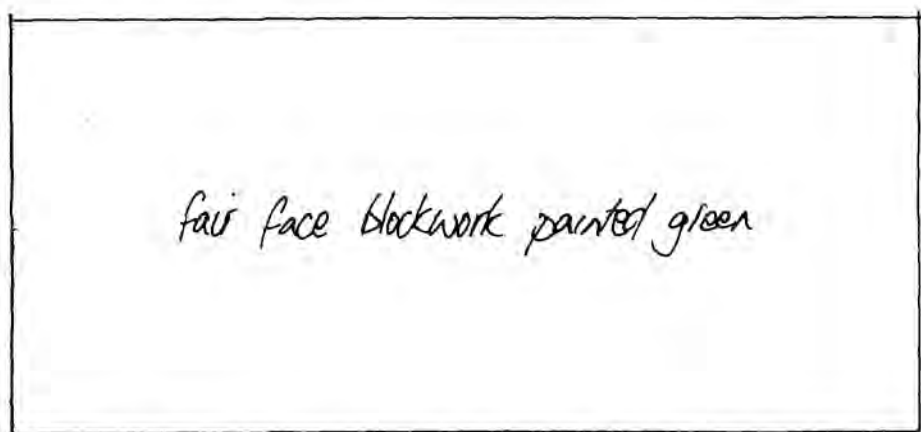


Ordnance Survey License number 100020449

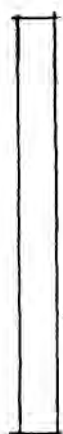
Wildfowlers Shore Rd Bosham 1/2500



court elevation



external elevation



end

225mm thick block



other end

BO/07/00290/DOM

**WILDFOWLERS, SHORE ROAD, BOSHAM, CHICHESTER, WEST SUSSEX. PO18 8QL
TENNIS COURT INCLUDING PERIMETER FENCE/WALL
PLANNING POLICY FRAMEWORK**

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

MANAGER AND HARBOUR MASTERS COMMENTS

Wildfowlers is a large detached dwelling in a substantial plot on the corner of Shore Road, close to Southwood Farm. The garden is visible from the public footpath to the west in the adjoining field.

The proposed tennis court would be sited to the southwest corner of the plot. There are existing mature trees and a small hedge to the south and west boundaries. The court would be 18m long by 35m wide. It would have a green/black pvc coated mesh fence with black steel posts. This would be 2.75m high to elevations b,c,d. Elevation b is to the west boundary, elevation c is to the south boundary, both are adjacent to the wider countryside. Elevation a is 2.75m at the corners but sloping down to 0.9m high centrally. This elevation can be seen from the junction of the public footpath to the north, as the north boundary of the property is currently exposed.

The siting of the tennis court is relatively sensitive is set back from Shore Road itself, the mature planting to the west boundary in particular will help to soften its impact. Further planting of native species to this and the southern boundary could help to ensure its impact is minimised. The stepping down of the fence on elevation a will help to minimise the impact of the fence when seen from the public footpath to the north some further planting within the garden close to elevation a, could help to minimise its impact further.

A practice wall is also shown between the corner of elevation a and b. This would be 6m long and 2.75m high. It is proposed to be rendered and painted a dark green colour. Provided the practice wall is painted a dark green colour and planting retained around it, this should not be an intrusive feature.

DATE CONSIDERED

15/03/2007

CONSIDERED BY

Manager and Harbour Master under delegated powers.

DECISION

Propose no objection.

RECOMMENDATION

The local planning authority is advised the Conservancy has no objection to this application but ask for the following matters to be negotiated if possible:

- Further planting of native species typical of the area to the south and west boundary and along elevation 'a' of the tennis court within the garden.
- Retention of south hedgerow. Both elevations of the practice wall should be painted green.

CHICHESTER DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE ORDER)
1995

Agent Details:

Tony Wells
Multisport Surfaces
96 Middleton Road
Middleton-on-sea
West Sussex PO22 6DL

Applicants Details :

Mrs J Rolls
Creek House
Shore Road
Bosham
Chichester
West Sussex
PO18 8QL

In pursuance of their powers under the above mentioned Act and orders, the council hereby notify you that they **PERMIT** the following development, that is to say:

**Hard tennis court with 2.75 metre high chain link fencing enclosure for private use.
Creek House Shore Road Bosham Chichester West Sussex PO18 8QL**

to be carried out in accordance with your application and plan no. BO/05/02774/FUL as modified by the undermentioned conditions if any submitted to the Council on 26 July 2005 and subject to compliance with the conditions specified hereunder:

- 1) The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2) There shall be no departure from the approved plans without the prior written consent of the District Planning Authority.

Reason: To secure satisfactory development.
- 3) At no time whatsoever shall any form of illumination/floodlighting be installed either within the tennis court hereby approved, or immediately adjacent to it, unless planning permission is granted to an application submitted on that behalf.

Reason: In the interests of amenity and to safeguard the amenities of occupiers of adjacent residential properties.
- 4) The tennis court hereby permitted shall not be used other than incidental to the enjoyment of Creek House, Shore Road, Bosham, as a dwellinghouse and no other uses either for events or commercial purposes shall be undertaken.

Reason: In the interests of amenity and to enable the District Planning Authority to regulate and control the development.

- 5) The existing hedge along the north and east boundaries shall be retained and any part of the hedge which is removed without consent or dies or becomes severely damaged or diseased during a period of five years from the date of the completion of the development shall be replaced in the next planting season with a hedge of a similar size and species unless the District Planning Authority gives written consent to any variation.

Reason: In the interests of preserving the visual amenities of the area.

- 6) INFORMATIVE

This decision relates to the following plans: location plans 1/1250 and 1/500.

- 7) INFORMATIVE

Summary of Reasons for Grant of Permission/Approval

Having considered the relevant policies of the Development Plan which are set out below, the District Planning Authority has concluded that the proposed development will not cause demonstrable harm to the character of the area, residential amenity or any other interest of planning importance including the Human Rights of interested parties.

Summary of policies relevant to the decision and the conditions imposed

Adopted West Sussex Structure Plan 2001-2016: CH1, CH2, DEV1

Chichester District Local Plan First Review 1999: RE2, RE4, BE11

The plans the subject of this decision can be viewed on the Council's website www.chichester.gov.uk quoting the reference number of the application. For all applications after May 2003, the relevant plans are listed as "Plans-Decided".

Decision Date : 2 November 2005

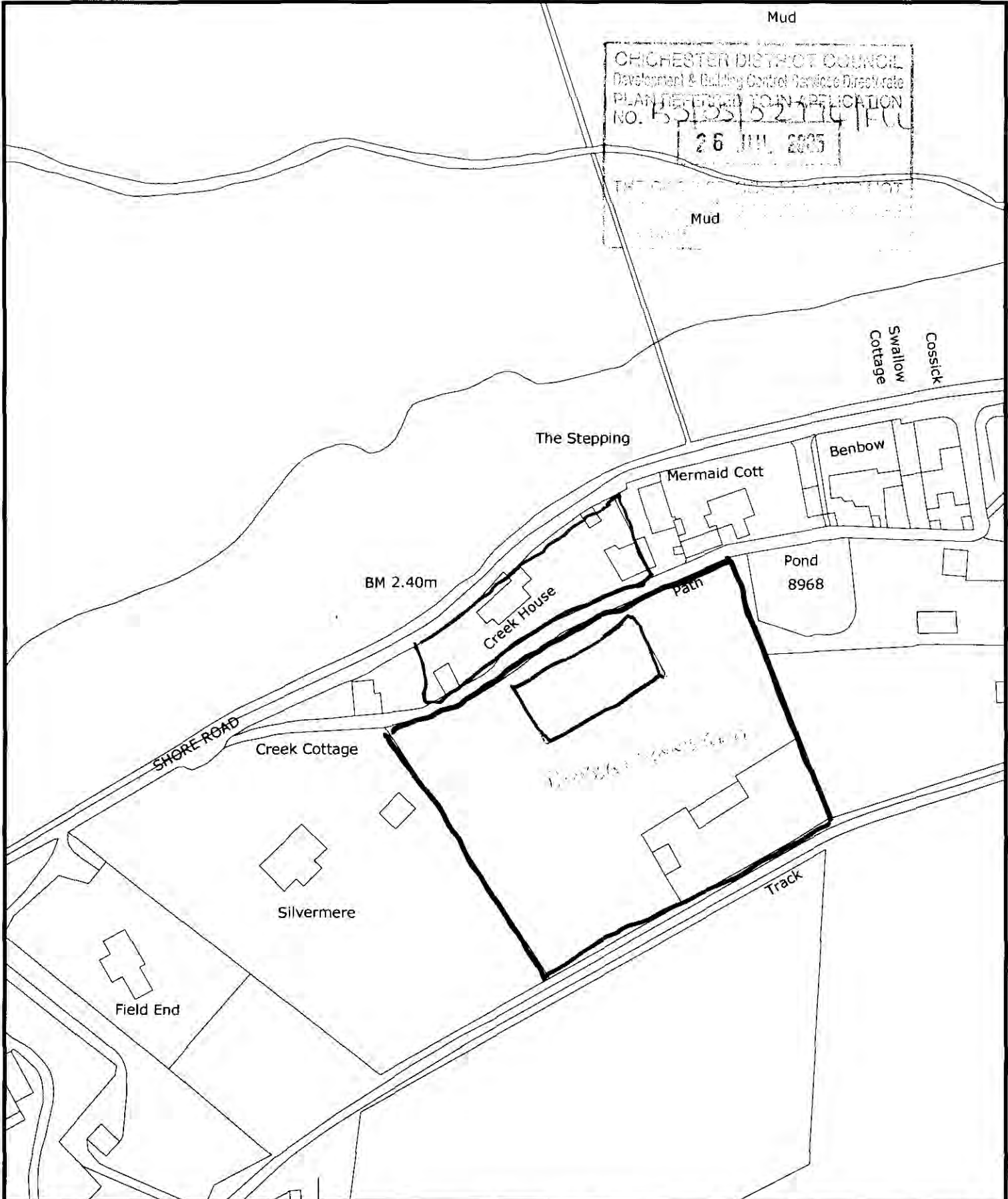
Signed:



S. R. Carvell

Head of Development and Building Control Services

N.B IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ON THE BACK OF THIS FORM.



Chichester District Council



Reproduced from the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright. This copy has been produced specifically for Map Room Scheme purposes. Licence No. 1 A077580/2004

Location: Creek House, Shore Road, Bosham, Chichester, West Sussex, PO18 8QL

| | | | |
|----------------------|---------------------------|-----------------------|------------------------------|
| Scale: 1:1250 | UPRN: 100061751584 | Date: 12/07/05 | Produced on GIS by HR |
|----------------------|---------------------------|-----------------------|------------------------------|



Bosham

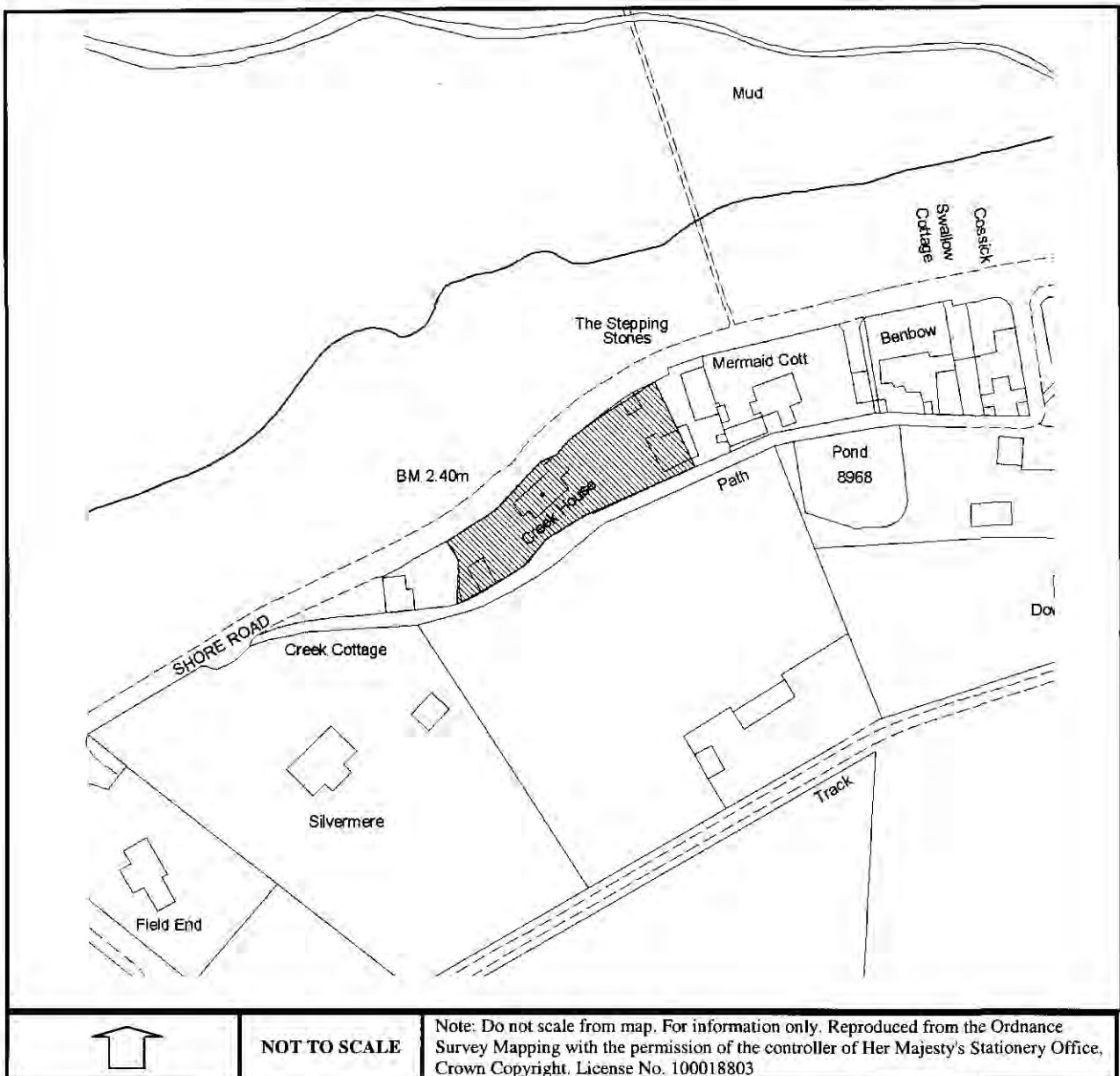
3. **BO/05/02774/FUL**

Proposal Hard tennis court with 2.75 metre high chain link fencing enclosure for private use.

Site Creek House Shore Road Bosham Chichester West Sussex PO18 8QL

Map Ref (E) 480813 (N) 103673

Applicant Mrs J Rolls



History

| | | |
|--------------|-----|--|
| 85/00020/BO | PER | Proposed garage and formation of new vehicular access and drive works. |
| 94/00411/DOM | PER | Single storey sunroom and dormer. |
| 94/01228/DOM | PER | Single storey sunroom & dormer amendment to previous consent BO/94/00411/DOM. |
| 94/02049/TPO | PER | Crown pruning Ash tree. |
| 95/00235/DOM | PER | Alteration to driveway entrance and extension to garage. |
| 96/02085/DOM | PER | Fit glazed doors to sunroom. Provide timber carport in place of second garage(planning permission BO/95/00235/DOM). Alter driveway access and wall and garden walls. |
| 98/01730/DOM | REF | Conversion of loft to bedroom and bathroom. Enlarging two front ground floor windows. Change two roof lights to dormers. |
| 98/02910/DOM | PER | Provision of dormer window in connection with conversion of loft to bedroom and bathroom. Change two rooflights to small dormers. |
| 01/02117/DOM | PER | Raise roof line of existing garage. To raise building above flood level. |
| 01/02827/DOM | PER | New Dormer window to front elevation. Rebuild one chimney. |
| 01/03044/DOM | PER | Alterations to existing roof profile. |
| 02/00043/DOM | PER | New rear porch with shower room over. |
| 05/02774/FUL | PDE | Hard tennis court with 2.75 metre high chain link fencing enclosure for private use. |
| 05/02935/DOM | PER | Alterations to single garage to form double garage (see pp BO/96/02085/DOM). |

Constraints

| | |
|-------------------------|-----|
| Listed Building | NO |
| Conservation Area | NO |
| Rural Area | YES |
| AONB | YES |
| Strategic Gap | NO |
| Tree Preservation Order | NO |
| Proposed South Downs | NO |
| National Park | |
| Flood Zone | YES |

1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 Representations and Consultations

2.1 Parish Council

Bosham Parish Council believes that the land on which the proposed tennis court is to be built is presently classed as 'agricultural': In such circumstances it may be appropriate for an application for change of use to be submitted in the first instance.

2.2 Chichester Harbour Conservancy

Comments awaited.

2.3 Environment Agency

No objection.

2.4 English Nature

No objections.

2.5 1 Third Party Objection

Set a precedent for converting farmland into a garden

Greater possibility that planning permission for a house could be granted in the future

Concerned about noise levels

2.6 1 Third Party Support

Sensible use of area

Plot in question has not been in agricultural use for over 34 years. Used since 1972 for family ponies

Cannot see that a tennis court would materially affect any of the neighbours

2.7 1 Third Party Comment

Would it not be a good idea to apply for a Change of Use from agricultural to garden land.

3.0 Planning Policy

3.1 The site lies within the Rural Area and within Chichester Harbour Area of Outstanding Natural Beauty, where the protection and enhancement of the landscape is a major priority. (Policies RE2 and RE4 of the Local Plan).

4.0 Planning Comments

4.1 This application seeks the construction of a tennis court on land which has previously been used as a paddock (i.e. agriculture). The land lies to the south of Creek House with a Public Right of Way separating the house and paddock. The paddock is partially screened by hedging.

4.2 The main issues in the determination of this application are whether the proposed tennis court would cause demonstrable harm to the landscape quality and character of the area and result in an unacceptable urbanisation of the countryside.

4.3 The land in question currently has a temporary grass tennis court and net with a detached moveable wooden structure housing garden machinery. The applicant has indicated that a further planning application will be submitted for the change of use of the land to domestic curtilage. Members will be updated at Committee as to whether an application has been made.

4.4 The tennis court is to be sited close to the boundary with the Public Right of Way which lies to the south of Creek House. This boundary is relatively well screened by an existing hedge. The tennis court would not be visible in the wider landscape and in your officers opinion, would not form a visually intrusive feature in the rural landscape or domesticate an area which is rural in character.

4.5 It is important not to pre-judge any application for change of use to domestic garden; the current application is simply for a private tennis court and must be determined as such.

**RECOMMENDATION
PERMIT**

- | | | |
|---|--------|-------------------------------|
| 1 | A01E | Time Limit - Full |
| 2 | B01E | No Departure from Plans |
| 3 | U93441 | No illumination/floodlighting |
| 4 | U93442 | Use of tennis court |
| 5 | U93446 | Retention of hedge |

INFORMATIVES

- | | | |
|---|--------|---------------------------------|
| 1 | U93448 | Informative: Plans |
| 2 | U93449 | Informative: Summary of Reasons |

For further information on this application please contact Mrs Gill Makin on 01243 785166 EXT4545

BO/05/02774/FUL

CREEK HOUSE SHORE ROAD BOSHAM CHICHESTER WEST SUSSEX PO18 8QL

HARD TENNIS COURT WITH 2.75M HIGH CHAINLINK FENCING FOR ENCLOSURE FOR PRIVATE USE

PLANNING POLICY FRAMEWORK

PPS 7 paragraph 21; RE4, BE11: Adopted Chichester District Local Plan 1999. Chichester Harbour AONB Management Plan 2004-2009: Policy B3.

MANAGER AND HARBOUR MASTERS COMMENTS

Creek House fronts onto Shore Road at Bosham. The proposed tennis court is situated on land that is former paddock but has been changed to garden by the current applicants. The land is to the south of the existing footpath that runs to the south of the rear boundary of Creek House.

A separate application will be submitted for the change of use of the former paddock to garden use and the storage building on the site.

The site has mature planting to its boundaries. The proposed tennis court would be hard surfaced with a 2.75m high chainlink fence enclosing it. The top of this fence is likely to be seen above the existing planting to the boundaries.

We are concerned with the loss of this former paddock land to garden and whilst that matter is not the subject of this application, the proposed tennis court introduces a residential ancillary use that establishes that change.

MANAGER AND HARBOUR MASTERS RECOMMENDATIONS

Propose recommend refuse.

ITEM: 2

APPLICATION NO: BO/05/02801/COU

COMMENT:

Two additional Third Party objections:

Description of proposal does not accurately define what is planned in AONB.
Tents or tepees are mobile homes.
Precedent.

Applicant's supporting information:

(Further comments 1.11.05)

Promoting pitches as "exclusive" – want them to look and feel that way so will restrict one car to each of two pitches (will accept a condition). As are marketing cycle trail, running and hiking as main activity and attraction suggests that on most days may be two movements in and two out. On many days, due to activity promoted, likely there will not be any vehicle activity. Can clarify any points at Committee meeting.

ITEM: 3

APPLICATION NO: BO/05/02774/FUL

COMMENT:

The Committee should note that the site of the proposed tennis court is in the paddock southeast of the land hatched on the agenda plan.

Add one additional letter of support:

The plot is well screened by hedges and the site is in the line of gardens along the back of Shore Road houses. It would not alter the character of the area and we therefore have no objection to this proposal.

Chichester Harbour Conservancy Comments:

We are concerned with the loss of this former paddock land to garden and whilst that matter is not the subject of this application, the proposed tennis court introduces a residential ancillary use that establishes that change. Propose Recommend refuse.

CHICHESTER DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE
ORDER) 2015 (as amended)

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

To:

Agent :

Applicant Details :

Mr Brett Moore
15 West Pallant
Chichester
PO191TB

Mr & Mrs Smith
c/o Agent
15 West Pallant
Chichester PO19 1TB

In pursuance of their powers under the above mentioned Act, Regulations and Orders, the Council hereby notifies you that they **PERMIT** the following development:

Construction of tennis court.
Sanderlings Spinney Lane Itchenor PO20 7DJ

to be carried out in accordance with your application WI/21/03159/DOM submitted to the Council on 8 November 2021 and as modified by any relevant under mentioned conditions and subject to compliance with all conditions specified hereunder:

Time limits and implementations conditions:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

Conditions requiring Local Planning Authority written approval or to be complied with by developer before occupation:

3) The development hereby permitted shall not be first brought into use until full details of the hard and soft landscaping have been submitted to and agreed in writing by the Local Planning Authority. The details shall include a scaled site plan indicating the planting scheme for the site showing the; schedule of plants and positions, species, plant sizes (at time of planting) and proposed numbers/densities. The scheme shall utilise native species and a list of proposed native species shall be included within the schedule.

In addition, the scheme shall include details of all existing trees and hedgerows on the land including details of any to be retained, together with measures for their protection during the course of the development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site.

The landscaping scheme shall also include full details of any proposed hard landscaping showing any external hard surfaces and their positions, materials and finishes.

The works shall be carried out in full accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice.

The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing site and AONB and to conserve and enhance biodiversity.

4) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

Conditions to be complied with at all times following completion of the development:

5) The proposed hard surface hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and residential amenity.

7) The tennis court hereby permitted shall only be used as a private tennis court in connection with and incidental to the host dwellinghouse known as Sanderlings Spinney Lane Itchenor Chichester West Sussex PO20 7DJ, and shall not be rented out for any commercial purposes.

Reason; in the interest of current sustainability objectives and neighbouring amenities.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

| Details | Reference | Version | Date Received | Status |
|--|---------------|---------|---------------|----------|
| PLAN - Existing and proposed site plan | 002 | A | 03.05.2022 | Approved |
| PLAN - Location plan | location plan | | 28.10.2021 | Approved |
| PLAN - Proposed tennis court + photographs | 003 | | 28.10.2021 | Approved |
| PLAN - Proposed tennis court | 004 | | 28.10.2021 | Approved |

Please Note: The headings to the Conditions are inserted for ease of reference only and shall not affect the interpretation of the Condition(s).

The applicant is reminded that the Council operate a formal procedure for the discharge of conditions. Details of this procedure can be found on the Council's website (<http://www.chichester.gov.uk/index.cfm?articleid=8734>) or by telephone (01243 534734).

The plans subject of this decision can be viewed on the Council's website www.chichester.gov.uk quoting the reference number of the application. For all applications after May 2003, the relevant plans are listed as 'Plans-Decided'.

Date : 31 May 2022

Signed:



Andrew Frost
Director of Planning and the Environment
Chichester District Council

Chichester District Council Notes to accompany Decision Notices

Building Regulations - This decision is not a decision under the Building Regulations and the applicant should ensure that all necessary approvals for the same proposal and same plans are obtained before commencing any work on the site. See www.chichester.gov.uk for further information.

Discharge of Conditions – If your application has been approved with conditions then any pre-commencement conditions must be discharged before work starts. The fee to discharge conditions is per request, not per condition, and it is therefore more cost effective to discharge at once. Listed Building and Conservation Area Consents are exempt from fees. See www.chichester.gov.uk and follow the links to the necessary forms or to apply online.

Amending your permission (only applies to planning permissions) - If you want to change some details of your planning permission and it is a very small change you can apply for a Non Material Amendment. Larger changes may need a Variation of Condition application to amend the plans condition or a new Planning Application. See www.chichester.gov.uk and follow the links to the necessary forms or to apply online.

Adherence to approved plans/conditions – Failure to adhere to the details of the approved plans or to comply with the conditions contravenes the Town and Country Planning Act 1990 and enforcement action may be taken.

Appeals to the Secretary of State

If you are aggrieved by a decision to refuse permission or to grant it subject to conditions you can appeal to the Planning Inspectorate. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/planning-inspectorate>.

Appeals must be made on the correct form relating to the type of application you submitted. Information provided as part of the appeal process will be published online. Only the applicant has the right of appeal. In some circumstances the Planning Inspectorate may refuse to consider an appeal.

- ❖ **Planning Appeals** (Section 78 of therefore Town and Country Planning Act 1990).
- ❖ Appeals relating to **householder applications** must be made within **12 weeks** of the date of this notice.
- ❖ **Certificate of Lawfulness Appeals** (Section 195 of the Town and Country Planning Act 1990) – There is no time limit for submission of an appeal.
- ❖ **Listed Building Consent or Conservation Area Consent Appeals** (Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990). Appeals must be made within **six months** of the date of this notice
- ❖ **Advertisement Consent Appeals** (Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007) – Appeals must be made within **8 weeks** of the date of this notice.
- ❖ **Minor Commercial Appeals** – Appeals must be made within **12 weeks** of the date of this notice.
- ❖ **Site of an Enforcement Notice Appeal** – (relating to the same or substantial the same land and development as is already the subject of an enforcement notice) – appeals must be made within **28 days** of this notice

Purchase Notices

If the Local Planning Authority or the Planning Inspectorate refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council requiring them to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Disabled Persons

Where any planning permission granted relates to buildings or premises to which the public are to be admitted (whether on payment or otherwise) or to premises in which persons are employed to work, your attention is drawn to Sections 4, 7 and 8a of the Chronically Sick and Disabled Persons Act, 1970 and to the British Standards Institutions Code of Practice for Access for the Disabled to Buildings.

Delegated Decision Sign off Sheet

| | | | |
|--------------------------|--|----------------------|-----------------|
| Case Number: | WI/21/03159/DOM | Case Officer: | Maria Tomlinson |
| Proposal: | Construction of tennis court. | | |
| Site: | Sanderlings , Spinney Lane, Itchenor, PO20 7DJ | | |
| Applicant/Agent: | Agent Details : Mr Brett Moore 15 West Pallant, Chichester, PO191TB , , | | |
| Application Type: | Domestic Application (Householder) | | |
| Site Visit: | 16 November 2021 | | |
| Map Ref: | (E) 480386 | (N) 100836 | |
| Parish: | West Itchenor | Ward: | The Witterings |

| | | | | | |
|-------------------------------------|---|---------------------------------------|---------------------|-------------------------|-----|
| Red Card? | N | Stat. Consultee Objections? | N | Parish Objection | N |
| Third Party Representations? | 1 | Overall Publicity Expiry Date: | 27 May 2022 | CIL Liable | N/A |
| Legal Agreement? | N | Extension of Time? | | 1 June 2022 | |
| Recommendation: | PERMIT | | Expiry Date: | 3 January 2022 | |
| Decided Plan(s): | Plan/DRG No.:002A Plan/DRG No.:location plan Plan/DRG No.:003 Plan/DRG No.:004 | | | | |
| Recommendation Date: | 30 May 2022 | | | | |
| Recommendation By: | Maria Tomlinson | | | | |
| Signed Off by: | Robert Young | | | | |

1. Site Description, Proposal and History

The Site

Sanderlings lies on the southern side of Spinney Lane within an extensive plot which is fronted by a private lane and backed by agricultural land. Public footpath No.30 runs along approximately half of the site's frontage on Spinney Lane whilst public footpath No.31 runs between fields, across farmland to the south belonging to Oldhouse Farm.

Detailed planning permission was granted under ref. 17/01885/FUL for a replacement dwelling with outbuildings, outdoor pool and associated works. This consent was subsequently updated through a Section 73 application (Ref: 18/01224/FUL) and has now been implemented.

Proposal

The current proposals seek householder planning permission for the construction of a tennis court with associated perimeter fencing in the south-western most corner of the plot.

2. Representations and Consultations

Parish Council

18.05.2022

West Itchenor Parish Council has no objection to this application. The Parish Council also requests that the following conditions are imposed.

No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- v) wheel washing facilities;

13.12.2021

West Itchenor Parish Council has no objection to this application. The Parish Council notes that there will be some planting on additional agricultural land owned by the applicants and it requests that any planting is of species native to the area.

CHC

Chichester Harbour AONB Recommendation: No Objection (planning condition controls suggested)

Third Parties

Very close proximity to my boundary.

Due to the close proximity, I am very concerned that the noise created and any floodlighting installed will have a detrimental affect on my property particularly as my bedroom is the closet room to the proposed location of the tennis court.

The site is very large and there are far more appropriate locations on the site for the tennis court than within such close proximity of my property.

3. Relevant Planning Policy

The principal policies and neighbourhood plans relevant to the consideration of this application are as follows:

Chichester Local Plan 2014-2029:

- Policy 1 Presumption in Favour of Sustainable Dev
- Policy 2 Dev Strategy and Settlement Hierarchy
- Policy 8 Transport and Accessibility
- Policy 39 Transport, Accessibility and Parking
- Policy 40 Carbon Reduction Policy
- Policy 42 Flood Risk
- Policy 43 Chichester Harbour AONB
- Policy 45 Development in the Countryside
- Policy 40 Carbon Reduction Policy
- Policy 47 Heritage
- Policy 48 Natural Environment
- Policy 49 Biodiversity

The Development Plan Documents

- o Chichester Local Plan: Key Policies 2014-2029
- o Neighbourhood Plan - no made plan at this time
- o Surface Water and Foul Drainage SPD
- o The Chichester Harbour AONB Joint SPD (May 2017)

National Policy and Guidance

The relevant paragraphs of the NPPF have been considered including those within sections 1, 2, 3, 4, 8, 9, 10, 12, 14 and 15

Other Local Policy and Guidance

Consideration has also been given to:

PGN3

WIVDS

The new Chichester Harbour Management Plan (2019-2024)

The Chichester Harbour Planning Principles (Management Plan version April 2019)

4. Planning Considerations

Assessments

The scheme has been slightly amended to move the court fencing off the southern boundary so that landscaping may be established, along the southern boundary. The amended scheme has been readvertised.

The PC have requested a CEMP. Upon visiting the site it was observed that the frontage is of ample space to facilitate the construction traffic and storage of materials therefore a CEMP is not necessary for this small scale development.

The tennis court would have a green synthetic grass laid over a permeable surface and a chain link wire mesh fence which will be fixed to metal tubular posts. The north and south elevations of the perimeter fences would form a 'dropped' perimeter. At its highest point, the proposed fence would be 4 metres high. Fencing materials would be green in colour to ensure that the development visually integrates into its surroundings. The court will be sited in the south-western corner of the property and set within the residential curtilage of the main house which forms a detached property of some stature.

The neighbour to the west has raised concerns regarding the siting of the proposed tennis court and noise disturbance. Officers have visited the site and observed the relationship. The plots are large with established vegetation along the boundaries. The additional impact from the tennis court would not be overbearing and other properties along this row have tennis courts. A private use would be commensurate with residential garden use.

Flood lighting would not be appropriate for this location and is not proposed.

Overall the scheme is considered to comply with the policies within the Development Plan, the SPD and there are no material considerations that would outweigh this compliance. Therefore, and subject to conditions this amended proposal is capable of receiving a favourable officer recommendation for approval.

Additional Matters

A planting scheme is proposed for land to the south which is also under the ownership of the applicants but outside the application site. Planting to this area does not require planning permission but a formal planting scheme and increased activity such as recreation or manicured gardening may result in a material change of use that would require planning permission. Nothing in this application applies for such. The applicant's attention is none the less drawn to this matter for assistance.

Human Rights:

The Human Rights of all affected parties have been taken into account and the recommendation is considered justified and proportionate.

5. Recommendation

Officers Recommendation is to PERMIT the following: Construction of tennis court.
for the following reasons:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

3) The development hereby permitted shall not be first brought into use until full details of the hard and soft landscaping have been submitted to and agreed in writing by the Local Planning Authority. The details shall include a scaled site plan indicating the planting scheme for the site showing the; schedule of plants and positions, species, plant sizes (at time of planting) and proposed numbers/densities. The scheme shall utilise native species and a list of proposed native species shall be included within the schedule.

In addition, the scheme shall include details of all existing trees and hedgerows on the land including details of any to be retained, together with measures for their protection during the course of the development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site.

The landscaping scheme shall also include full details of any proposed hard landscaping showing any external hard surfaces and their positions, materials and finishes.

The works shall be carried out in full accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice.

The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing site and AONB and to conserve and enhance biodiversity.

4) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

5) The proposed hard surface hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and residential amenity.

7) The tennis court hereby permitted shall only be used as a private tennis court in connection with and incidental to the host dwellinghouse known as Sanderlings Spinney Lane Itchenor Chichester West Sussex PO20 7DJ, and shall not be rented out for any commercial purposes.

Reason; in the interest of current sustainability objectives and neighbouring amenities.

Approved Plans

| Details | Reference | Version | Date Received | Status |
|--|---------------|---------|---------------|----------|
| PLAN - Existing and proposed site plan | 002 | A | 03.05.2022 | Approved |
| PLAN - Location plan | location plan | | 28.10.2021 | Approved |
| PLAN - Proposed tennis court + photographs | 003 | | 28.10.2021 | Approved |
| PLAN - Proposed tennis court | 004 | | 28.10.2021 | Approved |

EXISTING

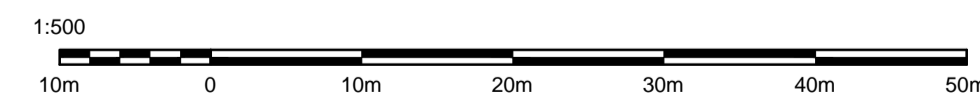
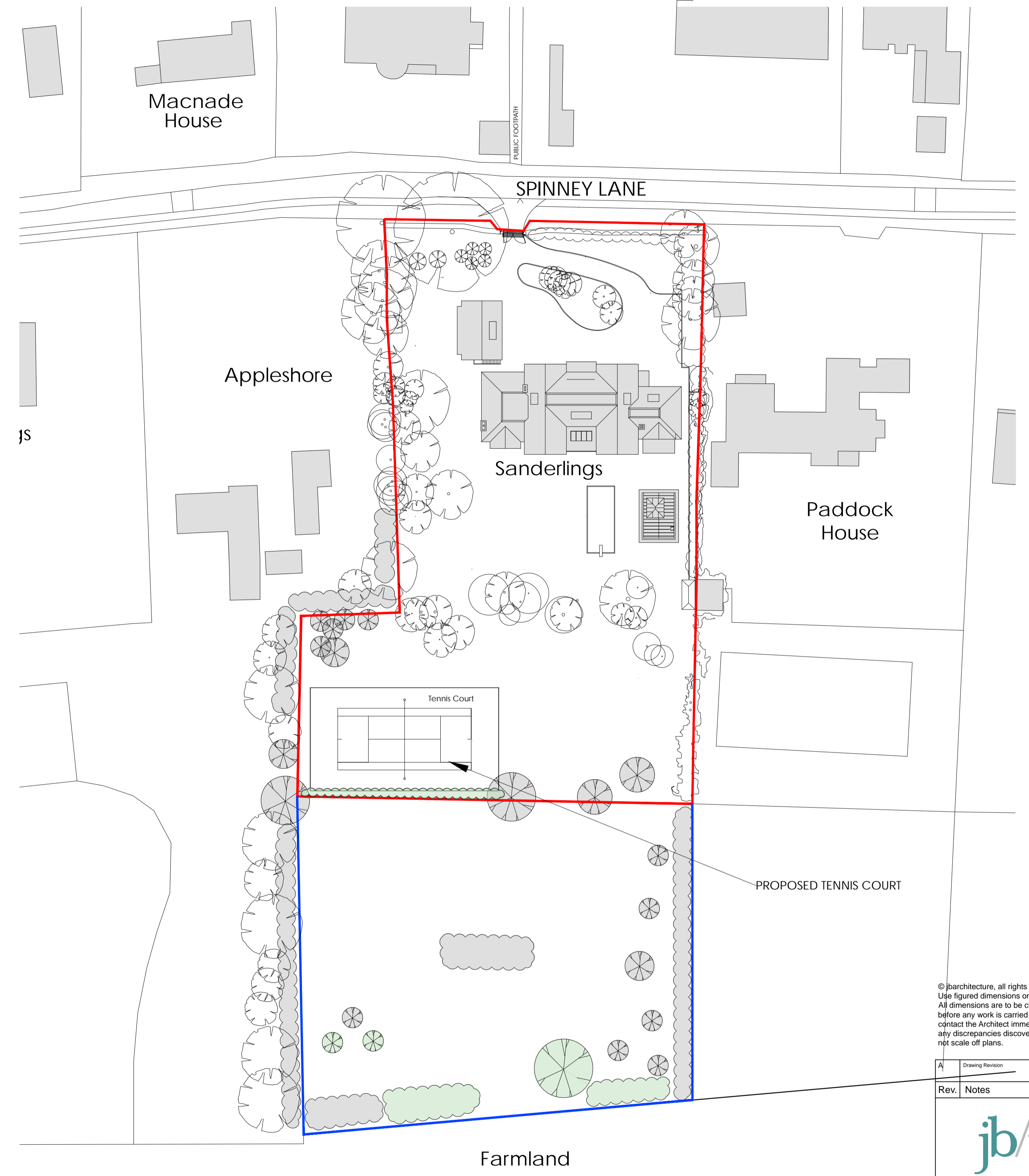


SITE PLAN
SCALE 1:500 @ A1

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PROPOSED

SANDERLINGS



SITE PLAN
SCALE 1:500 @ A1

KEY:

- EXISTING PLANTING
- PROPOSED PLANTING
- SITE BOUNDARY
- LAND IN CLIENT OWNERSHIP

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All dimensions are to be checked on site before any work is carried out. Please contact the Architect immediately regarding any discrepancies discovered on site. Do not scale off plans.

| Rev. | Notes | Date |
|------|------------------|----------|
| A | Drawing Revision | 26/04/22 |

jbA
JB
ARCHITECTURE
The Bricks, Manor Farm Barns
Chichester, West Sussex,
PO20 7PL
T: 01243 785342
E: admin@jbarch.co.uk
W: www.jbarch.co.uk

| | |
|--|---------------------|
| Project SANDERLINGS Spinney Lane, Itchenor, PO20 7DJ | |
| Drawing Proposed Tennis Court | |
| Drawn By JP | Scale 1:500 @ A1 |
| Date Sept 2021 | Revision A |
| Drawing No. DPA - 002 | |



CHICHESTER HARBOUR CONSERVANCY

Planning
Chichester District Council
East Pallant House
Chichester
West Sussex
PO19 1TY

29 November 2021

To the planning case officer: Maria Tomlinson. AONB national landscape consultation recommendation.
Location: **'Sanderlings', Spinney Lane, Itchenor, West Itchenor, Chichester, West Sussex**
Planning Application: **WI/21/03159/DOM**
Proposal: **Erect domestic garden tennis court and varied heigh enclosure fence**

Thank you for consulting The Chichester Harbour Conservancy concerning the above planning submission. The Conservancy is a non-statutory consultee.

CHICHESTER HARBOUR CONSERVANCY

The Conservancy was established by the Chichester Harbour Conservancy Act of 1971 with responsibility for navigation and the conservation of nature. The Countryside and Rights of Way Act of 2000 formally established the Conservancy as the Joint Advisory Committee for the AONB, with the purpose to conserve and enhance the natural beauty of the landscape.

Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (Section 85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals *outside* the designated area but impacting on its natural beauty.

CHICHESTER HARBOUR AREA OF OUTSTANDING NATURAL BEAUTY (AONB)

The landscape of Chichester Harbour was recognised as nationally important when it was designated as an Area of Outstanding Natural Beauty (AONB) in 1964, through the National Parks and Access to the Countryside Act of 1949. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty.

Proposals impacting on the AONB are subject to more stringent planning guidance to ensure that development respects and enhances the inherent qualities of such a sensitive location. Proposed development must be assessed carefully to consider if it would have a significant impact on or harm that statutory purpose.

PLANNING ASSESSMENT SCOPE

Consultations on development proposals within, or outside but impacting on, the AONB would be considered against the AONB Planning Guidance and Principles, the planning history record, the architectural design and appearance, and the landscape character and setting of the red-line site, any blue-line area, and the surrounding location. In considering the implications and impacts within, or to, the AONB protected national landscape, the exterior works and land use implications that affect the appearance and character of the of the location, the site and any buildings within the surrounding setting are assessed in the appraisal.

Planning 'Permitted Development' allowances do not apply within an AONB. 'Permitted Development' works therefore require a planning application to be submitted to the Local Planning Authority for formal consideration.

In its role in managing the Chichester Harbour Area of Outstanding Natural Beauty (AONB), The Conservancy considers proposals against the Conservancy's planning guidance and principles - including The Chichester Harbour Management Plan (2019-2024), The Chichester Harbour Planning Principles (Management Plan version April 2019), The Chichester Harbour AONB Landscape Character Assessment (CBA update 2019), and The Chichester Harbour AONB Joint SPD (May 2017), adopted by both Chichester District Council and Havant Borough Council.

SUBMITTED PLANNING PROPOSAL

The current proposal lies inside the AONB. The proposal is in the village wider countryside setting of the AONB protected national landscape. The proposal comprises works / alterations that require detailed approval of the LPA. The planning history for the site indicates various earlier approved proposals to the dwelling and within the grounds. None have any obvious bearing on the current proposal in relation to the AONB.

The proposal is for the erection of a domestic tennis court and associated fenced enclosure. The positioning is to the rear private garden amenity space which borders other land in the applicant's control. There is no indication of cabled in power (for lighting) to the tennis court for floodlights.

The submission includes a Planning Statement. There is no reference to para 172 of the NPPF, although there is passing mention and recognition of the site's location within the AONB protected national landscape. There is no AONB Visual Impact Statement or any detailed AONB policy approach consideration made other than to the Joint SPD. This is a partial acknowledgement of the AONB by the agents given the status of the AONB within the statutory planning assessment regime.

ASSESSMENT CONSULTATION CONCLUSION

AONB PP03 / Joint SPD considerations have been part of this AONB planning assessment. Given the backdrop and setting of the countryside location, the works to the street scene would likely be unnoticeable and not imposing. The proposal is modest, proportionate, and subservient in regard the host dwelling. The relatively small scale of the proposed works would have a visual impact within the site, but only a minimal visual appearance within the local area. The proposals are considered to have little significant visual impact on the wider AONB protected national landscape or be demonstrably harmful to the natural beauty of the AONB environment and surrounding supporting hinterland / buffer area subject to application of suitable planning conditional controls

The Chichester Harbour Conservancy raises **no objection** to the current submission. Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered by the LPA.

OTHER MATTERS

The planning application will be considered by the LPA in terms of other aspects applicable to the planning merits of the proposal, such as overlooking impact to neighbouring property and spaces, perceived loss of privacy, equated loss of light and cause of shadowing, noise generation and disturbance, traffic generation and on-site parking provision, and in terms of overall good design and land-use neighbourliness. Such matters are not normally commented on by Chichester Harbour Conservancy.

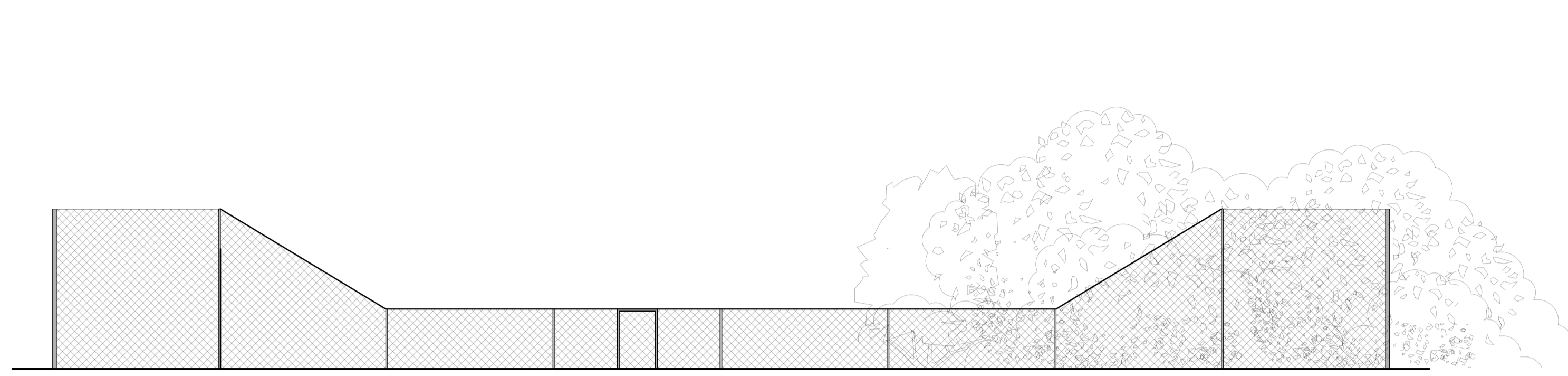
It is noted that as of the date of this consultation comment dispatch, the LPA web site still shows this proposal as still pending a decision. If you require any further clarification with regards to this recommendation, please contact the CHC AONB Planning Advisory Case Assessment Team.

Yours Sincerely,

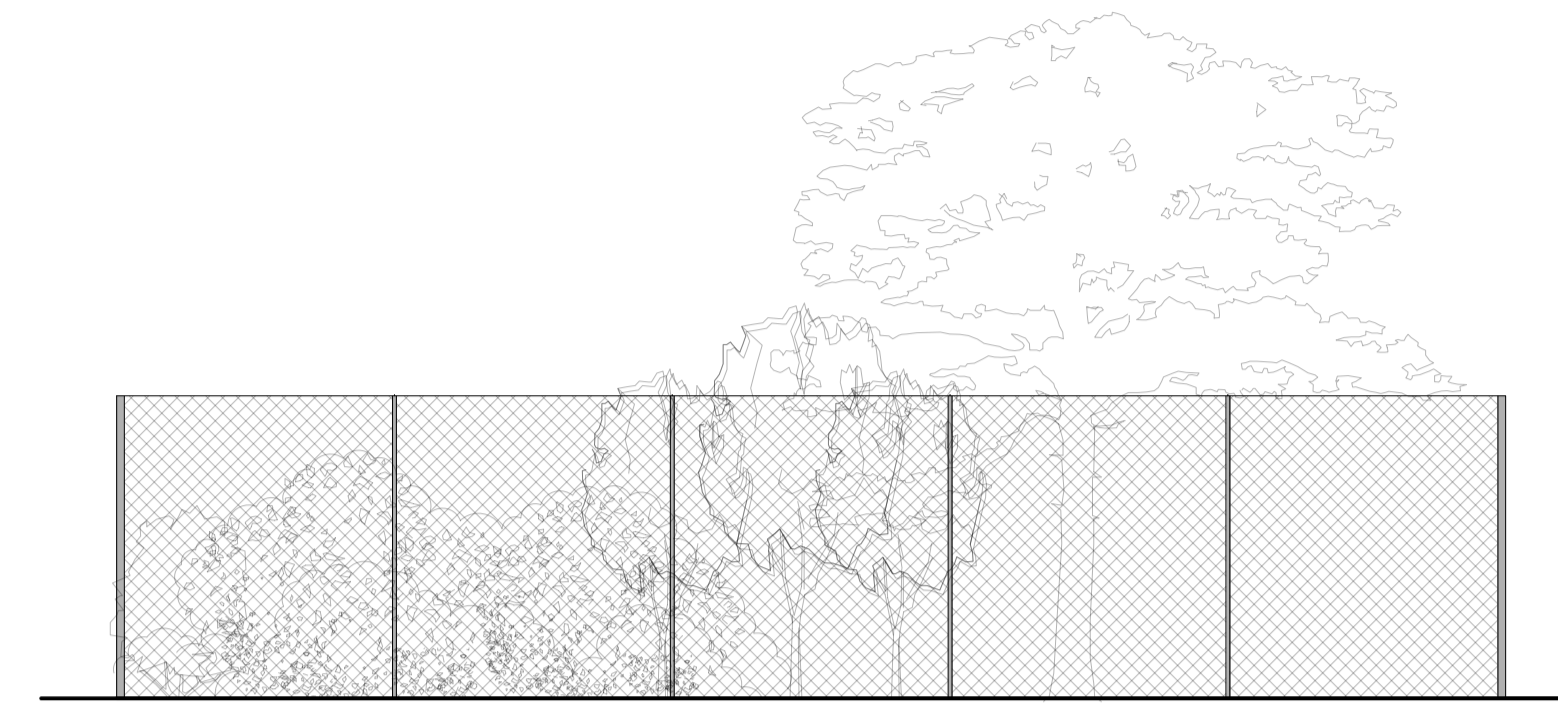
D Rothery

David Rothery
Conservancy Principal Planner / Planning Advisor
Chichester Harbour AONB Unit (Planning Team)
Chichester Harbour Conservancy

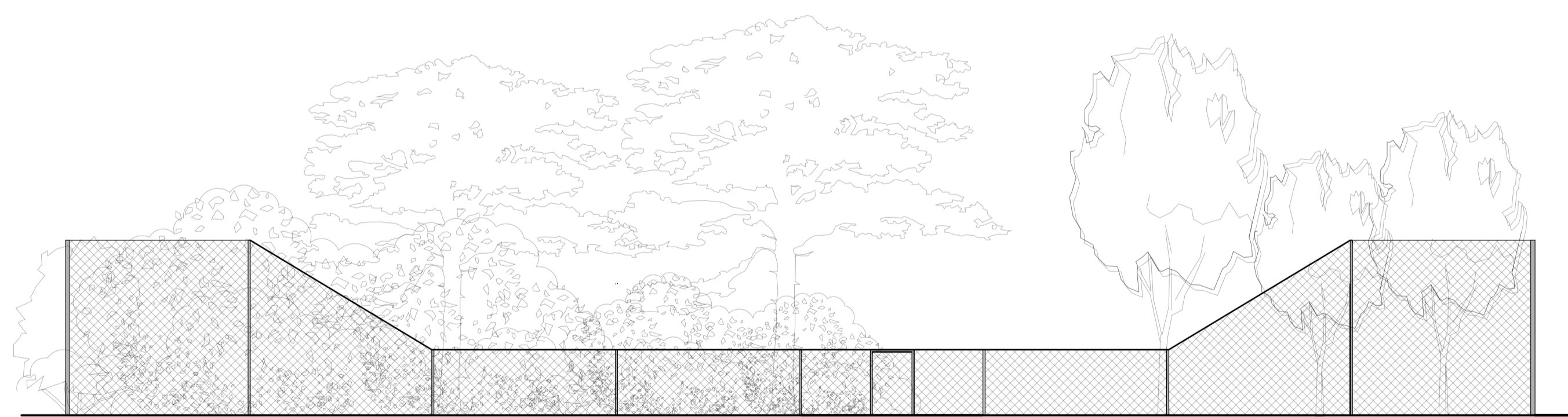
Chichester Harbour Conservancy manage and advise on the
Chichester Harbour Area of Outstanding Natural Beauty
One of the UK's National Landscapes
Visit our webpage – www.conservancy.co.uk/page/planning



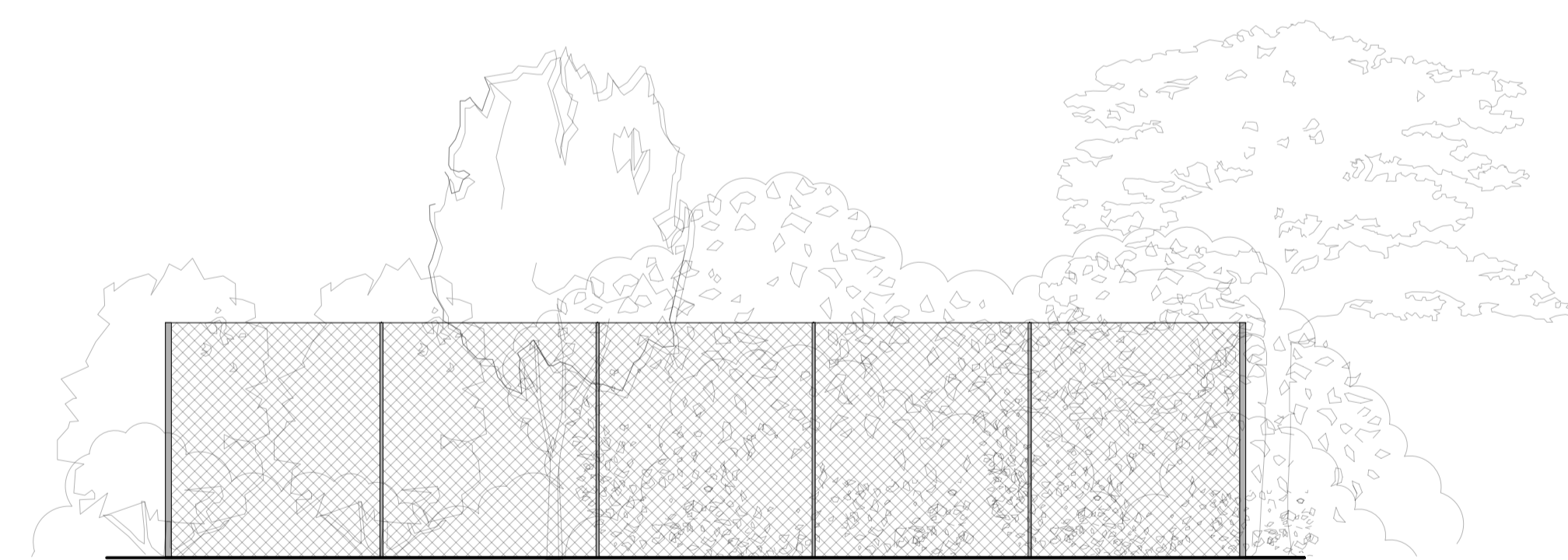
NORTH ELEVATION
SCALE 1:100 @ A1



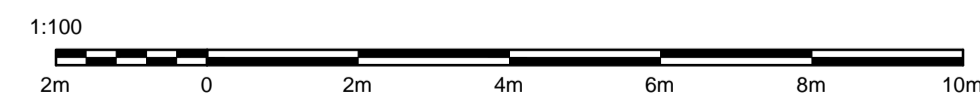
WEST ELEVATION
SCALE 1:100 @ A1



SOUTH ELEVATION
SCALE 1:100 @ A1



EAST ELEVATION
SCALE 1:100 @ A1



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not scale off plans.

| Rev. | Notes | Date |
|------|-------|------|
| | | |



**JB
ARCHITECTURE**
The Bricks, Manor Farm Barns
Chichester, West Sussex,
PO20 7PL
T: 01243 785342
E: admin@jbarch.co.uk
W: www.jbachitecture.co.uk

Project
SANDERLINGS
Spinney Lane,
Itchenor,
PO20 7DJ

Drawing
Proposed Tennis Court

| | |
|----------------|---------------------|
| Drawn By JP | Scale 1:100 @ A1 |
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| Date Sept 2021 | Revision |
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Drawing No.
DPA - 004

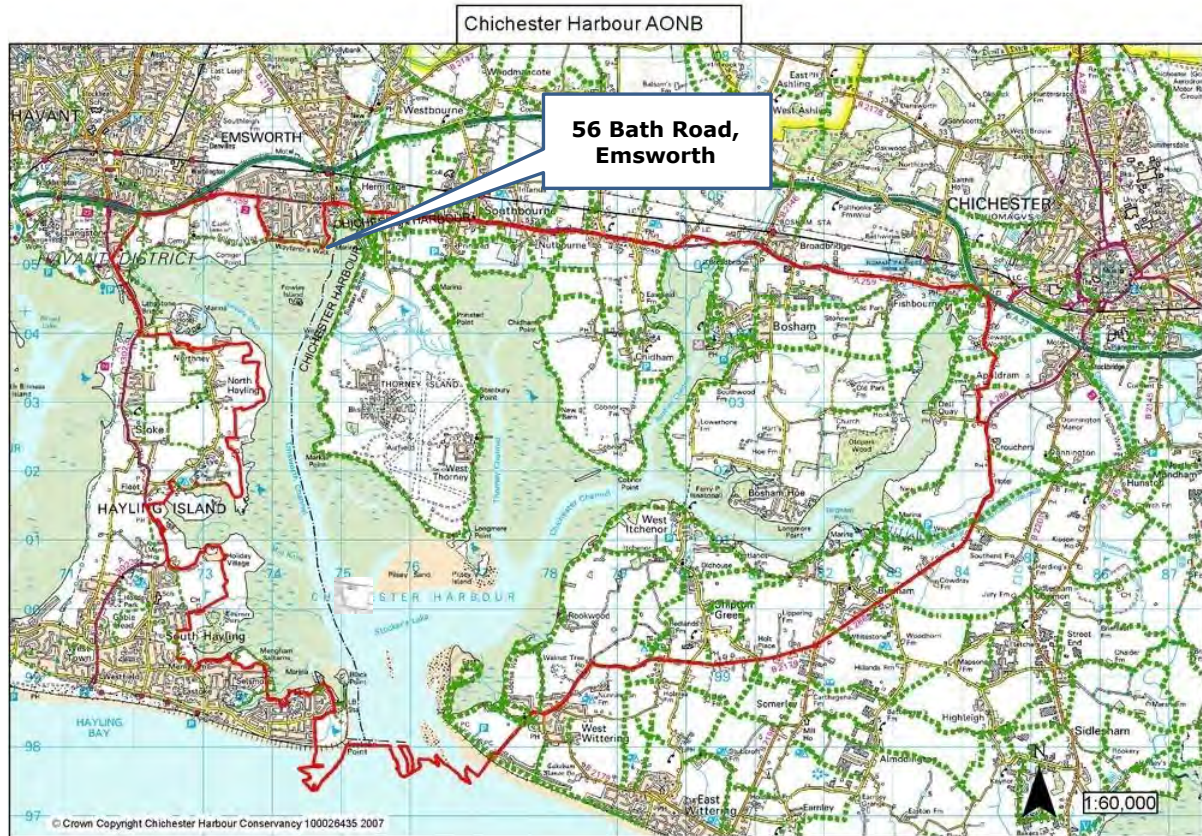
Local Planning Authority planning application reference: APP/23/01057

Site: Land opp 56 Bath Road, Emsworth, PO10 7ES

Proposals: Erection of a 0.77 m high flood prevention wall running 13.2 m in length and incorporating a temporary flood barrier gate at the top of the beach access steps.

Conservancy case officer: Linda Park

Application details on LPA webpage – https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_257103



RECOMMENDATION

(a) That Havant Borough Council, as Local Planning Authority (LPA) be advised that Chichester Harbour Conservancy raises no objection subject to the following: -

- The Council being satisfied that the proposed wall would provide an effective flood prevention measure for the application property and would not increase the risk of flooding elsewhere or compromise the structural integrity of the existing sea wall;
- Samples of the proposed materials and finishes being agreed.

Conservancy Officers' comments and reasoned justification

1.0 Site description

1.1 The site is a semi-detached period cottage located on the southwestern corner of Emsworth Mill Pond, opposite Emsworth Sailing Club. The property lies within the AONB / National Landscape and the Emsworth Conservation Area and is identified as a 'Building of Local Interest' that makes a positive contribution to the Conservation Area.



Above: Birds eye view of the site



Above: Closer birds eye view of the site



Above: The section of wall (in the foreground) the subject of this application



Above: Google street view with section of wall on LHS of promenade, application property on RHS



Above: application property on LHS, Emsworth Sailing Club on RHS, section of wall on RHS beyond.



Above: Existing southern boundary wall and gate to property opposite the proposed new wall

2.0 Relevant recent planning history

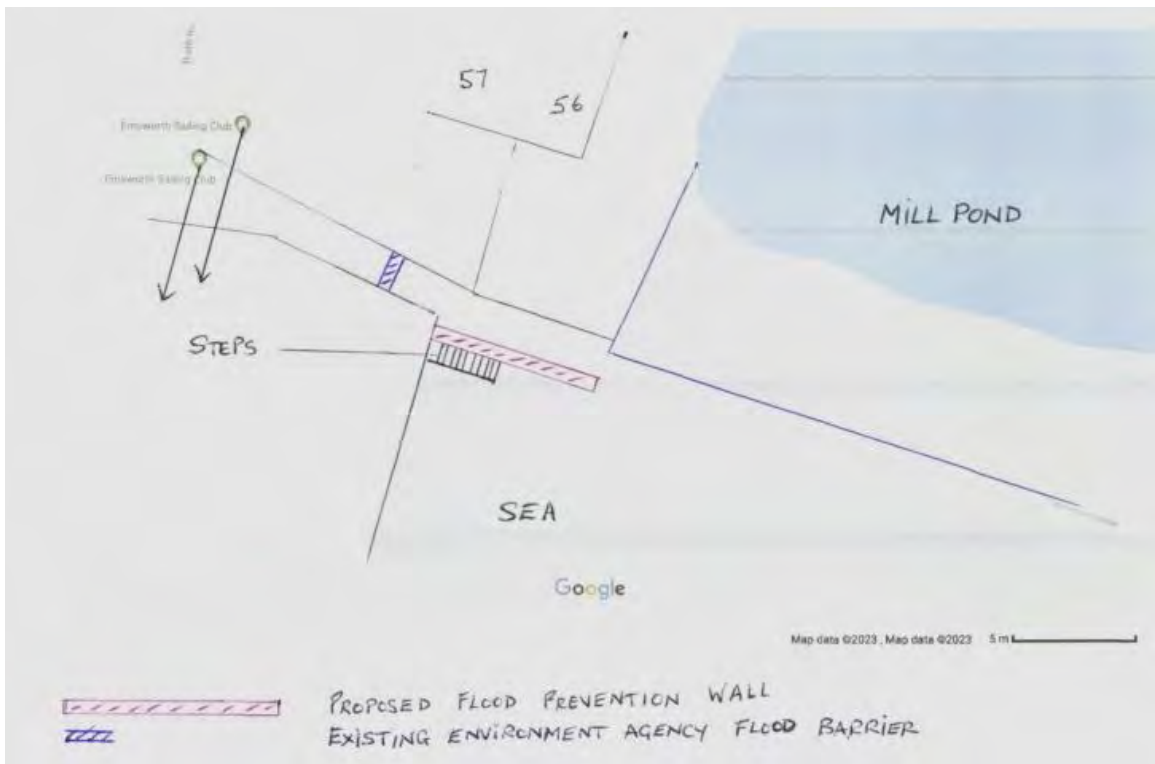
2.1 None.

3.0 Proposed development

3.1 This application proposes to erect a 13.2-metre-long section of wall on top of the concrete capping on the southern side of the promenade wall, as a flood prevention measure, to protect No.56 Bath Road from flooding caused by the

coincidence of southerly storm surge winds, high spring tides and saturated ground water.

- 3.2 The new wall would be 0.77m in height and 0.44m in width, constructed from bricks. It would incorporate a movable access gate at the top of the concrete steps to the beach (the same height as the proposed wall), to allow continued access to the beach for the public when the gate is not in place.
- 3.3 The applicant states that the property has been badly flooded on several occasions and that the movable flood gate erected by the Environment Agency (EA) in 2010, which is situated across the promenade to the west of the application property, protects all of the properties in Bath Road except No.56, and that as a result, he is unable to insure his property.



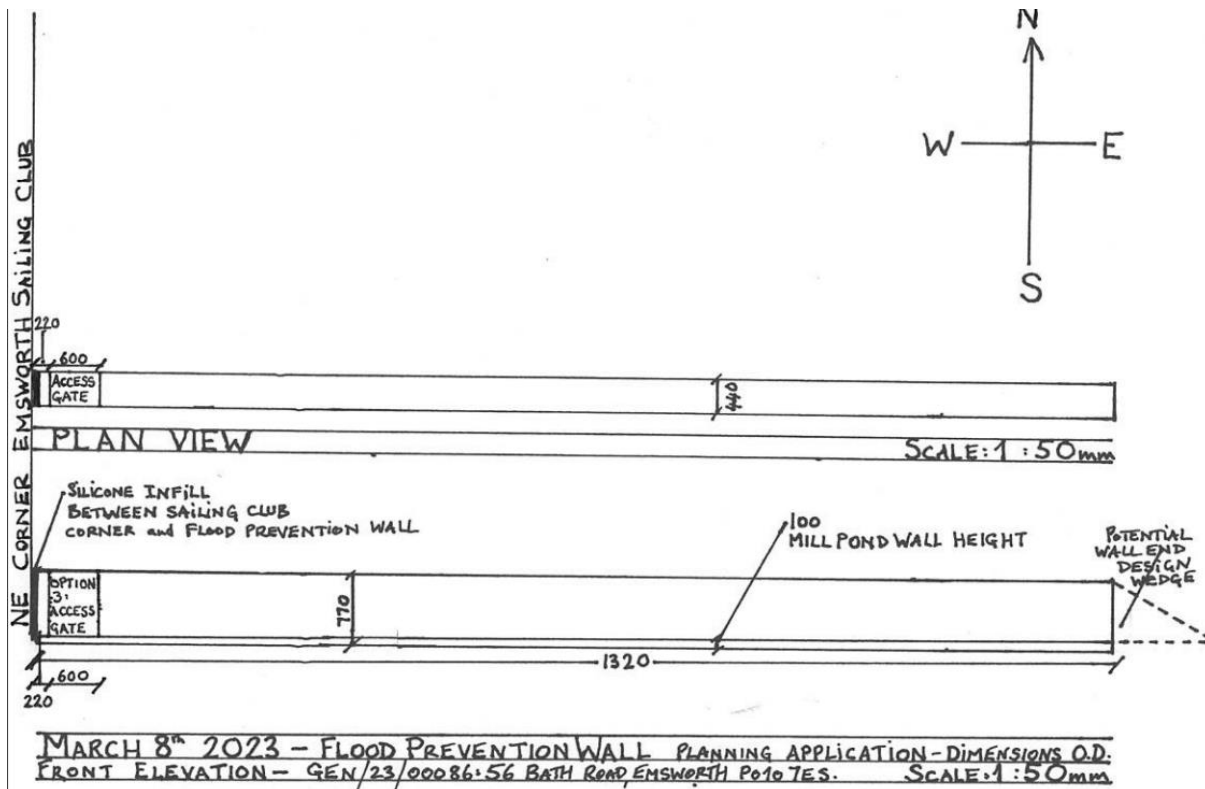
Above: Plan showing proposed wall (red hatching) with existing EA removable flood gate (blue hatching)



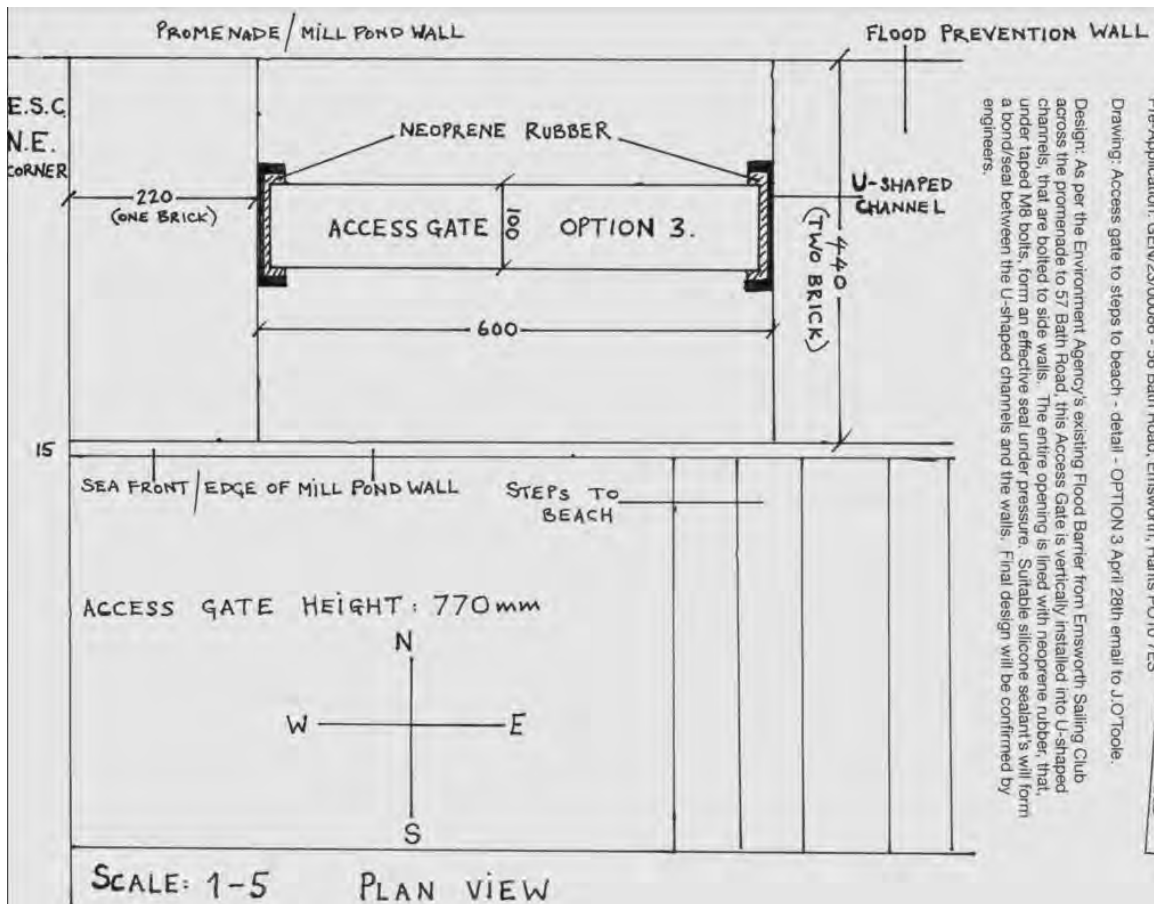
Above: Proposed location of wall



Above: Aerial photograph with proposed wall indicated by hatched area



Above: Submitted plan view and front elevation of proposed wall



Above: Submitted plan view of proposed access gate

4.0 Related Planning Policy framework

National Planning Policy Framework (NPPF) (Revised Dec 2023), paragraphs 11, 182.

National Planning Practice Guidance (NPPG) (2014 onwards).

Havant Borough Core Strategy (2011) - Policies CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough), CS12 (Chichester Harbour Area of Outstanding Natural Beauty), CS16 (High Quality Design), DM8 (Conservation, Protection and Enhancement of Existing Natural Features), and DM9 (Development in the Coastal Zone).

Havant Borough Local Plan (Allocations) 2014 – Policy DM25 (Managing Flood Risk in Emsworth).

Emsworth Neighbourhood Plan 2019-2036

Chichester Harbour Management Plan 2019-2024 – Policies 1 (Conserving and Enhancing the Landscape), 2 (Development Management), 3 (Diversity of Habitats), 8 (Thriving Wildlife), Policy 9 (Health and Wellbeing), Policy 15 (Historic Environment and Heritage Assets).

Chichester Harbour Landscape Character Assessment (CBA update 2019).

CHC Planning Principles (adopted by CHC 17.10.16 onwards), PP01 (Chichester Harbour as a Protected Area), PP10 (Shoreline Defences).

Joint CH AONB Supplementary Planning Document (SPD) (2017).

4.1 Key issues: Impact on Chichester Harbour AONB

4.1 **The Conservancy's Planning Principle PP10 (Shoreline Defences) states that the Conservancy is likely to object to the installation of new, strengthened, or improved defences if they will have an adverse impact on habitats, species or safety of navigation.**

4.2 In this instance, there is an existing sea wall, which the applicant proposes to build on top of, for a short stretch opposite his property. Given the location of the proposed wall on top of the existing sea wall, this is not likely to have any direct impact upon habitats or species which use the intertidal area adjacent to the wall (provided the new wall is constructed from the promenade side and the intertidal area is not impacted during construction). The safety of navigation would also not be affected, given the scale of the proposed wall.

4.3 Similarly, given the fact that the proposed wall would be under a metre in height and only erected on a short stretch of the promenade adjacent to the large Sailing Club building, it is not anticipated that there would be a significant impact on the natural beauty of the AONB / National Landscape. It would have been helpful, however, if professional drawings had been prepared to show the appearance of the proposed wall in more detail, as well as showing it in the context of the surrounding buildings and promenade.

4.4 Of some concern, however, is the unusual nature of the proposals, and, as raised **by the Council's Engineer**, whether the proposed wall would be a suitable, viable,

or structurally sound solution to the flooding problems for this property. The Engineer states that the proposed wall and gate will serve no purpose because the east end of the wall is open to the promenade at its existing level, and hence any water will bypass the works, around the wall and into the property. The **Council's Engineer therefore** suggests that a better solution would be to reconstruct the boundary wall along the southern frontage of the property with the promenade and locate a sealable gate within that boundary wall. They point out that **this also has the advantage of being wholly within the applicant's** ownership and control (subject to necessary approvals from the Environment Agency etc).

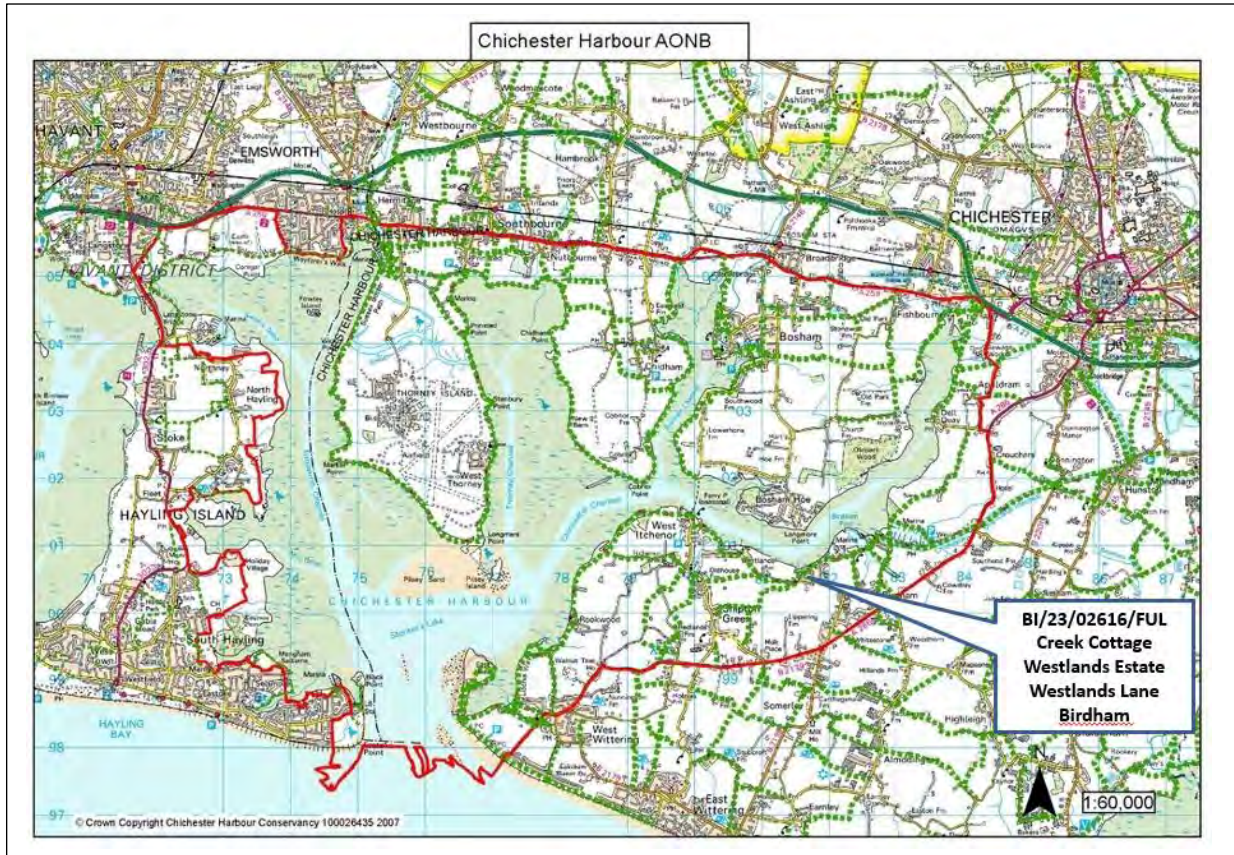
5.0 Conclusion

- 5.1 Whilst there is no objection in principle to the proposed wall from an ecology, safety of navigation or AONB / National Landscape perspective, we would question its suitability as a flood protection measure for the property and consider that the application proposal raises several questions regarding its effectiveness as well as whether it would have any impact on the integrity of the existing promenade wall or the risk of flooding elsewhere. Therefore, whilst we raise no objection to this application, we would agree with the comments made by the **Council's Engineer that it would be better to strengthen and/or increase the** height of the wall on the boundary of the application property instead of the outer edge of the promenade. This would of course need to be done sensitively, given the location of the property within the AONB and Conservation Area.

Local Planning Authority planning application references: BI/23/02616/FUL

Site: Creek Cottage, Westlands Estate, Westlands Lane, Birdham, West Sussex, PO20 7HJ

Proposals: Replacement dwelling and associated works



Recommendation – Objection: disproportionate increase in silhouette facing Westlands Lane, not in accordance with Chichester Harbour SPD and Conservancy Planning Principle 03.

Conservancy Officers’ comments and reasoned justification

This report is to update Members on the report the Planning Committee at its December 2023 meeting (See **Appendix 'A'** to this report).

At that time, the following recommendation was resolved to be sent to Chichester District Council –

"Objection: *Disproportionate increase in silhouette facing Westlands Lane, accentuated by the unrelieved higher roof line, contrary to Policies 33 and 43 of the adopted local plan, Policy 16 of the 'made' Birdham Neighbourhood Plan and not in accordance with Chichester Harbour SPD (2017: Section 12) and Conservancy Planning Principle 03, which informs Policy 2 of the Chichester Harbour Management Plan 2019-2024."*

Since that time, the applicant submitted a first set of amended plans, placed on the Council’s relevant webpage 6 February 2024. The gist of the amendments basically were

- Moving the entire mass of the replacement dwelling approximately 1.5m more northwards away from Westlands Lane; and,
- Foreshortening the length/2-storeyed mass of the northern wing by approximately 2m, also reducing the overall footprint of the replacement dwelling.

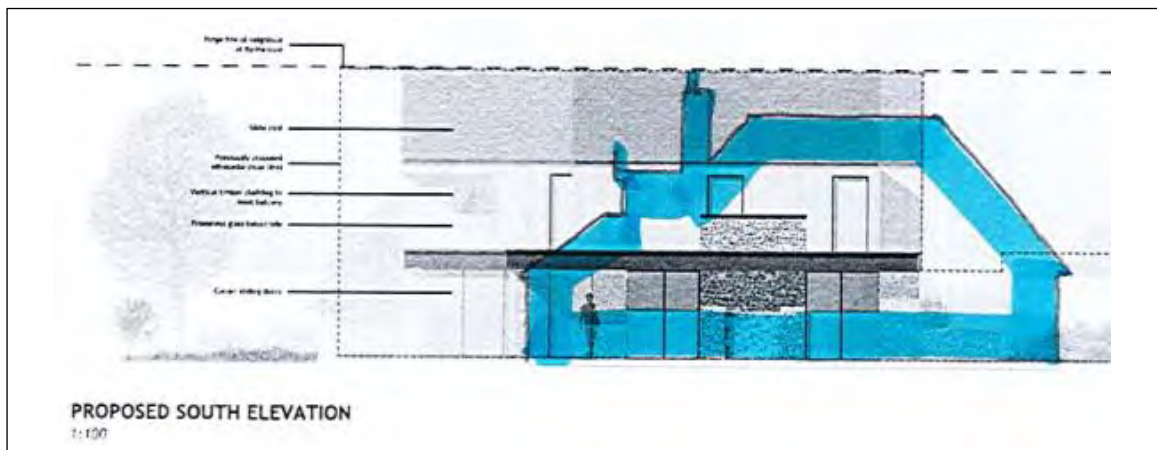
Under Officer delegated powers, a maintained objection was sent to the Council on 6 March 2024 which reads –

“Notwithstanding the reductions in bulk, the proposals are still considered to represent a disproportionate increase in silhouette facing Westlands Lane, accentuated by the unrelieved higher roof line, contrary to Policies 33 and 43 of the adopted local plan, Policy 16 of the ‘made’ Birdham Neighbourhood Plan and not in accordance with Chichester Harbour SPD (2017: Section 12) and Conservancy Planning Principle 03, which informs Policy 2 of the Chichester Harbour Management Plan 2019-2024.”.

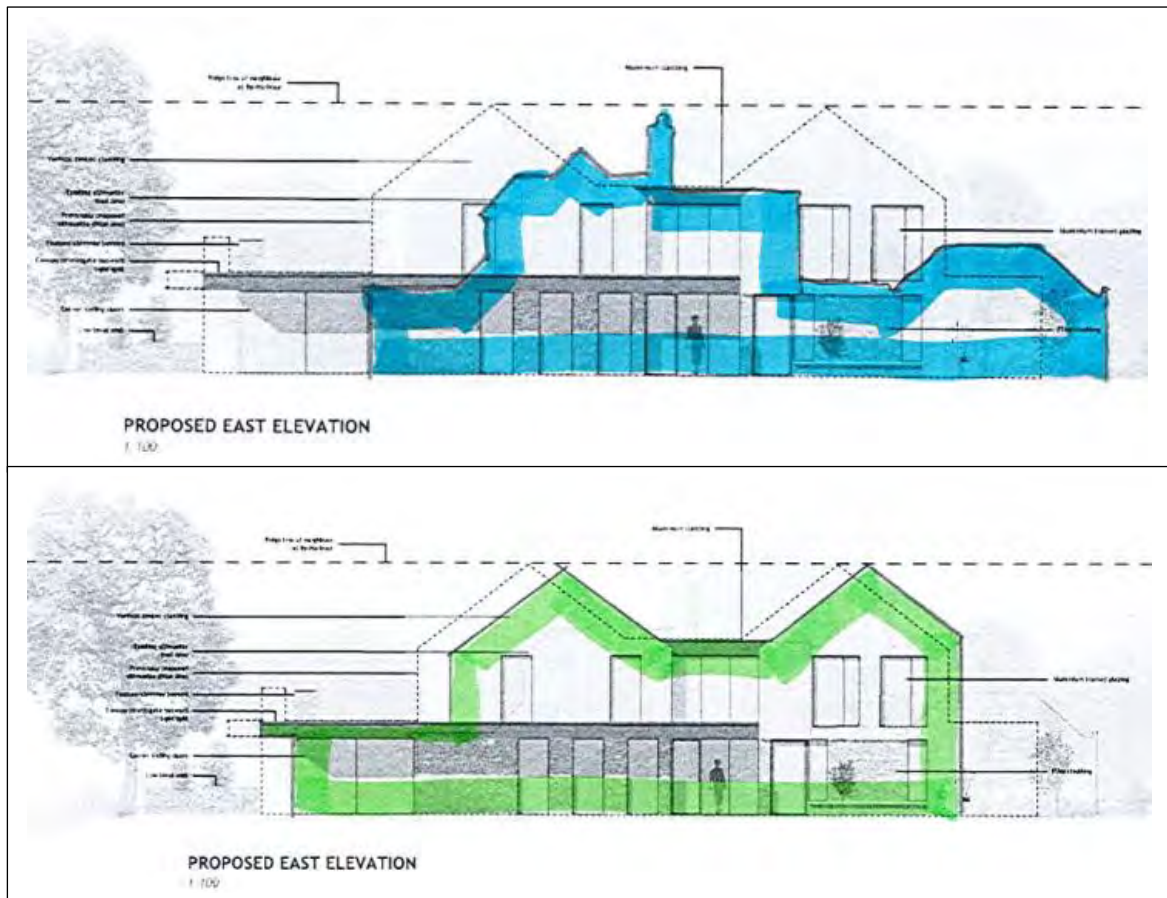
A second set of amended plans has been placed on the Council website and The Conservancy has again been consulted for its views.

The applicant also write to The Conservancy expressing concern that a photograph had appeared in its report, which included the applicant and two Members of her family, against her wishes. Whilst the photograph concerned had been supplied by her agent, for the sake of demonstrating listening to our customers, the people have been redacted from the relevant photograph in **Appendix ‘A’**, to this report.

This time the nature of the amendment has basically been to delete the attached single storey element (double garage/hallway). The relevant silhouettes are now shown below (blue existing and green proposed).



Comparison slides will be shown at the Committee meeting to show the changes that have been made.



This now means that the silhouette facing Westlands Lane has reduced to a 35.7% increase over the existing dwelling (from what originally had been a 90.4% increase). That facing the estate street, would now just be under a 23% increase.

Given that the applicant has moved the massing away from the lane, the fact that the **larger 'wing' is furthest away from from the lane and the mitigating effect of a high laurel boundary hedge**, your Officers now consider the scheme to have been sufficiently adjusted, to allow **The Conservancy's objection to be removed.**

RECOMMENDATION – That no objection be raised to the second set of amended plans, subject to planning conditions relating to –

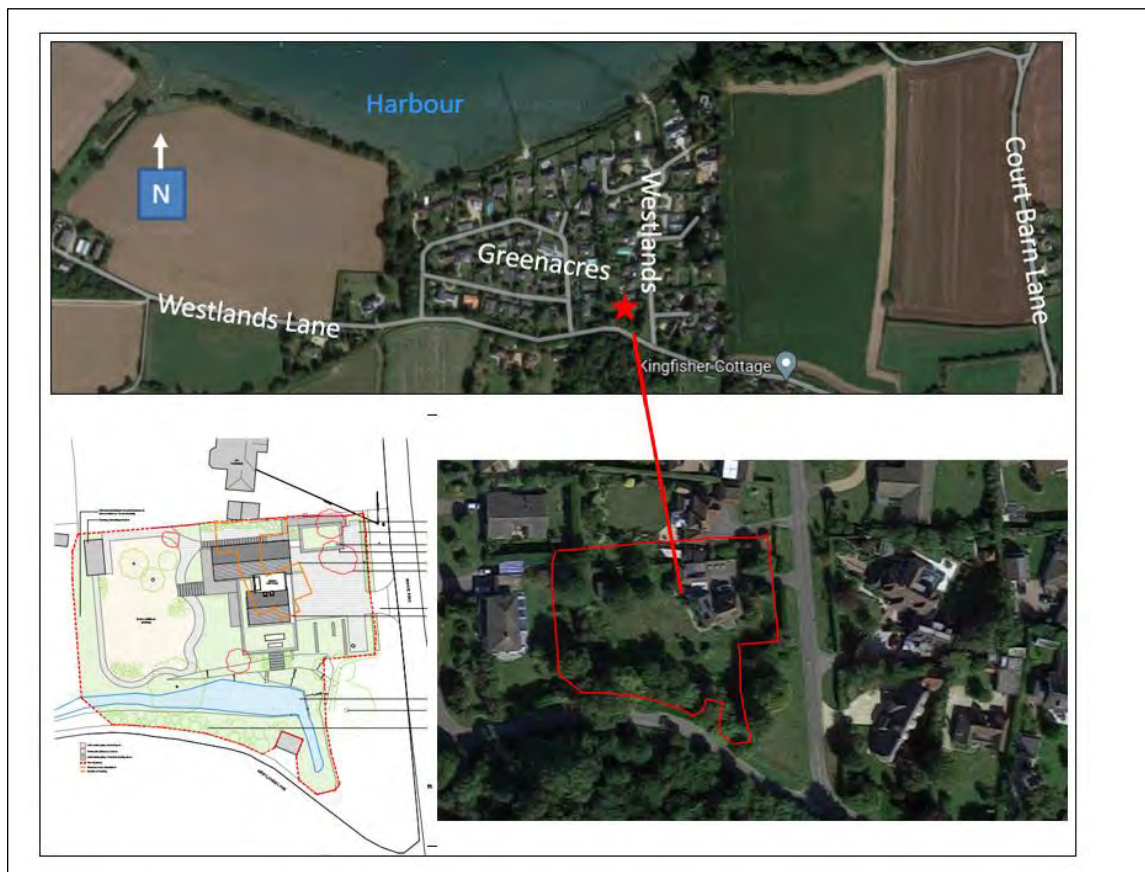
- Agreeing samples of external facing and roofing materials;
- Safeguarding existing trees during the build process in accordance with an arboricultural impact assessment, to be submitted before the development commences;
- Details of a hard and soft landscaping scheme to be agreed;
- Implementation of the approved landscape design and replacement of any plants which become diseased/fail in the first five years after being planted;
- Retention of the hedges to the southern and eastern site boundaries to a minimum height of 2 metres above prevailing ground level; and,

- Biodiversity enhancements/mitigation recommended in the submitted preliminary ecological assessment to be implemented before first occupation of the replacement dwelling and enhancements retained at all times thereafter .
- with an informative placed on the decision notice relating to protected species and the need to obtain a Natural England Licence before translocating any animals that might be found.

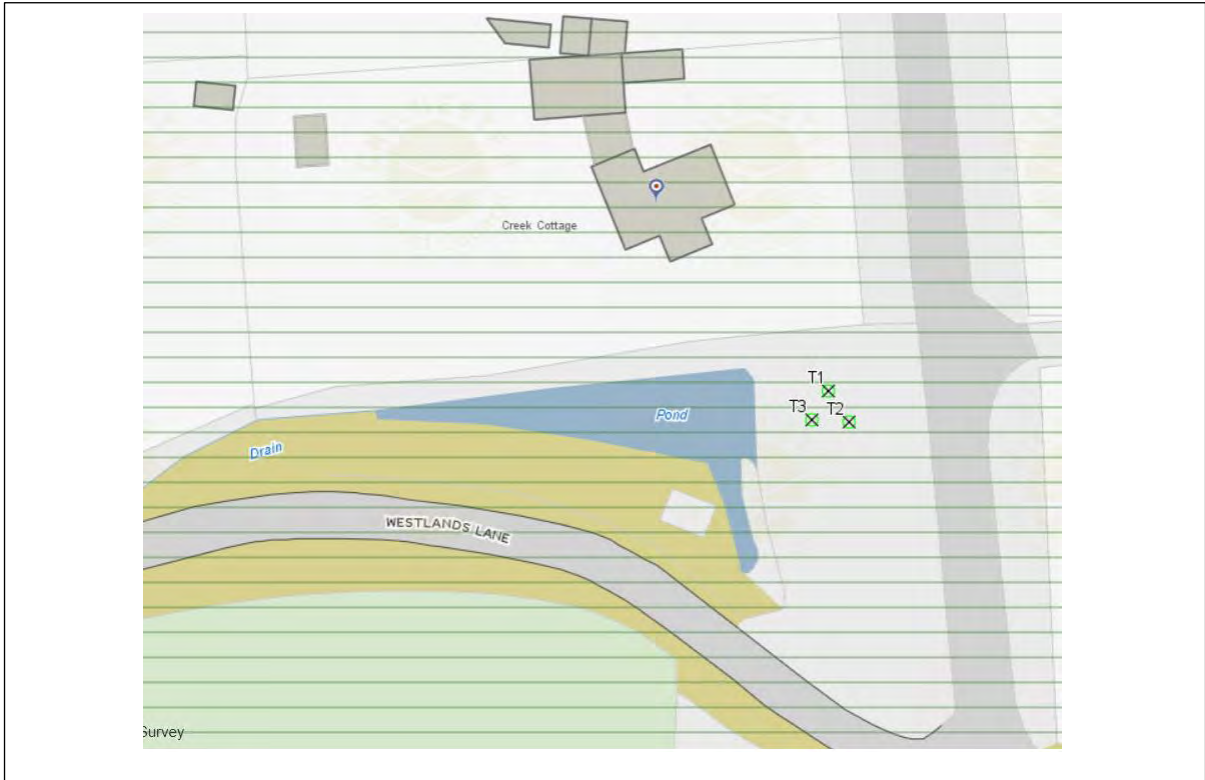
SRL – for 22.4.24 Planning Committee. Comments requested by 26-4-2024.

1.0 Site and its context

1.1 0.302 ha site on north side of Westlands Lane within the Chichester AONB boundary, on left hand side to junction with entrance to Westlands Estate private street, outside defined settlement boundary for Birdham. A large drainage ditch/pond and treed margin to southern boundary (with an electricity sub-station within it, but now not part of the application site) separate the site from the adjacent Westlands Lane, wrapping around eastern boundary into the Westlands Estate, characterised by large detached dwellings in large plots of varied architecture and external materials. Mixture of gabled and hipped roof forms too. Similar housing in Greenacres abuts to west. 3 chestnut trees covered by 80/00019/TPO (shown below), albeit also trees within the application site too, making a positive contribution to this rural part of the AONB. Site is set some 400m back from the Harbour shoreline and certainly not visible from the water.



1.2 Creek Cottage is a chalet bungalow with some single storey elements which has had some unfortunate roof additions. Two permissions have been granted to replace it (10/01660/FUL & 11/03029/FUL), which were not implemented. The existing dwelling has white painted brickwork at ground floor level topped with a plain tiled roof/clad dormers. Some images of the existing dwelling are shown below, including the view north from Westlands Lane at the bottom (also part of the Salterns Way cycle route at this point).

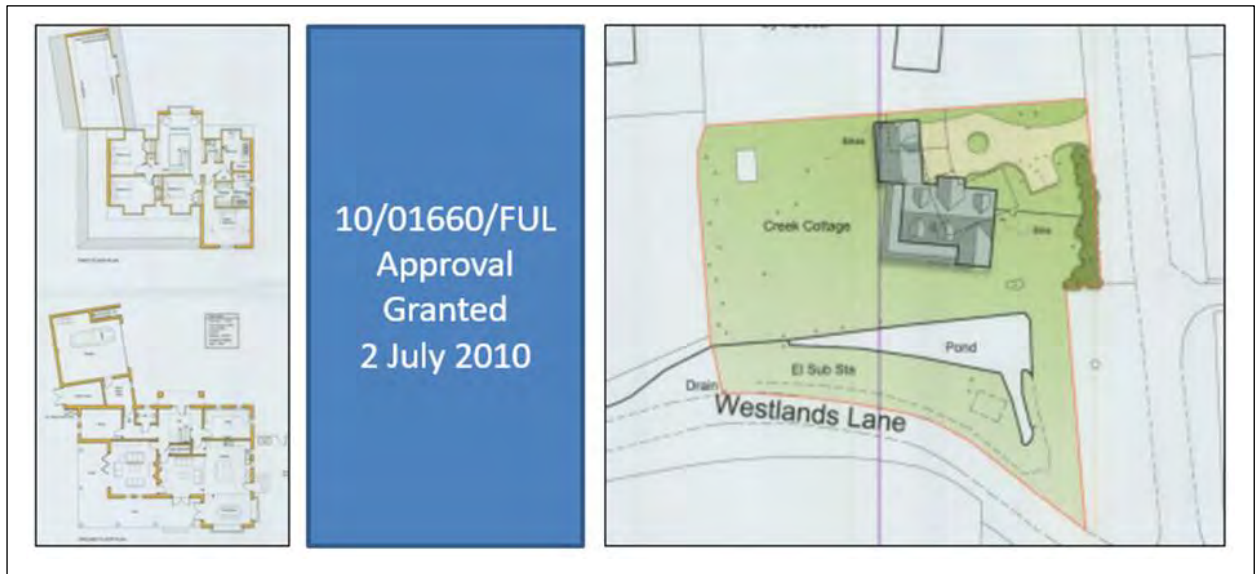


2.0 Planning History

- 2.1 Under planning permission 10/01660/FUL, planning permission was granted 2 July 2010 to replace the dwelling with another (details of approval seen below). The Conservancy raised no objection to that application (subject to some conditions, particularly retaining boundary trees and hedges), which retained the pond on site and set the dwelling a further 3m into the site from the Westlands Estate road. No comparison of silhouette was possible at that time as no existing elevations were submitted, but the proposed roof ridge height would have been around 8m high. The asymmetric roof profile presented a low eaves line to one side, but a rather bland, illegible façade to the Westlands Estate road. The garage wing was also rather bulky (if still subservient to the main roof ridge) and contained a loft space.



- 2.2 Under planning permission 11/03029/FUL, planning permission was again granted 13 October 2013 to replace the dwelling with another (details of approval seen below).



2.3 Again, no existing elevations and the agent erroneously compared the new silhouette with that approved under 10/01660/FUL, albeit it demonstrate a reduced ridge height to that approved. The pond was again shown retained.



2.4 Under application 22/01791/FUL permission was recently sought for a replacement dwelling. The Conservancy's Planning Committee considered that application at its 5 September 2022 meeting, making an objection to the Council in the following terms -

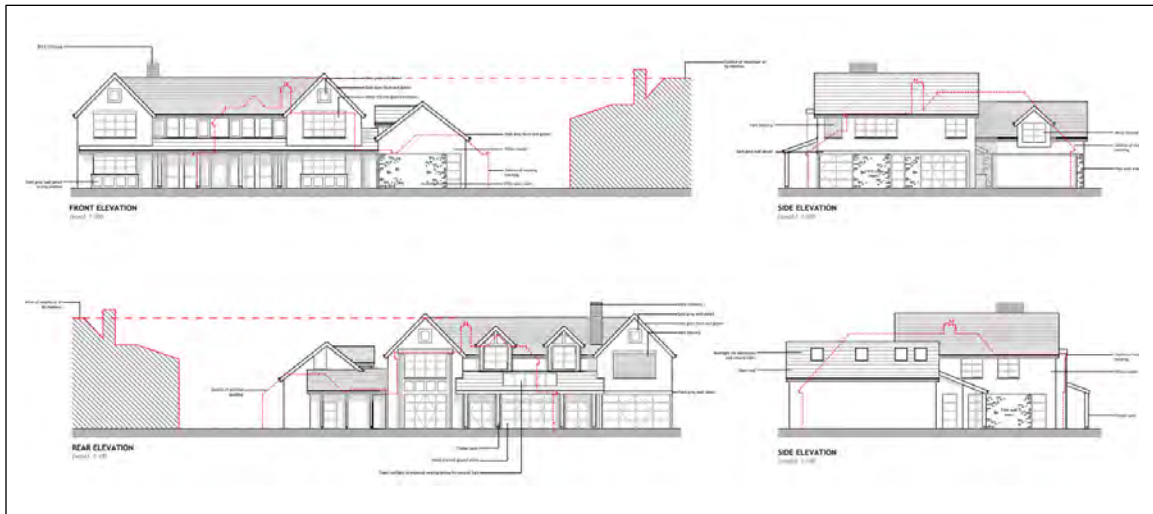
"(1) disproportionate increase in silhouette and width across its plot compared to the character of adjacent dwellings;

(2) too many rooflights and ornamental, imprecisely specified external lighting, not in accordance with Chichester Harbour SPD;

(3) loss of habitat and surface water attenuation by removing pond (having regard to the views of Birdham Parish Council) and noting approvals 10/01660/FUL & 11/03029/FUL had allowed for the retention of the pond;

(4) further survey work in relation to water voles required."

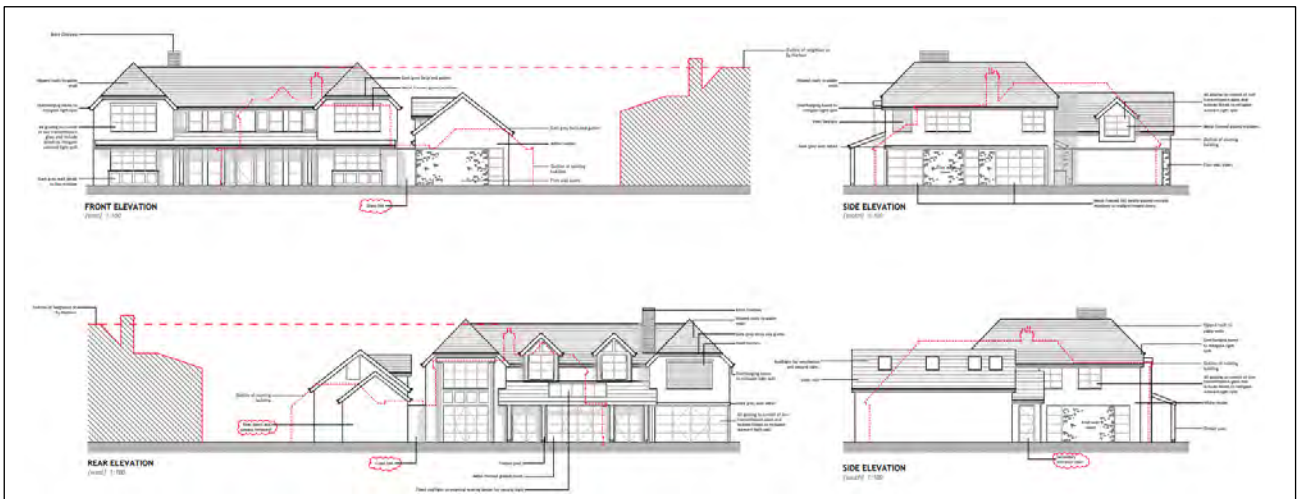
The originally submitted proposed elevations are shown below.



Your Officers maintained this objection on 13 October 2022 when amended plans were notified to The Conservancy. A further set of amended plans were then submitted in January 2023 and again in March 2023, but the Council refused the application on 24 March 2023, for the following reason –

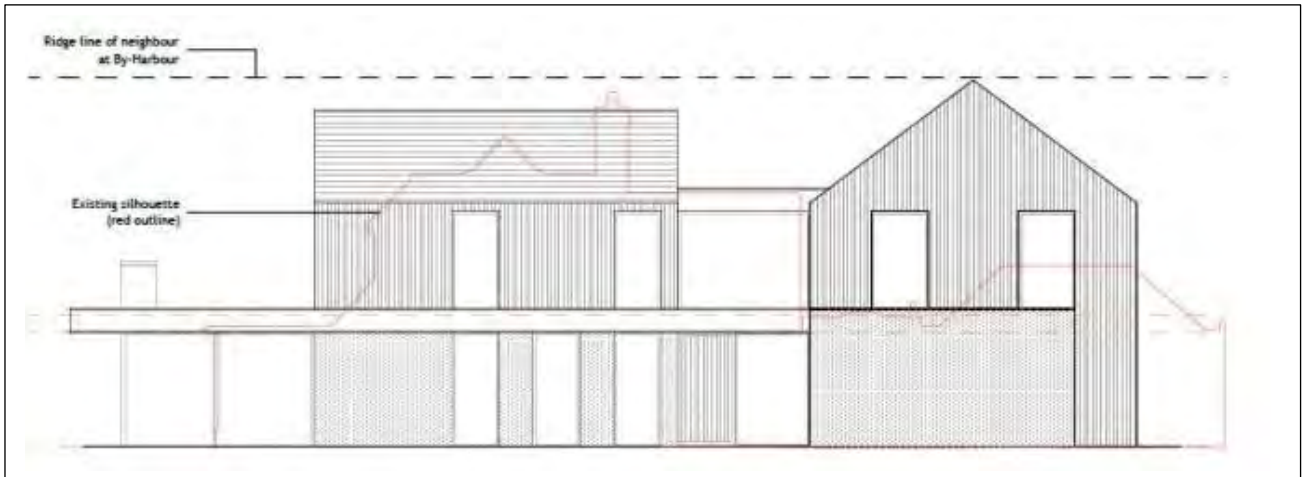
"The application site is located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB), wherein the Local Planning Authority has a statutory duty to conserve and enhance the natural beauty of the landscape. The application site is prominently located in an elevated position, and clearly visible within the public realm. The proposed development, by virtue of its scale, massing, design and siting, would result in a visually dominant dwelling and incongruous form of development which would appear out of character with the local context and would result in a harmful impact on the character and appearance of the AONB. Therefore, the proposal would be contrary to Sections 12 and 15 of the National Planning Policy Framework, Policies 33, 43, 45 and 48 of the Chichester Local Plan and Policies 4 and 16 of the Birdham Neighbourhood Plan."

The refused (amended and refused) elevations are shown below.



Gables changed to barn-hips and link between garage and house moved to leave a gap

- 2.5 Of more recent time the applicant has engaged through a pre-application enquiry with The Conservancy and has met the agent on site to discuss the possibility of further revisions to the scheme below (east elevation facing Westlands Estate Road: existing outline in red).



- 2.6 Conservancy Officers were more supportive of these adjustments but still recommended that the southern end (i.e. left hand side of the image above) be a hipped roof, rather than full gable to soften its impact when seen from Westlands Lane and to look at the overall dimensions to ensure the approximate 40% increase to silhouette above, decreased to as near to the recommended 25% in the Council's SPD and Conservancy Planning Principle 03.

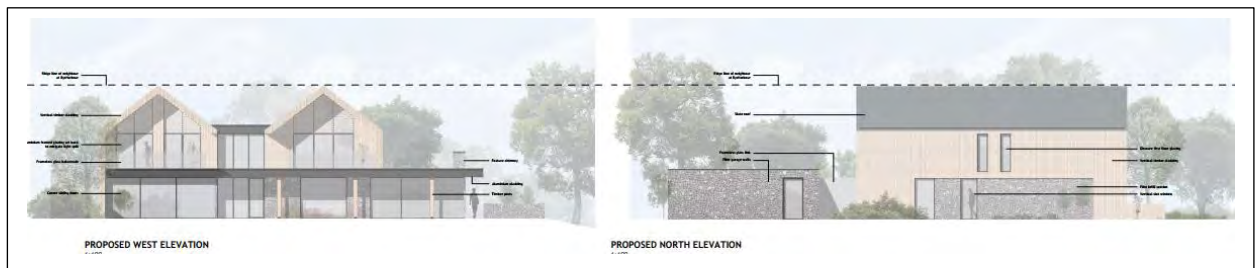
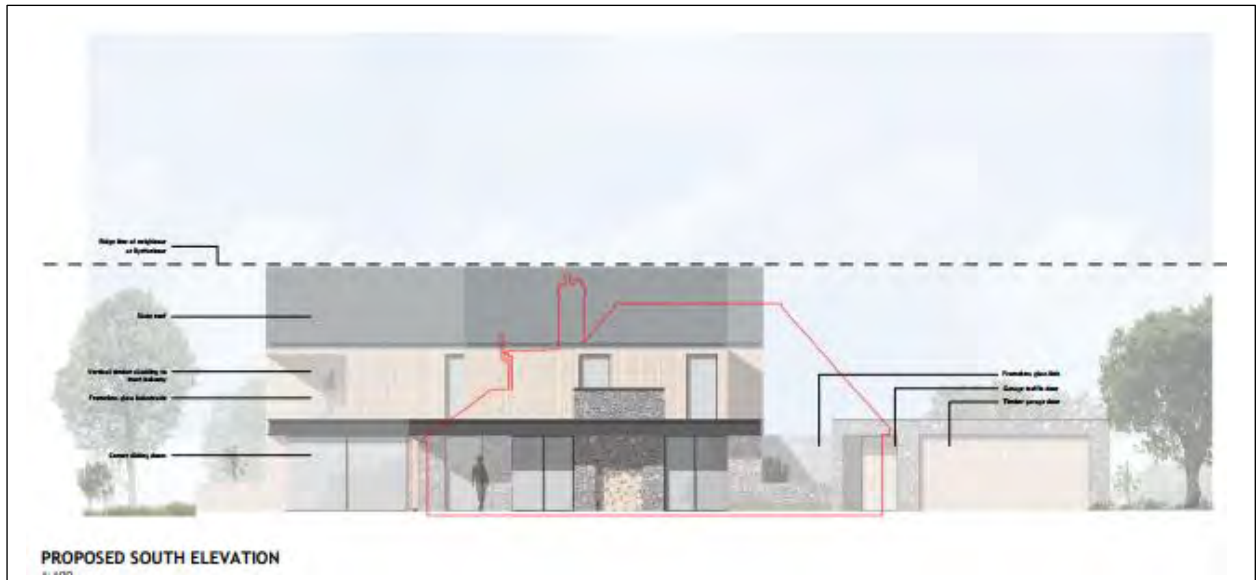
3.0 Proposed development

- 3.1 The applicant proposes to demolish/remove the existing chalet style (4 bed) dwelling and replace this with a full two storey eaves self-build house (4 bedrooms) with single storey double garage/store standing forward of the main house but attached via a glazed link.





- 3.2 From the east elevation seen below (existing outline in red) the house would be formed of two, 2-storey pods, linked by a flat-roofed glazed element containing the stairwell. That pod to the south would be shorter than that to the north. There would be an **increase in the dwelling's footprint, a** just over 43% (compared to the previous 99%) increase in the silhouette facing the estate road and a 89% increase in the silhouette facing facing Westlands Lane. Overall roof ridge height would increase to 8m above ground level, but no higher than neighbours roof ridge adjacent to north- 'By-Harbour' - (compared to the existing roof ridge height of 6.5m).



3.3 The proposed materials schedule is set out below.

Walls: Stone base with timber clad walls above to create a lighter first floor mass. A dark grey plinth acts a visual datum between the two floors to break down the overall massing whilst also functioning as an effective shading device.

Roof: Pitched roofs will consist of slate tiles with concealed gutters whilst flat roofs will **be finished with a sedum mat to enhance the site's biodiversity credentials.**

Doors: Timber main entrance door and grey metal framed double glazed side and garden doors.

Windows: Grey metal framed double glazed windows.

3.4 The application is supported by the following technical reports –

Design and Access Statement
 SS&P Planning Statement
 Bat Emergence & Re-entry Survey Report by Arbtech

Nitrogen Neutrality Calculation Report by CGS Civils

Ecological Appraisal & Roost Assessment Survey by Arbtech

3.5 In respect of sustainable construction, the agent states –

"The proposal incorporates large sections of glazing to take advantage of views and natural daylight, reducing the need for artificial lighting throughout most of the day. This also aims to provide a lighter, healthier environment within the dwelling. This will be enhanced with the use of airtight design and an MVHR system with HEPA filtration to ensure a healthy atmosphere is maintained as energy efficiently as possible.

The proposal will feature 100% LED lighting to minimise power consumption. Heating will be provided by a Ground or Air Source Heat pump coupled with underfloor heating and MHVR to ensure low running costs, increase energy efficiency and use of low carbon energy.

Provision has been made for the storage of waste and recycling bins (see plans submitted). Separate internal bins are to be incorporated within the kitchen layout, in line with the recycling and waste collection policy of Chichester District Council.

The new dwelling has been designed for future use in line with Lifetime Homes – providing level access for wheelchair users both internally on the ground floor and externally. An accessible WC is included near the main entrance at ground floor level.

The proposed dwelling has been designed to provide U-values that exceed the required compliance for new dwellings. The proposed dwelling has also been designed to achieve a Dwelling Emission Rate (DER) that is lower (due entirely to energy efficiency) than the required Target Emission Rate (TER) set out in building regulations, in line with the plan policy SD48.

The chosen materials have a long-life span and will be locally sourced where possible to reduce carbon emissions and support local businesses.

Sustainable drainage will be achieved through use of soakaways. The new driveway and parking spaces will be permeable. There is also the provision for water butts to be incorporated to allow for the collection and storage of rainwater to be used for gardening purposes.

The proposed dwelling will meet the maximum of 110 litres per day per person by reducing flow rates etc. During the building regulation phase this requirement will be further assessed by Building Control as the Part G water assessment.

Cycle storage is to be provided to allow for a minimum of 2 bicycles to be stored securely on site within the proposed garage. This is designed to encourage the use of sustainable transport as well as facilitating the positive health and well-being of occupants.

An electric vehicle charging point is to be incorporated along with ducting for the future proofing of other spaces, in line with the Parking Guidance SPD.

The proposal has the capacity to incorporate a purpose-built compost bin that will facilitate and encourage the composting of suitable materials by occupants and subsequently provide compost for future use."

3.6 The ecological reports conclude –

- In respect of water voles –

| | |
|--|---|
| Other Terrestrial Mammals | <p>Hedgehogs may be present on and around the site.</p> <p>Water voles are known to be present in the general area, but no evidence was found on site at the time of the survey. The nature of the site means that it is disturbed by humans and dogs on a daily basis, and would therefore be highly unlikely to be suitable for water voles. There is also very limited foraging or burrow habitat and not enough cover for this shy species.</p> |
|--|---|

- In respect of bats – that they are roosting on the site and also foraging around it. A Natural England Licence will be required to relocate prior to demolition occurring.
- In respect of Great Crested Newts (GCN) –

GCN. There is some limited terrestrial habitat on site in boundary vegetation. The pond on site has a Habitat Suitability Index score of 0.44 which shows poor suitability for GCN.

*Policy framework

NPPF - 1-3, 6-23, 28-30, 34, 38-43, 47-50, 55-57, 60-63, 65-68, 72-78, 81, 92-93, 98, 104-105, 110-114, 119-120, 124, 126-127, 130-131, 134, 152-154, 157, 159, 162, 167, 169-171, 174-176, 179-182, 189, 199, 202, 218-219; NPPG – **ID's 6-8**, 21a, 26, 31; CLP – 1, 33, 43, 47-49; BNP –5-6, 13-18-21, 24; CLPSV - NE1-NE3, NE8, NE10, NE13, NE15, NE21, P1-P2, P5, P7-P8; CHMP – 1-2; PP – 01, 03, 09; SPG/SPD.

4.0 Key issues and related Policy framework*

4.1 Safeguarding intrinsic setting, character and beauty of AONB/biodiversity from inappropriate development and promoting nature conservation –

- 4.1.1 No arboricultural survey has been undertaken nor a method statement produced. The agent merely states that the 3 TPO trees are sufficiently distant from the proposed works. No detailed landscape design has been submitted for this application, although I noted some new trees had been recently planted close to the western boundary, when the last site meeting was held.
- 4.1.2 In terms of the bat emergence report produced it is clear the existing buildings to be demolished are a bat roost and if permission is granted a special licence would need to be obtained to translocate bats elsewhere under expert supervision. The preliminary ecological report does recommend some biodiversity enhancement. This application does not affect the pond/drainage run that will be left intact. The Parish Council believes the pool to have a surface water flood attenuation function.
- 4.1.3 The usual considerations of silhouette and footprint increases under CHAONB SPD and CHC Planning Principle 03 are applicable. The increase in building footprint would not be perceived on this large plot. Whilst the just under 44% increase in silhouette to the Westlands Estate Road is in excess of the 25% guideline, it is much reduced from the previous 99% increase and would be mitigated by existing boundary vegetation and trees to the south. Unfortunately though, the increase of nearly 90% to the silhouette facing Westlands Lane has resulted from reconfiguration of the dwellings design. Some adverse impact to the AONB landscape is still therefore foreseen, notwithstanding existing tree/hedge screening to Westlands Lane.
- 4.1.4 The ecological enhancements to the site are welcomed and could be secured/delivered through an appropriately worded planning condition, if the Council is minded to grant planning permission.

4.2 Flood risk and foul/surface water drainage -

- 4.2.1 Although at low risk of fluvial flooding from the Harbour, there is evidence of surface water drainage problems in the area, which the pond helps to mitigate.

4.3 Urban design and high quality, low carbon design -

- 4.3.1 A considered approach, has produced a replacement dwelling of pleasing symmetry and composition, albeit your Officers are critical of the overall increase to dwelling silhouette, Seen from Westlands Lane over the boundary vegetation, now this is fully understood and earlier consents have now lapsed.
- 4.3.2 It is clear that the applicant is committed to incorporating sustainable measures, set out in **the agent's report**. These can be delivered via a suitably worded planning condition.

5.0 Conclusions

- 5.1 The development is outside a defined settlement boundary, where development is supposed to meet an essential need under local plan policy 45. However, the principle of a replacement dwelling is accepted under Policy 33 of the local plan.
- 5.2 The applicant has sited the new dwelling within an existing set of tree screens to minimise its impact on the landscape, but the increase in silhouette viewed from the Westlands Lane is considered to be excessive. This has been suggested to the agent

in pre-application advice. If amended plans are submitted to address these concerns, a verbal update will be given at the meeting.

SRL – for 11.12.23 Planning Committee. Comments requested by 15-12-23.

*Abbreviations used:

NPPF – National Planning Policy Framework (September 2023)

NPPG – National Planning Practice Guidance (2014 onwards)

CLP – Chichester Local Plan (2015)

BNP – Birdham Neighbourhood Plan (made version 2016)

CLPSV - Chichester Local Plan Review: submission version (2023)

CHMP – Chichester Harbour Management Plan (2019-2024)

PP – CHC Planning Principles (adopted by The Conservancy 17.10.16 onward)

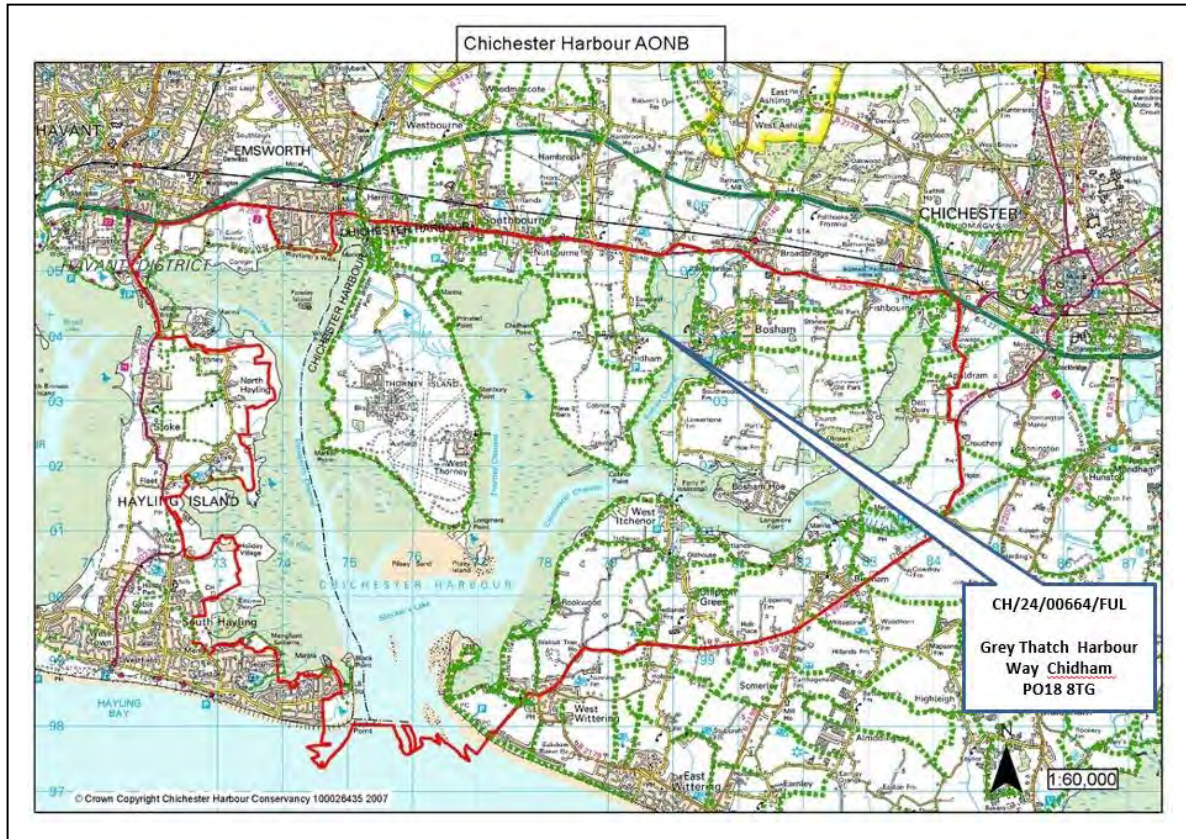
SPG/SPD –

Joint CHAONB Design SPD (2017)

Local Planning Authority planning application reference: CH/24/00664/FUL

Site: Grey Thatch, Harbour Way, Chidham, PO18 8TG

Proposals: Replacement dwelling, remodelling of existing garage to ancillary accommodation for use in connection with the host house, outbuilding, alterations to ground levels and associated works



RECOMMENDATION 1

That Chichester District Council, as local planning authority, be advised that Chichester Harbour Conservancy, raises a holding objection which will be removed if –

- The red line is reduced to exclude that portion south of the WSCC public footpath No. 227, with the blue line accordingly adjusted; and,

in the event this change is made, no objection to be raised, subject to planning conditions covering –

- That no external lighting is to be installed without the prior written permission of the Council as local planning authority and the design of such lighting shall follow the guidance of the Bat Conservation Trust (2018);
- That the mitigation set out in section 5.2 of the submitted Imprint Ecology 10 July 2023 report be implemented;
- That all trees shown to be retained are safeguarded during the build process in accordance with the recommendations of an arboricultural impact statement, which shall be submitted to and approved by the Council before the commencement of any works – including demolition. The approved safeguarding to then be implemented before any works start and kept in place to the end of the build process;

- That a construction environment management plan be approved and then observed during the build process;
- That all demolition materials are removed from the site and disposed of in accordance with the relevant environmental regulations covering such matters;
- That no building materials or plant are placed on no WSCC public footpath No. 227 and that otherwise no obstruction of the footpath takes place during the build process at any time;
- That permitted development rights for rooflight windows be withdrawn;
- Agreement of materials samples and implementation with the approved details;
- Agreement of a scheme of hard and soft landscaping, to include new mature tree planting to heavy nursery standard;
- Implementation of the agreed landscaping scheme in first planting season following completion or first occupation and maintenance thereafter with any failed planting re-planted within 5 years of first being planted;
- Any solar panel to be fitted to be wholly black in colour including the edging of each panel; and,
- The sustainable construction measures being fully implemented.

And informatives relating to –

- Any tree works being carried out, outside the bird nesting/breeding season; and,
- That where any roosting bat may be discovered during demolition, work is to stop and a Licence being sought from Natural England, reminding the developer of their responsibilities under relevant legislation.

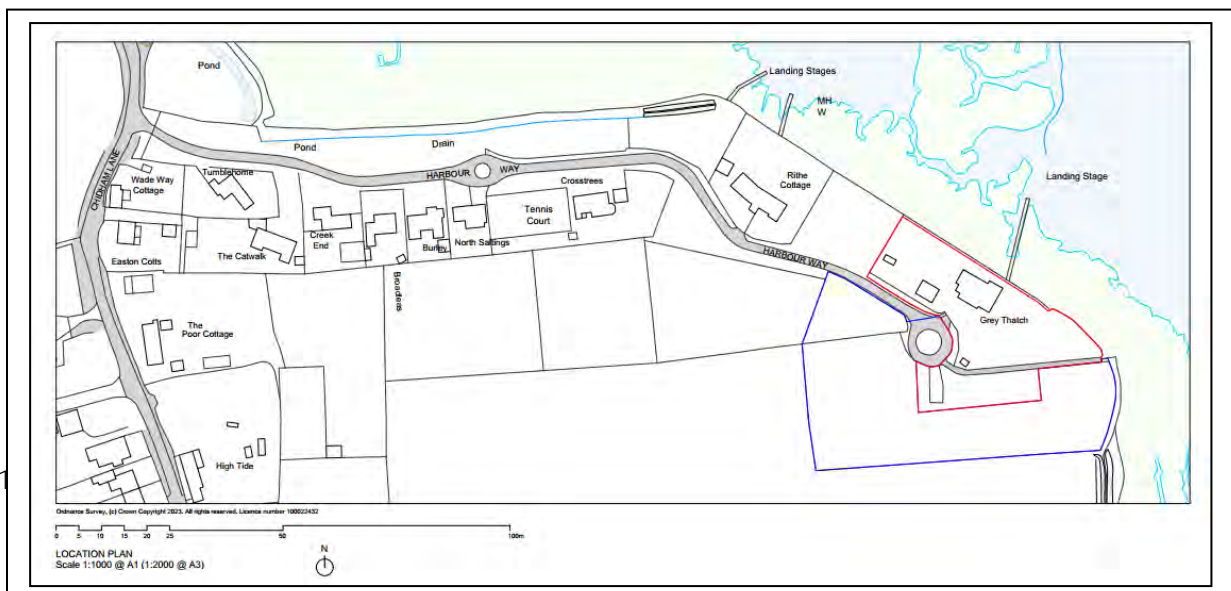
RECOMMENDATION 2

That Conservancy Officers are requested to submit an electronic form to Chichester District Council requesting that existing mature trees on the application site and land the applicant has edged blue be assessed for their suitability for inclusion and protection by a Tree Preservation Order.

Conservancy Officers' comments and reasoned justification

1.0 Site and its context

- 1.1 The 0.4 ha site (seen edged red below, with other land land owned/controlled by the applicant edged blue), lies within the Chichester Harbour AONB and is clearly visible across the Bosham Channel, the Channel head by the A259, from a public footpath that passes through the site leading to the Harbour shoreline and from the Harbour itself.



Character assessment for the Conservancy (updated 2019), exhibiting the following relevant key characteristics: -

- Narrow peninsula, edged by the Thorney and Bosham Channels.
- Gently sloping landform.
- Low hedgerows, poplar shelterbelts and lines of wind sculpted oak and pine trees from field boundaries.
- An open landscape reminiscent of the C18th pre Parliamentary enclosure landscape.
- Wide views from the coastal path of the adjacent channels and nearby peninsulas.
- Occasional views of the water or of yacht mast tips only from within the peninsula.
- Strongly rural and tranquil character.



1.3 Grey Thatch stands as an isolated, thatched-roof, a mix of brick and white elevations with some cladding to the gables dwelling on the eastern end of the north side of this private street with a detached brick and tiled roof garage. There are large dormer windows in the roof. Large areas of full height glazing feature to the eastern elevation to take advantage of the views beyond. Land to the south which is in the ownership of Grey Thatch is split away from the main residential curtilage. There are longer views of the site from the north-west and the harbour. Harbour Way also serves as a public right of way leading/continuing as a public footpath (WSCC No. 227) to the Harbour shoreline, raised up on a bund, which although providing some screening still makes this ancillary land highly visible, from the footpath and the water. **Mature trees on the site and within the 'blue' land make a positive contribution to the AONB landscape, have good amenity value, but are not protected by any Tree Preservation Order, according to the Council website.** A sea wall exists to the Harbour frontage, where an existing jetty projects north into the Harbour. Rithe Cottage is the next nearest dwelling to the north-west, separated by open, although enclosed land.

1.4 Some images of the site are shown below.



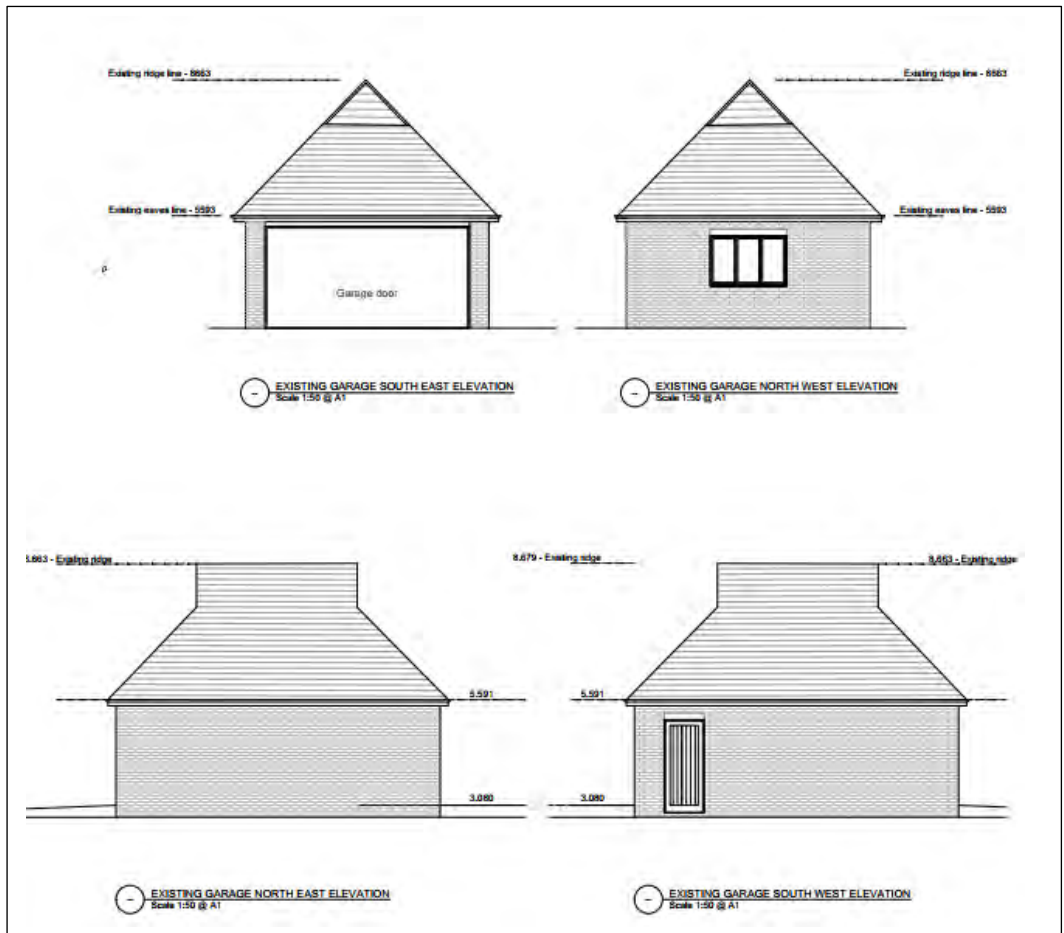






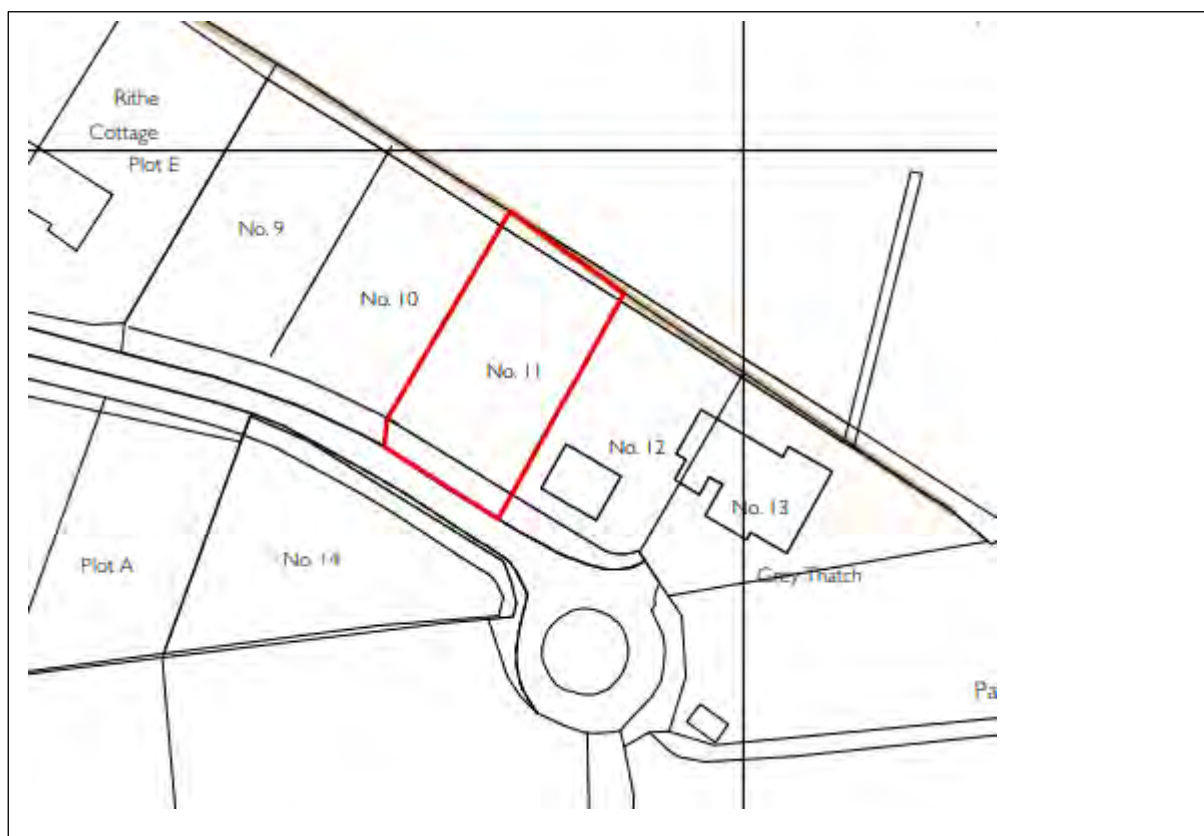


Existing elevations



2.0 Relevant planning history

- 2.1 14/04009/DOM - Alterations and extension (Approved 10-4-2015). This permission does not appear to have been implemented, based upon comparison of floor plans in 2014 and those existing floor plans submitted now. **The silhouette increase produced was within The Conservancy's guidelines. Although some earlier site history is thought to exist, this is not available to view on the Council's website.**
- 2.3 18/00618/DOM - Alterations and extension (Approved 31-5-2018). This permission does not appear to have been implemented, based upon comparison of floor plans in 2018 and those existing floor plans submitted now.
- 2.4 18/00900/ELD - Existing lawful development, erection of dwelling and associated works (Withdrawn 29.11.2018). This site forms the western end of the current application site (see 00900 site location plan below). The applicant was seeking to rely on a very old planning permission granted in 1937, to be able to build out a further dwelling. The site is currently occupied by a vegetable patch and **surrounding grass, with a single storey timber shed and netted 'cage' over part of the area being cultivated.** Although no longer subdivided from Grey Thatch, a dividing fence was in position at the time 00900 was submitted, with access only via a pedestrian gate to the street. Your Officers have raised a query with the Council as to the description of development for 24/00664/FUL, which it is considered should also be seeking to regularise use of the 00900 land as garden/**part of Grey Thatch's residential curtilage.**



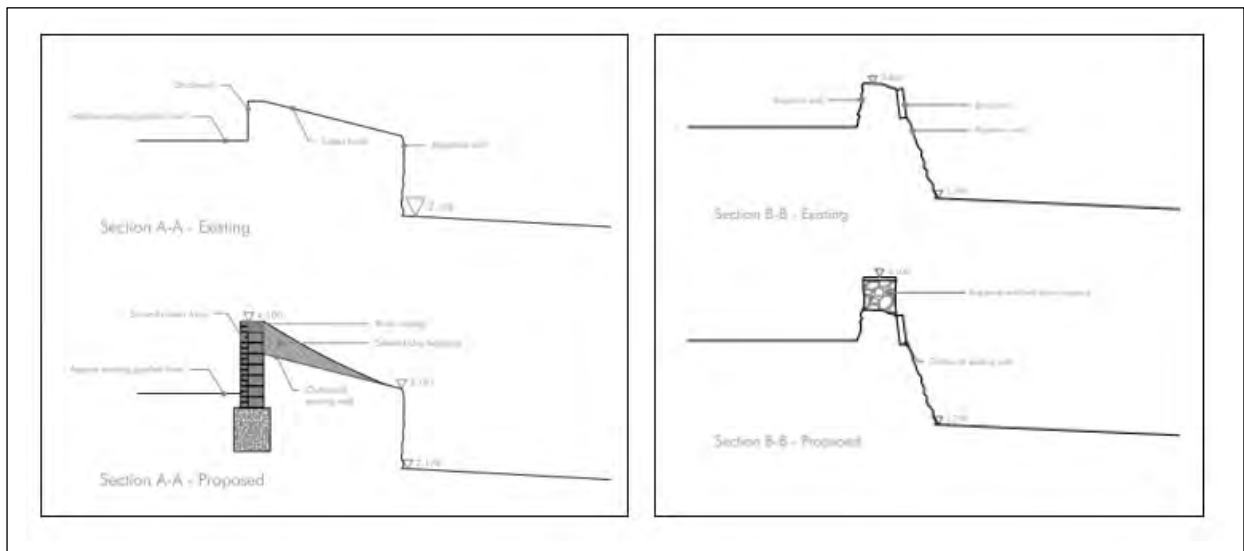
- 2.5 Also in 2018, the (then) owner (not the current applicant for 24/00664/FUL), applied to divert public footpath 227, such that the current stretch leading to the foreshore would have been stopped up and re-provided on other land in the ownership of Grey Thatch to the south. On 24 April 2018, The Conservancy objected to those proposals to the Rights of Way Team at West Sussex County

Council. Application 24/00664/FUL does not propose to stop up this part of the public footpath, as confirmed by the submitted application form (Page 6).

- 2.6 20/01209/FUL – Replacement wooden jetty (Like for like) – (Approved 23.11.2020). It is not known if this permission has been implemented, although if it has not, the permission would have lapsed on 24.11.2023). A photograph of the jetty taken 23/7/2020, looking east, is shown below.

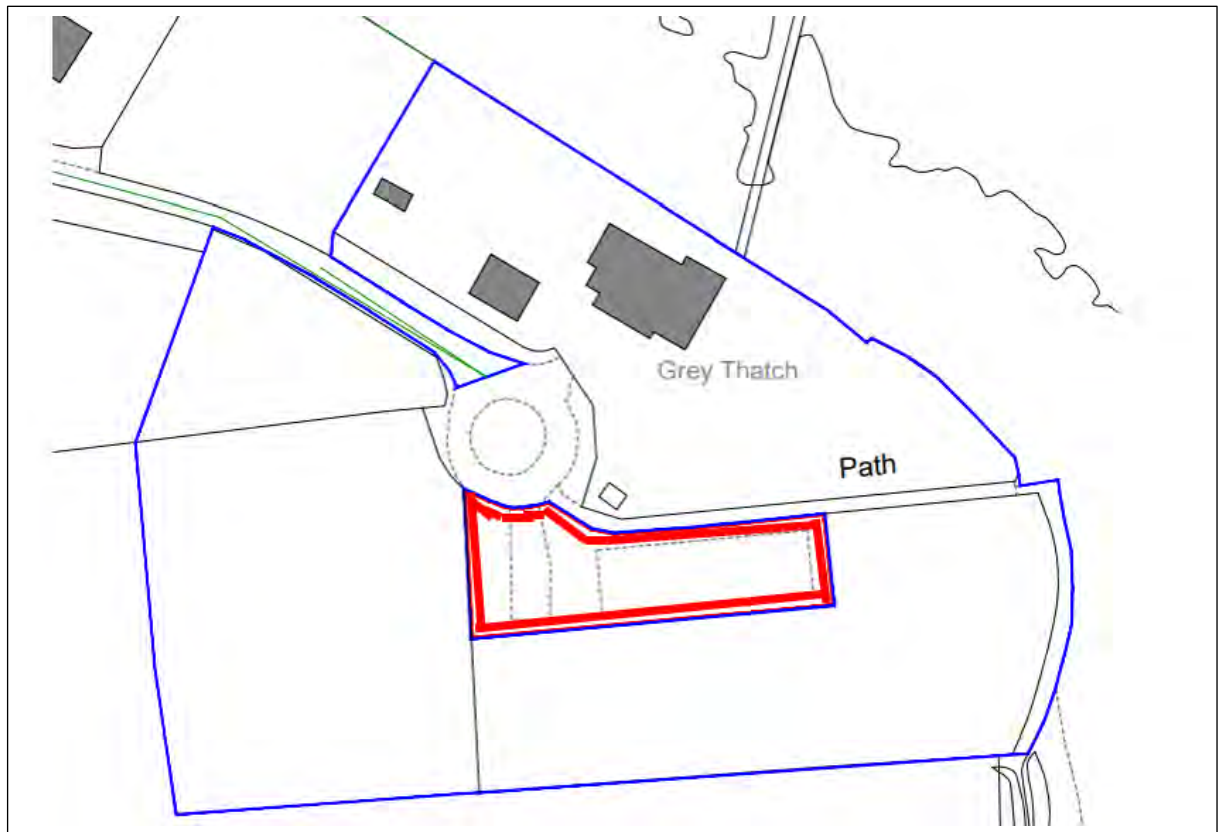


- 2.7 21/00782/FUL - Raise existing sea defences to achieve flood protection (Withdrawn 13 December 2023). The image below shows some of the submitted sectional plans (before/after). In each section, garden level is on the left and foreshore/seabed level is on the right. There are no proposals to raise the height of the sea wall under 24/00664/FUL.

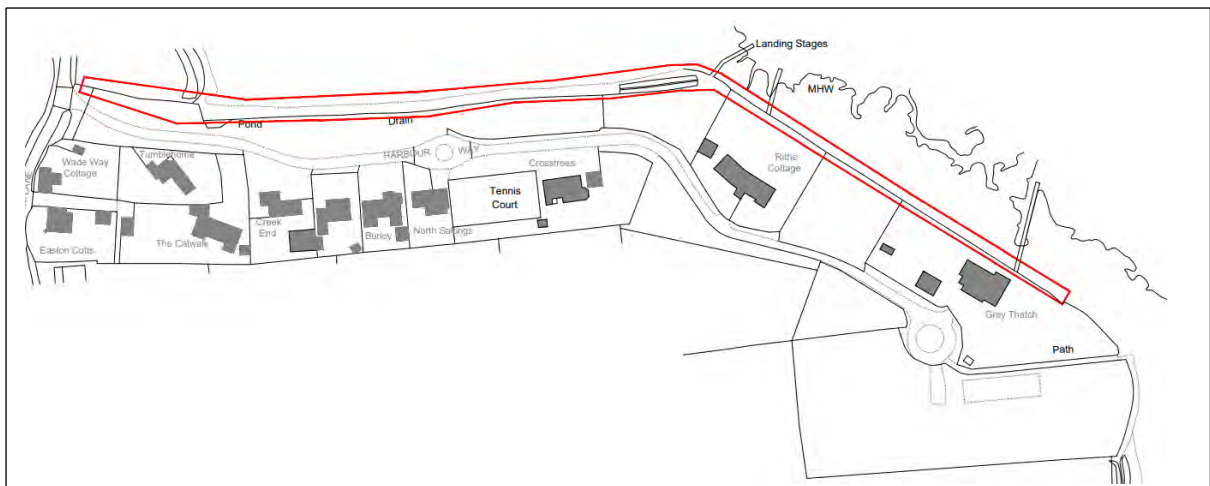


- 2.8 21/01365/ADJ - MMO Ref: MLA/2021/00165 Proposal: Raising height of sea defences (Chichester District Council raised no comment 24-5-2021, being as it was considering 21/00782/FUL, which it had not determined at that time). It is not known if the MMO granted a licence.

2.9 21/01859/ELD - Existing lawful development certificate for land south of the existing dwelling used as a residential garden for more than 10 years (Granted 22 July 2022). This red line location plan (seen below) did not include public footpath 227. An earlier application relating to a larger red line (although also excluding footpath 227) was withdrawn 21.12.2020 under reference 20/02886/ELD.



2.10 21/01896/FUL - To repair and raise the existing sea wall from the entrance at Harbour Way to the steps at Grey Thatch to meet the Environment Agency Flood Protection levels for 2070 at Foreshore Harbour Way Chidham West Sussex PO18 8TG. This application is undetermined at this time, pending queries raised by Natural England, but does include most of the foreshore frontage to Grey Thatch, seen in the relevant site location plan below. Proposals to repoint and raise the sea wall were very similar to 21/00782/FUL, giving a raised sea wall height of 4.1 AoD (i.e. raising by 0.5m in a mixture of either masonry or earth bunding).

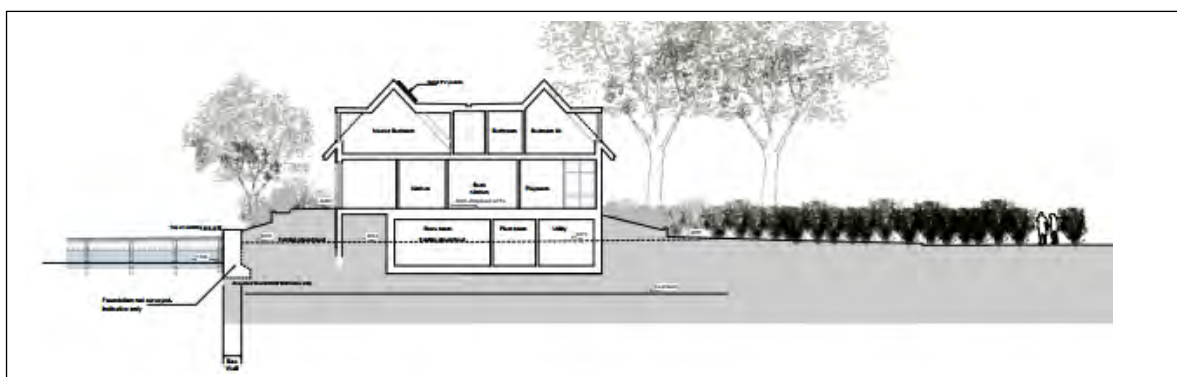


- 2.11 A number of preapplication enquiries have taken place with The Conservancy since July 2020. The first proposed a tennis court to be built (north-south) overlapping the red/blue line above for 21/O1859/ELD. A formal planning application was discouraged, being an encroachment into open countryside.
- 2.12 The second came in June 2021. This proposed a replacement dwelling positioned south-east of the existing dwelling footprint, of a similar footprint to that now, **although no elevations were supplied, other than for a new 'boathouse', to be positioned at the north-western end of the site (on the 18/00900/ELD land), with two levels and the boat store level ramped up into the site. The existing garage was to be demolished and a sunken tennis court positioned between the replacement house and 'boathouse'. With no supporting written statement explaining the design rationale, no support was offered for the tennis court (especially if any external lighting was contemplated) or 'boathouse'. With no elevations provided for the replacement house, only the 25% silhouette increase guideline could be advised and it was unclear if the replacement house was to be raised up to futureproof against flood risk, thus also potentially increasing final roof ridge height. An increase of no more than 0.5m over existing was advised. The use of rooflights was discouraged. With no likely materials palette supplied, the agent was referred to advice in the CHAONB SDP.**
- 2.13 The third request for advice came in March 2022 and had worked up the scheme above, although no mention of a tennis court or boathouse being part of the scheme was mentioned. Front and rear elevations (very similar to those proposed now) and a silhouette and footprint comparison were provided. The house was shown raised up on a plinth and two options for gable end treatments were shown. **A proposed site plan indicated a 'new outbuilding' at the north-west end of the site (on the 00900 land) with a new vehicular access and hardstand off the private street by it, as well as another close to the existing access. No elevations were provided of this new outbuilding at that time, although it was shown as an oblong footprint, with its shorter edge presented to the Harbour/street. No floor plans were provided at that time. A preference was stated for the darker, more muted option for the gable end treatment. Concern was expressed about the amount of glazing facing the Harbour. At that time the silhouette increases were given as 26.9% facing the Harbour and 28.8% facing Rithe Cottage, both only slightly in excess of the 25% guideline. A query was raised whether the silhouette comparison allowed for the land raising the replacement dwelling would sit on and how this might impact the overall ridge height increase. Again, the use of rooflights was discouraged in the design.**
- 2.14 The last preap enquiry occurred in September 2023, when I met the agent on site to discuss additional information informed by the FRA that had been carried out. A query was raised about 21/00782/FUL which was still undetermined at that time and whether – if approved – it would be necessary to land raise to build the replacement dwelling on top of that land raising. Again, no floor plans were submitted at that time. No silhouette calculations were provided but your Officer calculations at that time were almost 31% facing the Harbour and almost 36% facing Rithe Cottage. Concern was expressed about those figures and the lack of justification for the new outbuilding again stated. Use of rooflight windows was again discouraged.

3.0 Proposed development

- 3.1 Full permission is sought for the construction of a 5 bedroom, two storey replacement dwelling, with the upper level contained within the roofspace and one **of the rooms there labelled 'sun room/study'. Spaces in the basement are labelled 'store', 'Sauna', 'wet room and equipment storage', 'toilet', wine cellar', 'hall',**

'utility', 'plant' and 'additional storage'. The basement level would be set at 1.55m AoD. 3 on-site parking spaces would be provided, with 2 No. bicycle storage spaces. The dwelling footprint would increase by 26%. The silhouette to the Harbour frontage would increase by 39%, whilst the double gabled ends would mean that side silhouette would increase by 38%. The agent justifies this increase above the guideline of 25% increase by saying the plots verdant and treed setting would soften that additional impact. The submitted sectional drawing below shows the 3 levels of the proposed dwelling and related land raising to futureproof against flood risk and climate change. At its longest (facing the street), the footprint of the dwelling would be 19.6m long by 15m wide. The face of the dwelling closest to the harbour would be 15m long. The highest part of the dwelling would be 9m above existing ground /site levels, with the two proposed chimneys some 0.7m above that. The ridge height of the existing house varies between 8m and 8.8m, with the highest chimney 9.5m above ground level.



3.2 The application is supported by the following technical reports: -

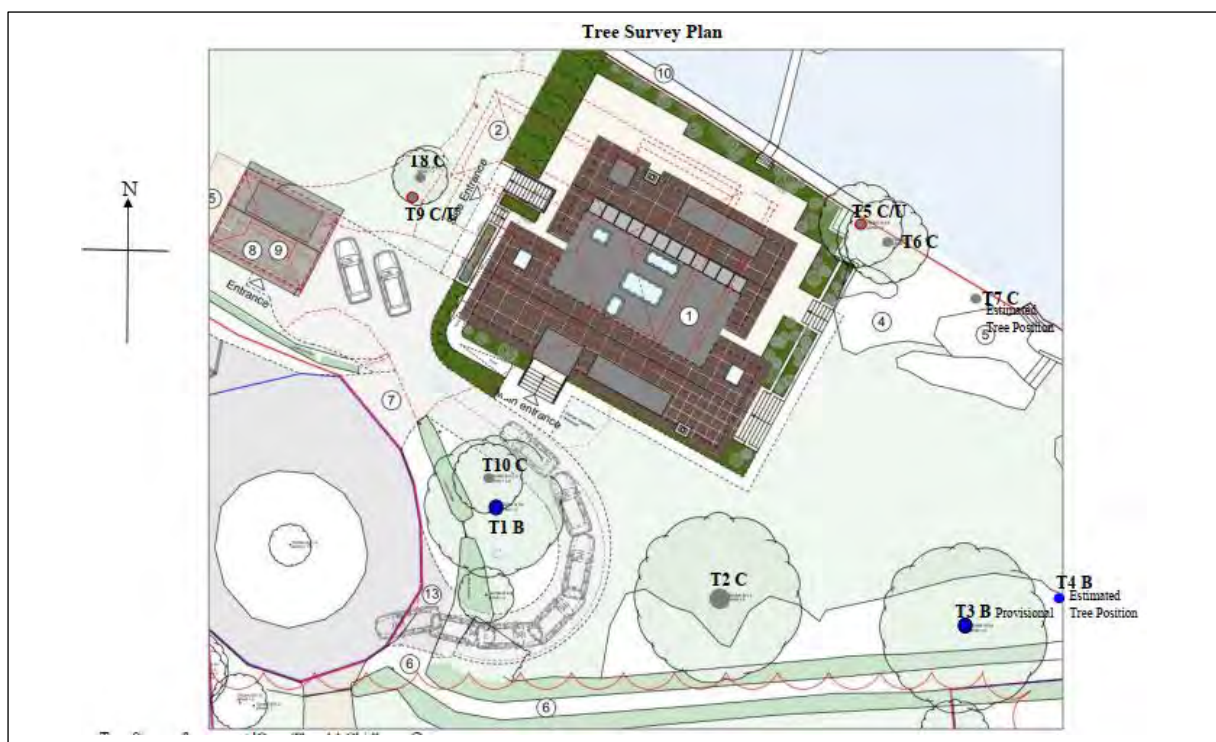
3.2.1 Bat survey dated 23 July 2023: It is interesting to note that the site identified by a red line for the survey area, does not include that shown south of footpath 227. The existing house assessed as having moderate suitability to support roosting bats. Bat emergence surveys carried out in 2019, 2021 and more recently in June 2023 did not reveal the house or garage being used as a bat roost. Survey work in 2023 showed no bats recorded emerging from the building, but Noctule, Common Pipistrelle and Sprano Pipistrelle bats were recorded foraging in the gardens and along the sea wall on the site boundary with the harbour. Mitigation in the form of a CEMP including tree safeguarding and safe storage of chemicals/fuel, management of silt run-off, limited mowing regimes in the garden spaces between the house and sea wall, tree works outside the bird nesting/breeding season and no burning of cleared materials on site are advocated. Recommendations are also made for –

- Enhancements for bats on site with integrated/external bat boxes.
- Enhancements for birds on site with integrated/external bird boxes.
- Native species (tree) planting and landscaping suggestions to support local wildlife including reptiles, hedgehogs, nesting birds, and invertebrates.

3.2.2 Energy statement dated 6 December 2023: A 51% reduction in regulated CO₂ is calculated to be achieved by a combination of passive measures, efficient services, and renewable sources. The existing dwelling is not thermally efficient and said to be generating 2,897 KgCO₂/yr (CO₂ emissions). An air source heat pump is proposed and solar panels are to be fitted.

3.2.3 Tree survey dated January 2023, based on a proposed site plan dated November 2021. **Trees on the 'blue' land were not surveyed.** A total of 10 trees were surveyed, species including Horse Chestnut, Eucalyptus, Turkey Oak, Birch,

Tamarisk, Hawthorn, Cryptomeria and Lawson Cypress . None were recommended for removal. The report did not contain any impact statement nor method statement for safeguarding trees during the build process.



3.2.4 Flood risk assessment (FRA) and drainage strategy dated January 2024, based upon the submitted red line site location plan. The site is located within Environment Agency flood zone 3 (Highest risk), which represents land with a 1:100 (1%) or greater chance of flooding each year from rivers, or with a 1:200 (0.5%) or greater chance of flooding each year from the sea. Predicted increases in sea level relative to the 2019 climate change allowances are as follows:

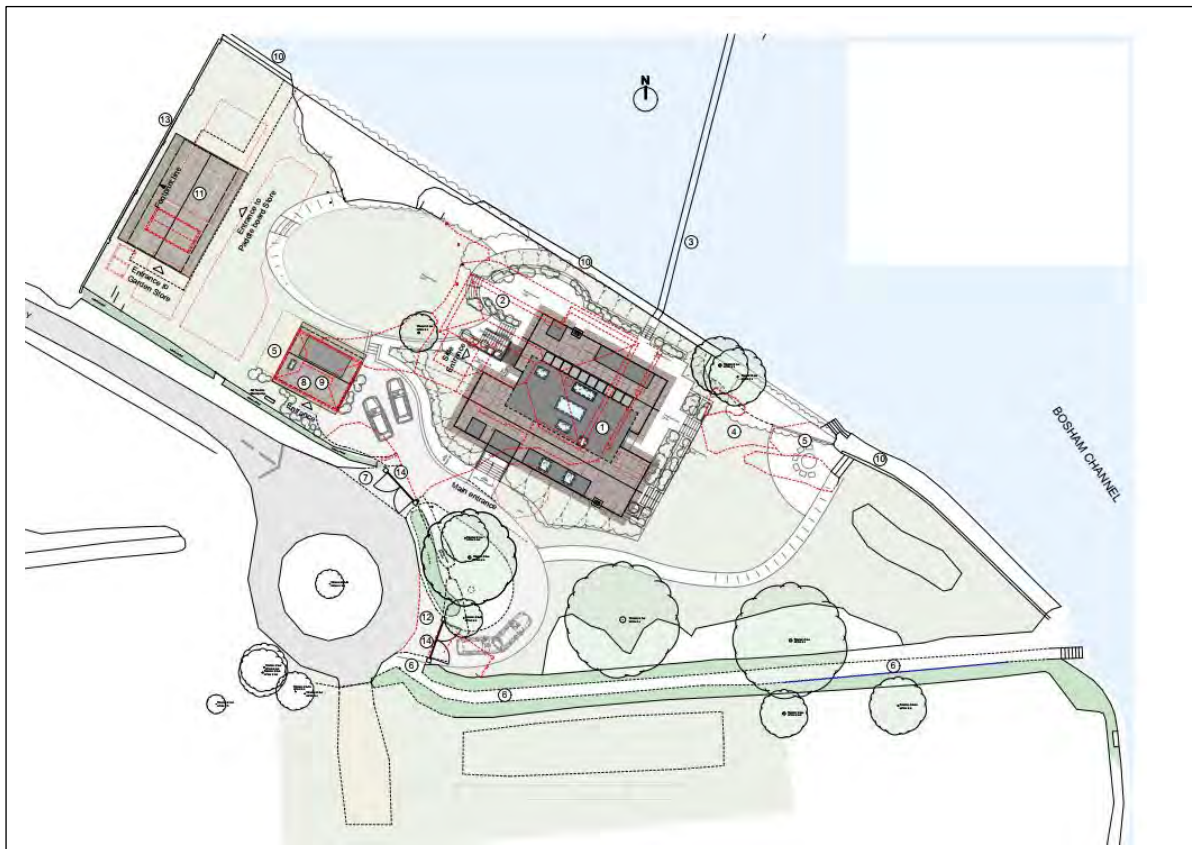
- 74mm by 2070
- 207mm by 2115

Environment Agency predicted undefended flood levels local to the site would in the year 2115 lie in the region of 4.88m AoD. There are no EA records of the site having surface water flooding issues. It is proposed that surface water run-off from built form and hard surfacing with infiltrate and soak into the ground. It is proposed that parking areas be surfaced with permeable paving and that coming from built form be served by a 'infiltration drainage blanket'. **It is recommended that** the basement be of waterproof construction and designed as a water excluding structure. Topography is generally horizontal. Ground levels lie in order of 3.0m to 3.6m AoD As such it is recommended to raise the ground floor level from 4.1m AoD to 4.8m AoD. Future foul water flows will discharge by gravity to a cesspit, septic tank with drainage field or packaged treatment plant with drainage field. A number of standard resilience measures are proposed as part of the dwelling construction **and including signing up to the Environment Agency's Flood Line Warning Divert Scheme.**

3.2.5 Planning Statement: At paragraph 4.9, the agent interprets the 25% increase in silhouette guideline in the following way – "...the key test will be whether the site can accommodate the proposed increase irrespective of whether the design is within these guideline limits or not". A bespoke contemporary dwelling is proposed to replace a much altered and tired one which the agent asserts results in a house of high-quality design and sustainable construction to enhance the AONB

landscape. The design and massing of the development has evolved from what was found acceptable under applications 14/04009/DOM and 18/00618/DOM. The proposal would increase the setback distance to Bosham Channel and increase the amount of soft landscaping surrounding the dwelling to ensure it is visually integrated into its setting. The existing dwelling is chalet style with a low eaves and the proposal replicates this design rationale by keeping the first-floor accommodation within the roof area. The loss of the thatch is described as regrettable, but it is necessary to ensure the replacement dwelling is more thermally efficient. Traditional materials palette proposed, to break up the elevations offering a soft natural palette of flint and timber cladding under a clay tiled roof. The design has a strong horizontal emphasis through the use of horizontal cladding and projecting roof line on northeast and (rear) and southwest (front) elevations. The garage is being remodelled and extended within the roof area for use as ancillary accommodation in connection with the host house, is set back behind the existing dwelling and maintains a subservient form within the plot. The dual gable and linking roof provide a broken ridge and reduced overall roof height which serves to lessen the bulk of the property. The contemporary flat roof middle section allows for greater accommodation to be achieved, minimising the first floor and the resulting silhouette. A new single storey boat/garden store building would be located adjacent to the northwestern boundary. The replacement house has been designed with a ridge height that would not exceed the height of Rithe Cottage to the north-west. The agent considers that the resultant-built form would integrate successfully within the AONB without detracting from its special character. It is accepted that the site is highly visible from within the AONB, but the property is largely screened from the road frontage by existing mature vegetation.

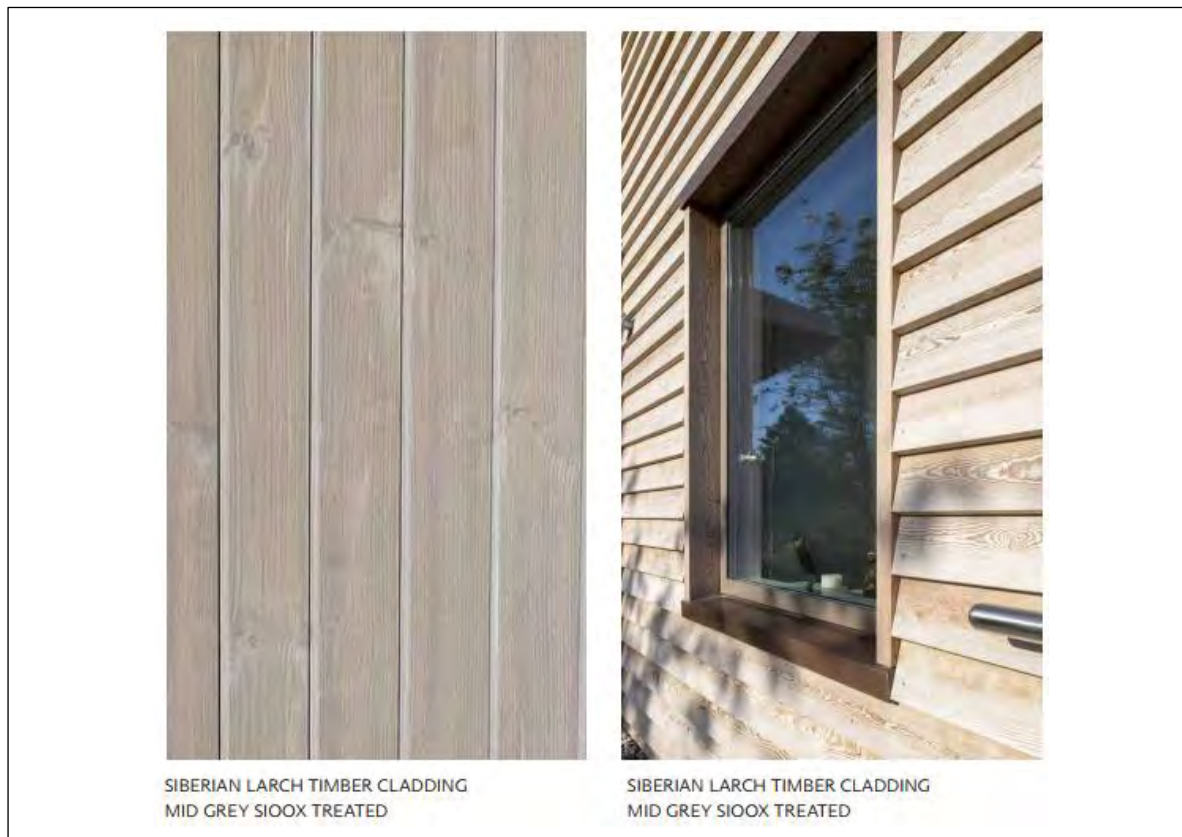
- 3.2.6 Design and access statement (DAS): Grey Thatch, built around 1945, has not been lived in for 3 years and is in a poor state of repair and vulnerable to flood risk. The existing thatch roof is complex with a number of flat roof sections and inter-penetrating valleys that have resulted in numerous leaks and maintenance issues. This is why the applicant has decided to replace this dwelling. The proposed site layout is shown below. A further vehicular access point is being added to create an 'in' and 'out'.



The proposed (Harbour) elevations are shown below.



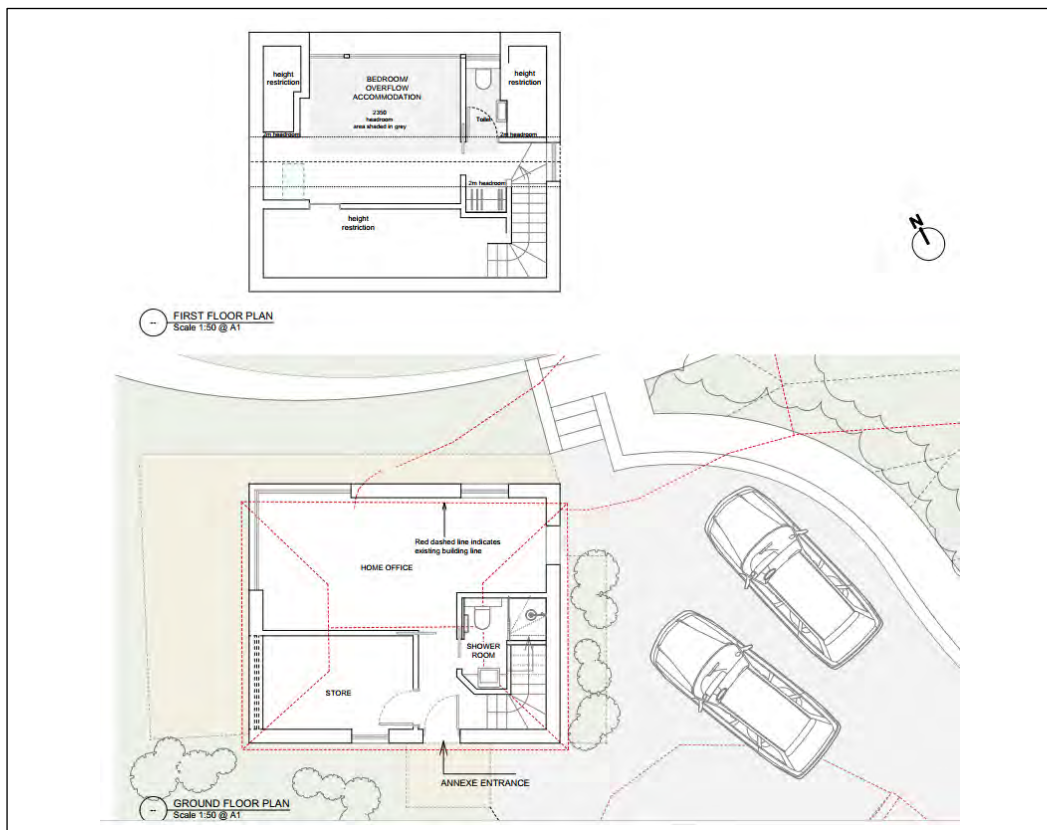
The proposed materials palette is shown below





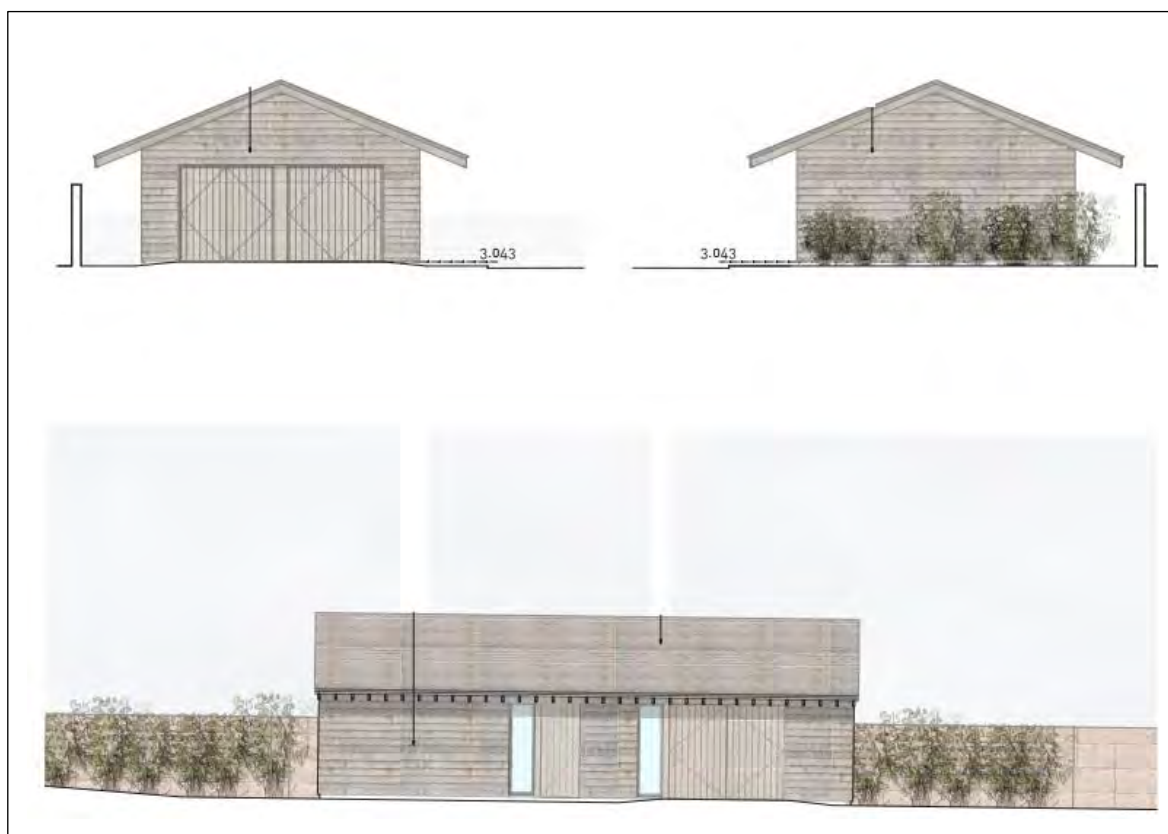
HANDMADE CLAY TILES
 FIELD FLINT SOURCED LOCALLY WITH RECLAIMED BRICK COINING AROUND OPENINGS

It is proposed to remodel the existing garage into overflow accommodation/ home office for the enjoyment of the main dwelling house.





A new outbuilding (see image below) to provide garden and paddle board storage has been proposed at the north-western end of the site. The proposed building is a low level pitched roof simple form, clad in timber shingles to match the remodelling to the existing garage. Sustainability wise the architects have increased natural daylight and passive solar heating with the inclusion of large amounts glazing to reduce energy consumption from lighting and heating. The development will feature an air source heat pump, mechanical ventilation system, Solar PV panels, electric vehicle charger, low energy lighting and rainwater harvesting. Glazing will be mitigated by a generous eaves overhang.

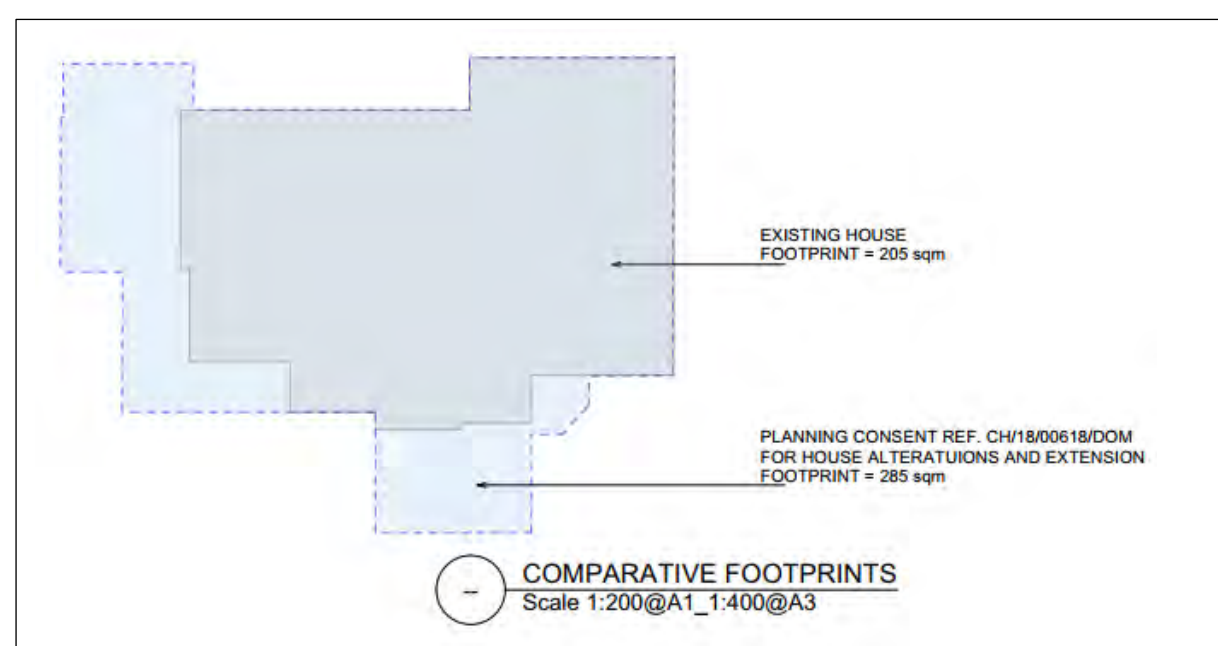
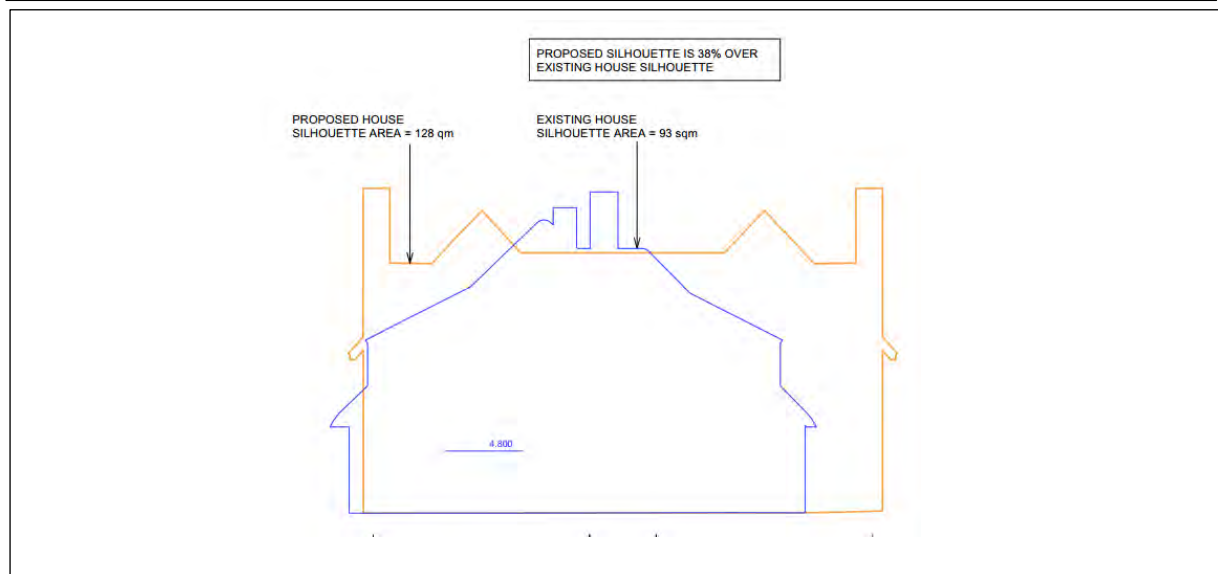
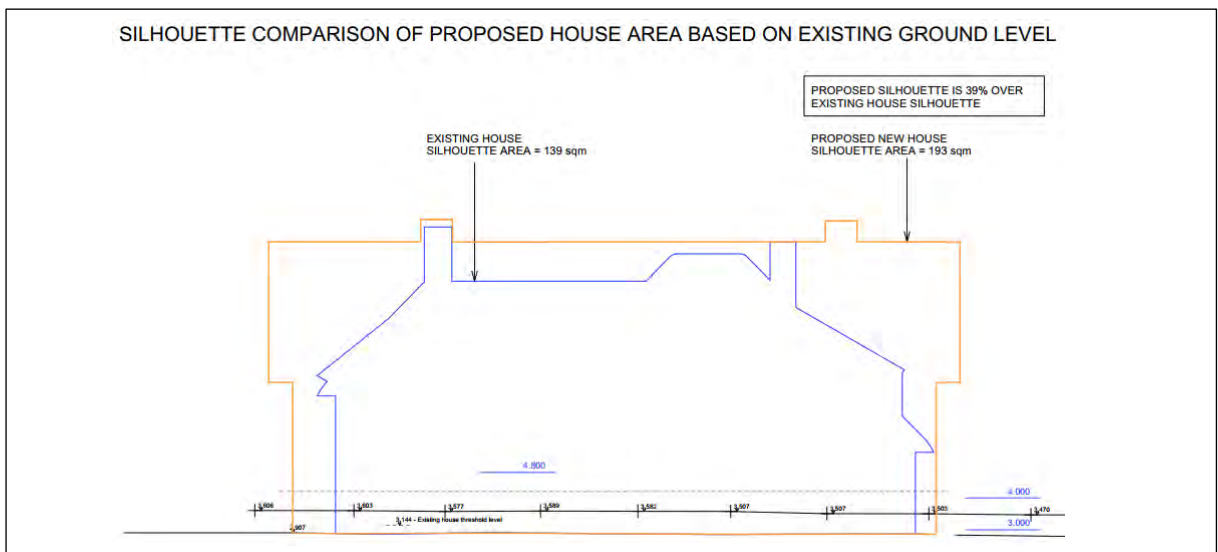


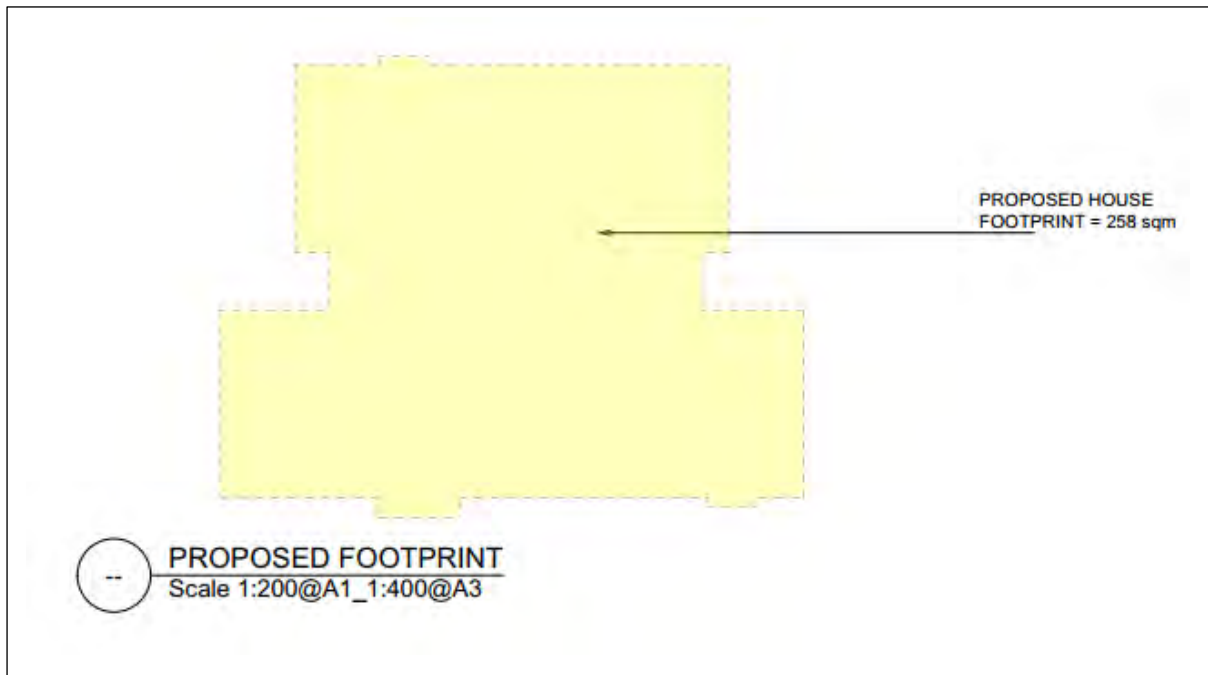
4.0 Key issues and related Policy framework*

*NPPF – 1-3, 6-12, 20, 28-30, 38-43, 47-48, 55-56, 85, 96, 108, 111-112, 114-116, 118, 123, 131-132, 135-136, 138-140, 157-160, 162-165, 173, 176, 180, 182, 185-186, 191, 224-225; NPPG IDs - 6-8, 21a, 26, 31; CLP - 1, 33, 43-45,

47-49; C & HNP – DS1; CLPSV - NE1-NE2, NE5, NE8, NE10-NE16, NE21, P1-P2, P4-P5, P8, T2-T4; CHMP - 1-2; PP - 01, 03, 09; SPG/SPD.

4.1 Safeguarding the setting of the AONB and intrinsic character and beauty of countryside/biodiversity from inappropriate development





- 4.1.1 Conservancy Officer advice throughout the pre-application process has been to observe the 25% increase in silhouette guidance of the CHAONB SPD (which as the agent observes is a material planning consideration). Comparisons to what was approved in 2014 and 2018 carries little relevance as those consents are not believed to have been commenced and so are assumed to have lapsed.
- 4.1.2 in paragraph 3.2.5 above, the agent has set out why they consider an exception should be made to allow silhouettes in excess of the 25%. The more muted materials palette is welcomed and although the loss of thatch is regrettable, it is very plausible to understand that the current roof form with its awkward valley junctions has caused leaks and maintenance issues. Certainly a more thermally efficient house in the interests of carbon reduction also deserves support and the applicant cannot be criticised for wishing to futureproof the replacement dwelling against flood risk.
- 4.1.3 The architect has sought to keep the dwelling as squat as possible, whilst still utilizing the roofspace as the current dwelling also does, but maintaining a generous eaves overhang facing the Harbour to mitigate the full-length glazing proposed.
- 4.1.4 The highest part of the dwelling is not much higher than the highest roof ridge line of the existing dwelling and said to be lower than Rithe Cottage, the next nearest dwelling to the north-west. Given the plot width and tree screening to the south, these combination of factors lead your Officers to conclude that an exception to the SPD guidance of a 25% silhouette can be entertained in this case, without forming a precedent elsewhere in the Harbour, where each case will be looked at on its merits.
- 4.1.5 The adjustment and adaptation of the existing garage, does seem a little unusual, when two studies are already shown in the replacement dwelling and the garden storage proposed in the new outbuilding might have been accommodated in the garage, given the tests of 'essential need' in Policy 45 of the local plan. However, the new outbuilding would not have much more visual presence than the shed and growing cage attached to it on the north-western part of the application site.

Overall, the visual impact of the proposals can be successfully integrated into the protected national landscape and the applicant proposes further soft planting to enhance and soften the setting of the replacement built form. Compliance with Policy 43 of the local plan has been demonstrated.

4.2 Flood risk

4.2.1 The minimum land raising to futureproof the replacement dwelling from flood risk has been designed, although it is curious that a basement is proposed. No doubt the Environment Agency will wish to condition that no sleeping accommodation is permitted at that level of the dwelling via planning condition.

4.3 High quality design

4.3.1 An attractive dwelling has been carefully designed and would be executed in appropriate facing and roofing materials.

4.3.2 An enhancement to the character of the AONB/National Landscape is predicted.

4.4 Carbon reduction and 'sustainable development' in terms of economic, social and environmental dimensions of the proposed development

4.4.1 The applicant (see paragraph 3.2.2 above) has set out a raft of sustainable construction methods and installations to recude the carbon footprint of the site. These can be delivered through a suitable planning condition.

5.0 Conclusions

5.1 The increased visual impact to the setting of the AONB that would be likely from the development as currently submitted is reasoned as acceptable.

SRL - For 22.4.2024 CHC Planning Committee. Comments by 12.4.2024. Extension of time granted to comment by 22.4.2024

*Abbreviations used:

NPPF – National Planning Policy Framework – (December 2023)

NPPG – National Planning Practice Guidance – (March 2014 onwards)

CLP –Chichester Local Plan (adopted 2015)

C&HNP – **Chidham and Hambrook Neighbourhood Plan ('made' 2016)**

CLPSV – Chichester Local Plan Review: submission version (2023)

CHMP – Chichester Harbour AONB Management Plan (2019-2024) including –

PP – CHC Planning Principles (17.10.2016 onwards)

SPG/SPD – Planning guidance published by Chichester District Council relating to: -

- Joint CHAONB SDP (2017)
- WSCC parking standards (2020)

DAS – Design and access statement

FRA – Flood risk assessment

Some images of the north-western part of the application site from May 2018 are shown below with some other longer views of the site supplied when a tennis court had been proposed in 2019





Appeal Decision

Site visit made on 12 February 2024

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 20 February 2024

Appeal Ref: APP/L3815/W/23/3323630

Sanderlings, Spinney Lane, Itchenor, West Sussex PO20 7DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs D Smith against the decision of Chichester District Council.
 - The application Ref WI/22/02927/FUL, dated 17 November 2022, was refused by notice dated 3 March 2023.
 - The development proposed is "Construction of Tennis Court (alternative to permission 21/03159/DOM)".
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect that the proposed development would have on the character and appearance of the surrounding area, which is within the Chichester Harbour Area of Outstanding Natural Beauty.

Reasons

3. The appeal site is situated outside any settlement boundary designated in the Chichester Local Plan: Key Policies 2014-2029 (LP), so it is, in policy terms, in the countryside. It is also within the Area of Outstanding Natural Beauty, which has the highest status of protection in relation to landscape and scenic beauty.
4. The appeal dwelling and its grounds are located on the roughly south side of Spinney Lane. Appleshore and Paddock House lie roughly west and east respectively. **The Council's evidence shows that** the southernmost part of the Sanderlings plot was part of the adjoining agricultural field until sometime between 2013 and 2018, and that by 2021 the agricultural land adjoining the far end of the back garden appears to have become part of the Sanderlings plot. So, beyond the south end of the back garden at Sanderlings lies an area of agricultural land that is about as wide as the back of its garden (the added land). A public right of way (PRoW) runs roughly west east by the south side of the adjoining agricultural field, which lies roughly south.
5. The surrounding mostly flat agricultural landscape is mainly characterised by irregular shaped fields partly bounded by hedgerows with occasional trees and woodland blocks. There are similarly deep areas of land beyond the ends of the back gardens to roughly east, some of which include boundary treatments, but these areas and the added land largely conserve the mainly open rural character in the adjoining field.

6. The appeal site includes the proposed tennis court and its enclosure. The rest of the Sanderlings plot including the rest of the added land is under the control of the appellants. The court **would be sited a little way from the site's west** boundary with its long side orientated roughly north south. Roughly half of the court would be within the back garden. The other part would be within the added land, so the proposal seeks the change of use of that part of the land from agriculture to residential curtilage. The part of the court within the back garden would include a tall fence, but the height of the similarly tall fence and its posts within the added land could be reduced when the court is not in use.
7. However, the uniform appearance and residential character of the hard surfaced court, its enclosure, and the domestic activity within it would be harmfully at odds with the undeveloped rural character within the added land and within the adjoining field. Irrespective of whether the retractable parts are raised or lowered, **the proposal's** rectilinear form would contrast starkly with the sylvan backdrop in the lengthy north westward views from the PRow.
8. As the proposed planting within the land controlled by the appellants could not reasonably be controlled by condition for more than a few years, it could not be relied upon to partly screen the proposal in the long term. The tennis courts at Appleshore, Paddock House, and Hamra House are within their back gardens, and few details of the courts on the north side of the lane have been put to me, so they provide little support for this damaging proposal. Planning permission ref 21/03159/DOM was granted for a tennis court within the back garden, which would be a little closer to **the site's west boundary**. Whilst the proposal's aims include to retain the nearby conifer, reduce the impact on the root protection areas of nearby trees, and **improve Appleshore's occupiers' living** conditions, the permitted scheme was found acceptable. So, the tennis court would not need to be partly located within the added land.
9. The proposal in my colleague's appeal decision ref APP/L3815/A/14/2225595 included the change of use of the land to residential curtilage, as part of a swap for an area of existing curtilage which would revert back to agricultural land. The land for the Farne House tennis court was found on balance to be roughly maintained residential garden. As these other schemes differ from the proposal before me, I have dealt with the proposal on its merits, and in accordance with its site specific circumstances and relevant local and national policy.
10. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area, and that it would fail to conserve or enhance the landscape and scenic beauty of the Area of Outstanding Natural Beauty. It would be contrary to LP Policy 33 which seeks the highest standards of design, and which aims for proposals to respect and enhance the character of the surrounding area and site, LP Policy 43 which aims to conserve and enhance the natural beauty and locally distinctive features of the Area of Outstanding Natural Beauty, and LP Policy 45 which aims to permit development where it requires a countryside location. It would also be contrary to LP Policy 48 which aims to permit development where, amongst other things, there would be no adverse impact on the tranquil and rural character of the area, and proposals respect and enhance landscape character, and do not undermine the integrity of predominantly open and undeveloped land between settlements, and the National Planning Policy Framework (Framework) which seeks to achieve well-designed and beautiful places, and for development to be sympathetic to local character including the surrounding landscape setting.

Conclusion

11. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
12. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR



Appeal Decision

Site visit made on 26 February 2024

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 1 March 2024

Appeal Ref: APP/L3815/W/23/3320481

112 Fishbourne Road West, Fishbourne, West Sussex PO19 3JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Northstar Property Group Ltd against the decision of Chichester District Council.
 - The application Ref FB/22/02821/FUL, dated 28 October 2022, was refused by notice dated 28 February 2023.
 - The development proposed is demolition of existing dwelling replaced with 5 no. apartments and change of use of existing outbuilding to create 1 no. two-bedroom dwelling with alterations to fenestration, 1 no. bike/bin store, alterations to access, parking, landscaping, and associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. **I have used the Council's description of the proposed development in the banner heading above as it is more precise than that provided on the application form.**

Main Issues

3. The main issues are the effect of the development on:
 - the operation of the strategic road network, and specifically the A27;
 - the character and appearance of the area including (a) whether the scheme would preserve or enhance the character or appearance of Fishbourne Conservation Area (the Conservation Area) and (b) the setting of the Chichester Harbour National Landscape; and
 - the living conditions of occupants of 110A Fishbourne Road West in relation to outlook and privacy.

Reasons

Strategic road network

4. The development would result in increased use of the strategic road network, and specifically the nearby A27, which suffers from significant issues of capacity and congestion. The parties dispute the means by which this should be mitigated.

5. Policy 9 of the Chichester Local Plan: Key Policies 2014-2029 (the Local Plan) sets out the requirement for impacts on existing infrastructure to be mitigated, whilst Policy 8 sets out measures which include a coordinated package of junction improvements to the A27. This is expanded upon within the Planning Obligations and Affordable Housing Supplementary Planning Document 2016 (the SPD) which sets out the funding formula.
6. Given the rising cost of junction improvements since 2016, the Council intends to replace the existing scheme with another which is set out within draft Policy T1 of the emerging Local Plan. This provides a revised list of improvements, some of which are currently identified within the SPD. The Council has also recently consulted on a draft A27 Chichester Bypass Mitigation Supplementary Planning Document (the draft SPD), which would supersede parts of the SPD which address the A27. Costings set out within both draft Policy T1 and the draft SPD are derived from The Chichester Transport Study: Local Plan Review Transport Assessment 2023, which is a document forming part of the evidence base of the emerging Local Plan.
7. The emerging Local Plan has yet to be examined, and at this stage its policies attract only limited weight. Though the Council has therefore presented the draft SPD as interim guidance to be interpreted with reference to the Local Plan, it too has yet to be finalised and adopted. The projected costs themselves remain uncertain, as is reflected in the very broad indicative figures provided within both draft Policy T1 and the draft SPD.
8. The Planning Practice Guidance (the PPG) makes clear that policies for planning obligations should be set out in plans and examined in public. It additionally states that it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination. The approach presented by the Council therefore directly conflicts with that set out in the PPG.
9. The existing formulaic approach for funding the A27 is itself set out within a **supplementary planning document. However, insofar as the PPG refers to 'new'** formulaic approaches, the SPD pre-dates the 2019 revision of the PPG which saw this text introduced.
10. The Council claims that deliverability of the emerging Local Plan would be jeopardised in the absence of increased contributions in advance of adoption. However, it remains the case that costs have not been fixed, and the emerging Local Plan may not ultimately be adopted in its current form.
11. Paragraph 114 of the National Planning Policy Framework (the Framework) states that decisions should ensure that significant impacts from a development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Based on my findings above, the cumulative effect of increased trips on the A27 would be mitigated to an acceptable degree by a policy compliant contribution.
12. **Whilst I therefore share the appellant's view, no contribution** has been secured. The issue could not be appropriately resolved through the imposition of a condition. The development would consequently fail to mitigate the adverse effects of increased use of the A27 to which it would give rise. I am satisfied that the residual cumulative impacts on the road network would be severe.

13. For the reasons outlined above I conclude that the development would have an adverse effect on the operation of the strategic road network, and specifically the A27. It would therefore conflict with Policies 8 and 9 of the Local Plan, as supported by the SPD, and as set out above.

Character and appearance

(a) *Conservation Area*

14. The site is located within the Conservation Area, within which the desirability of preserving or enhancing the character or appearance of conservation areas is set out within statute. Paragraph 205 of the Framework further makes clear that great weight should be given to the conservation of designated heritage assets.
15. The Conservation Area is in large part a linear designation covering historic development fronting the A259, which includes Fishbourne Road West. Insofar as it is relevant to this appeal, the significance of the Conservation Area resides in the historic architectural character and layout of these buildings.
16. The existing dwelling stands on land which once formed part of the grounds within which neighbouring Cornelius House stands. The outbuilding proposed for conversion once belonged to the latter. The dwelling itself is relatively modern, not of any heritage interest, and currently largely concealed from view within the streetscene by dense vegetation. Its loss would not cause any harm to the significance of the Conservation Area.
17. The replacement building would utilise a style broadly reflective of late C19th/early C20th development, of which Cornelius House is an attractive example. But though certain details would appear well handled, the proportions and scale of the building would compare poorly, particularly given the top-heavy composition. This would be accentuated within the streetscene by the prominence of the building, and its provision with a bulky '**crown roof**', the significant massing of which would be appreciable in views from the west.
18. The building would project at ground floor level across the frontage, supporting balconies above. The character of this projecting element would be akin to that of a flat roofed rear extension, reflecting the fact that the street facing elevation of the proposed building would indeed be the rear. Both the orientation and design detailing of the proposed building would as such be directly at odds with the prevailing pattern, within which the principal elevations of most buildings face front. The elevation **would be 'active' in the** sense that it would feature numerous openings, and some other properties, including Cornelius House, have their main entrances on other elevations. Both in use and view the proposed street facing elevation would nonetheless be perceived as the rear of the building, and as such would appear incongruous within the streetscene.
19. The scheme would involve the removal of some, chiefly ornamental trees and shrubs from within the plot. Whilst those at the front of the plot are locally conspicuous within the streetscene, their general appearance is unkempt. Though this could be improved with management, the removal of the trees and shrubs would not be harmful.
20. In terms of overall effect, my findings above indicate that the scheme would fail to conserve the significance of the Conservation Area. The modest harm

caused would be less than substantial. Such harm attracts considerable importance and weight. In accordance with paragraph 208 of the Framework it is necessary to weigh this harm against the public benefits of the scheme.

21. The development has been chiefly advanced as providing a net addition of 5 units, and thus **making a positive contribution to the Council's housing** supply. The Council states that its demonstrable supply of deliverable housing sites currently stands at 4.72 years. This indicates a modest shortfall if measured on a 5-year basis. Insofar as the emerging Local Plan has reached Regulation 19 stage, the applicability of provisions set out within the Framework to instead work on a 4-year basis remain unclear. The Council has provided no comment on the matter. But even proceeding on the basis that a modest shortfall exists, the contribution made by the appeal scheme would be limited in scale, and that contribution would not be made without adverse effects on the strategic highway network. As such I attach limited weight to the social and economic **benefits of the scheme's provision of housing**. The public benefits of the scheme would not therefore outweigh the harm that it would cause.
22. For the reasons outlined above I conclude that the development would fail to preserve or enhance the character or appearance of the Conservation Area. It would therefore conflict with Policy 47 of the Local Plan, which amongst other things seeks to secure development which conserves and enhances the special interest and settings of conservation areas; and Policy 33 of the Local Plan, which seeks to secure the highest standards of design, including in relation to the character of the surrounding area, and such matters as proportion, form, massing, and detailed design.

(b) *National Landscape*

23. The site lies immediately to the north of what was previously known as the Chichester Harbour Area of Outstanding Natural Beauty (the AONB), but which has been recently rebranded a National Landscape (NL). Policy and legislation have yet to reflect this rebranding but remains applicable. In this regard paragraph 182 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty within AONBs, and that development within their setting should avoid or minimise adverse impacts.
24. The NL has its focus on the picturesque low-lying landscape surrounding Chichester Harbour. The boundary of the designated area runs along the south side of Fishbourne Road West. The appeal site can thus be viewed at close hand from within the NL, and vice versa.
25. Beyond the southern highway edge itself, land opposite the site hosts a belt of trees. This plays an effective role in visually buffering the open landscape beyond. Though it is possible to glimpse a narrow long view standing adjacent to an access onto this land, that view quickly shrinks and disappears moving north. Thus, whilst the development would result in an increase in the spatial and visual presence of built form on the plot, it is unlikely that this would be perceived from within the open landscape to the south. Even if a view was possible, the development would be viewed directly in relation to other development which already lines the north side of Fishbourne Road West. In the absence of vegetation at the front of the plot, similar would currently be true of the existing dwelling on site. Indeed, the development would not result in any fundamental change to the established setting of the NL.

26. For the reasons set out above I conclude that the development would not have an adverse impact on the setting of the NL. It would not therefore conflict with Policy 43 of the Local Plan which seeks to conserve and enhance the AONB, or Policy 48 of the Local Plan which has a broader focus on conserving landscape character.

Living conditions

27. The proposed building would stand alongside No 110A but project further to the rear. A first-floor window would be provided within the side elevation within this rearward projection, but it would serve a bathroom, and would therefore be obscure glazed. It seems likely that a view would be possible between a proposed kitchen window at first floor level and a clear glazed window in the side elevation of No 110A. The latter appears to light a staircase. If possible, a view would erode the privacy of occupants in both directions. Given the already limited nature of the outlook, the kitchen window could however receive a partial tint to its lower half without adverse effect.
28. Insofar as it might be possible for future occupants of the proposed building to lean over the front balcony or peer over the screen to the side, all that they would see looking east would be part of the front parking area of No 110A. This is currently open to public view within the street. Such views would have little if any adverse effect on the privacy of occupants of No 110A.
29. Given its rearward projection, the proposed building would extend further back than No 110A. Built form would therefore be introduced alongside the amenity space immediately to the rear of No 110A. The rear section of the proposed building would nonetheless be stepped in, and a gap of reasonable size would exist between it and the boundary. The relationship would notably be better than that which currently exists between No 100A and garden space on the appeal site. The fact that built form would be removed from elsewhere on the plot is additionally of some relevance, given that this would increase openness further towards the rear of the plot on which No 110A stands. Taking the above points into account the proposed building would not give rise to any unacceptable overbearing of No 110A.
30. For the reasons set out above I conclude that the development would not cause unacceptable harm to the living conditions of occupants of No 110A in relation to privacy and outlook. The development would therefore comply with Policy 33 of the Local Plan, to the extent that this seeks to secure development that respects amenity. An overall conflict with Policy 33 would however remain given my findings in relation to character and appearance above.

Other Matters/Considerations

31. The application was partly refused on the basis that it would fail to mitigate likely significant effects on the integrity of the Chichester and Langstone Harbours Special Protection Area and the Solent Maritime Special Protection Area. This was on the basis of recreational disturbance and increased nutrient discharge in wastewater. Insofar as the Council seeks payment of a contribution to mitigate the effects of recreational disturbance, none has been secured. An agreed means of mitigating nutrient discharge through offsetting has been proposed. Again however, no credits in the identified offsetting site have been secured. Had I found the appeal scheme to be acceptable in all other regards it would have been necessary for me to examine the above

matters in further detail. However, as I am dismissing the appeal for other reasons, no further examination is required.

Conclusion

32. For the reasons set out above the effects of the development would be unacceptable, giving rise to conflict with the development plan. There are no other considerations which alter or outweigh these findings. I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR



Appeal Decision

Site visit made on 30 January 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2024

Appeal Ref: APP/L3815/W/23/3325079

Upper Creek End, Westlands Lane, Birdham, West Sussex PO20 7HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Charles Mason against the decision of Chichester District Council.
 - The application Ref BI/22/01164/FUL, dated 29 April 2022, was refused by notice dated 11 April 2023.
 - The development proposed is described as alterations to existing 2 no. flats to create 1 no. detached house and construction of 1 no. dwelling, detached garage, and associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2023. The main parties have been given an opportunity to comment and so the revised version has been referred to in this decision.

Main Issues

3. **It is noted that the Council's reasons for refusal do not relate to the combining of the 2 existing flats into a singular dwelling.** They relate only to the new dwelling which is proposed to replace the loss of one of the flats.
4. The main issues are therefore whether the proposed location of the new dwelling within the appeal site is appropriate with regard to flood risk, and the effect of the proposal on the character and appearance of the area.

Reasons

Flood risk

5. The proposed new dwelling would be located within Flood Zones 2 and 3 where there is a medium to high probability of flooding¹. It does not fall within the exemptions set out in paragraph 174 of the Framework. Therefore, Policy 42 of the Chichester Local Plan (LP) requires, amongst other things, that the sequential test (ST) and exception test (ET) when necessary, are undertaken in accordance with the Framework.

¹ As defined in table 1 of the PPG: Flood risk and coastal change - Paragraph 078 Reference ID: 7-078-20220825
Revision date: 25 08 2022

6. The **appellant's** site-specific flood risk assessment (FRA) states that the ST should be limited to the appeals site only and a full application of the ST is not deemed necessary with reference to a table described as '**Table 2 The Sequential Test: Flood Risk Vulnerability and Flood Zone 'Compatibility' Table as specified by NPPF**'.
7. The table appears to show that the ET is required for development like that proposed within Flood Zone 3a, therefore the FRA has concluded that as the ET is required then a full ST is not required. However, it is unclear where this table has been sourced from as it does not form part of the current Framework, the Planning Practice Guidance (PPG) or the LP².
8. Nevertheless, if I were **to take the appellant's position**, that due to the potential replacement nature of the proposal the appeal site is the extent of the area to be considered within the ST, it would be necessary to conclude that other locations within the site were at lower risk of flooding than that proposed. When taking account of paragraph 168 of the Framework, it has not been satisfactorily shown that the other locations with lower risk of flooding are not reasonably available because, as part of the appeal site, they would be considered appropriate for the development proposed.
9. **The appellant's** considerations in relation to the visual impact of the proposed dwelling when located elsewhere on site is noted, however this does not negate the potential availability of that location when undertaking the ST. It is also **noted that the appellant has drawn my attention to the Council's conclusion** in the pre-application advice that the principle of a replacement dwelling is acceptable, and that the Environment Agency (EA) have not objected.
10. However, that the site could incorporate a replacement dwelling does not necessarily mean that the proposed location is acceptable in terms of flood risk. Equally that the EA find the mitigation measures acceptable does not endorse the submitted ST. As set out in the PPG³, it is the relevant decision makers duty to consider whether the ST is passed and not the EAs.
11. Therefore, taking a precautionary approach considering the significant and irreversible harm development within areas of flood risk can cause, the ST submitted is not adequate to conclude that the proposed location of the new dwelling within the appeal site is the most appropriate regarding flood risk. Consequently, the proposal would fail to comply with LP Policy 42 and the Framework.

Character and appearance

12. The appeal site is a large residential plot enclosed by hedges and trees, with a singular 2 storey building surrounded by landscaped gardens on it. It is located at the end of Westlands Lane just before it turns into a private access road and public footpath which runs between large open fields that wrap one side and the rear of the site. Opposite the site is another large residential property with fields beyond. The final boundary is with a wooded drainage stream which widens out as it passes the site and flows into Chichester Harbour. Immediately

² It is noted the table is similar to Table 3 within previously withdrawn Framework guidance (Table 3: Flood risk vulnerability and flood zone 'compatibility', page 6 of the **Technical Guidance to the National Planning Policy Framework** March 2012 – withdrawn 7 March 2014) but the notes related to that table specifically say the table does not show the application of the ST, and only if the ET would be required once the ST have been undertaken.

³ PPG: Flood risk and coastal change - Paragraph 029 Reference ID: 7-029-20220825 Revision date: 25 08 2022

on the opposite side of this is the Greenacres residential estate. It constitutes mainly large, detached dwellings of a mix of designs and style, on comparatively modest plots, some of which have waterside frontage.

13. The appeal site and property opposite provide a transitional step between the more densely developed Greenacres and the countryside beyond. Nevertheless, the proposed new dwelling would be between the existing building on site and drainage stream. Due to the density of development within Greenacres, its proximity to the site, and the relatively limited screening created by the trees along the drainage stream to the side of the appeal site, there is a clear relationship between the estate and the proposed location of the new dwelling. Therefore, the proposal would visually relate well to the surrounding development.
14. The Council note that the proposal would close the gap between the existing property and Greenacres, however I do not consider this to be detrimental to its countryside surroundings as it does not encroach beyond the surrounding existing development, including the existing property on the appeal site and the one on the opposite side of Westlands Lane.
15. The division of the appeal site would provide plots similar in size to those on Greenacres, and the proposed new building, due to topography and design, would be lower in height than the existing building on the site. In combination with the proposal's **utilisation of** the existing driveway, this would ensure the impact on Westlands Lane would be limited. It would, therefore, not intrude into views along the public footpaths that lead from Westlands Lane nor those along the lane itself to such an extent as to cause harm.
16. The appeal site is set back from the waterfront and the proposed new dwelling would be set behind where the drainage stream widens out. Here the trees and undergrowth surrounding the stream increase in density and maturity. Therefore, the proposal would not be visually intrusive when looking back from the water and would be seen as part of the existing residential development rather than as something out of character.
17. As the Council has identified the existing screening along the boundaries of the appeal site is effective. This could be secured via a landscape scheme condition. It is also noted the main parties agree the modern design would be in keeping with the mix of styles and forms along Greenacres and there is nothing before me to conclude otherwise.
18. For the reasons given above, it is found the proposal would not harm the character and appearance of the surrounding area. It would therefore comply with LP Policies 45 and 48 as far as they seek new development to respect the character of the surrounding area and landscape.

Other Matters

19. Although not part of the reasons for refusal the Council and interested parties have referred to other development plan policies, specifically LP Policies 2 and 33, and Policy 4 of the Birdham Neighbourhood Plan. I have reviewed these policies, but they do not alter my findings on the main issues.

20. The appeal site is within the Chichester Harbour National Landscape (NL)⁴. NLS are designated for the purposes of conserving and enhancing natural beauty and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. Taking account of the scale, design, and siting of the proposed development, I find the special qualities of the Chichester Harbour NL would not be adversely affected by the proposal.
21. It is also noted the appeal site is 5.6km from the Chichester and Langston Special Protection Area. However, clause 63(1) of regulation 63 of the **Conservation of Habitats and Species Regulations 2017 states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment'. This is not, therefore, necessary where there is no intention to grant permission. As I am dismissing the appeal for other reasons, I am not required to pursue this matter further.**

Balance and Conclusion

22. Whilst I have found for the appellant in relation to the second main issue, this would be a lack of harm and thus, by definition, is capable of weighing against the harm that I have found regarding the first main issue. Consequently, the appeal scheme would conflict with the development plan as a whole. There are no material considerations worthy of sufficient weight, including the Framework, which would indicate a decision otherwise. The appeal should, therefore, be dismissed.

RJ Redford

INSPECTOR

⁴ previously called an Area of Outstanding Natural Beauty (AONB)

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| 35 CHC Delegated | 3 No Comment Made |
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| 1 CHC Committee | 32 No Objection with Conditions |
| | 6 Objection |
| | 1 Holding Objection |
| | 0 Further Info Required |
| | 0 EIA Screen - No ES Sought |
| | 0 EIA Screen - ES Sought |
| | 0 EIA Scope - ES Content Required |
| | 0 EIA Scope - ES Content Acceptable |

| Responded | Reference | CHC Officer | Address | Description | Recommendation |
|------------|-----------------|----------------|---|---|------------------------------|
| 20/02/2024 | BO/24/00188/TPA | Steve Lawrence | WILLOW HOUSE, 8 STUMPS END, BOSHAM, CHICHESTER, PO18 8RB | Crown reduce by approx. 10m on 1 no. Willow tree (quoted as 2) within Group, G4 subject to BO/76/00049/TPO. | No Objection with Conditions |
| 20/02/2024 | WI/24/00157/TCA | Steve Lawrence | The Ship Inn , The Street, Itchenor, West Sussex, PO20 7AH | Notification of intention to fell 1 no. Ash tree (T1). | Holding Objection |
| 20/02/2024 | APP/24/00012 | Linda Park | 58 Bracklesham Road, Hayling Island, PO11 9SJ | Extension to first floor front elevation, side extension to house lift shaft, removal of existing rear conservatory to create rear garden terrace, installation of first floor rear balcony. Internal and external alterations with associated landscaping. | No Objection with Conditions |
| 21/02/2024 | APP/24/00049 | Steve Lawrence | 36 HAVANT ROAD, HAYLING ISLAND, PO11 0PX | Erection of a workshop, store and gazebo | No Objection with Conditions |
| 21/02/2024 | BO/24/00043/TPA | Steve Lawrence | Broadbridge Business Centre, Delling Lane, Bosham, PO18 8NF | Crown lift by up to 5.2m on east sectors (above ground level) on 8 no. Lime trees (T6-T13) subject to BO/98/00082/TPO and reduce 1 no. lateral branch on north sector by up to 2m on 1 no. London Plane tree (T3) subject to BO/91/00070/TPO. | No Objection with Conditions |
| 21/02/2024 | WI/23/02894/DOM | Linda Park | Little Badgers, 6 The Spinney, Itchenor, Chichester, West Sussex, PO20 7DF | Demolition of existing and construction of a larger front porch. | No Objection with Conditions |
| 21/02/2024 | AP/24/00067/TCA | Linda Park | Apuldram House, Dell Quay Road, Dell Quay, Appledram, Chichester, West Sussex, PO20 7EE | Pollard down by 3m (to previous pollard points) on 3 no. Indian Bean trees (quoted as T1, T2 and T3) and 1 no. Apple tree (quoted as T4). | No Comment Made |

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| 21/02/2024 | BI/23/00067/F UL | Steve Lawrence | Russells Garden Centre , Main Road, Birdham, West Sussex, PO20 7BY | 14 no. dwellings (4 x affordable 10 x market), replacement commercial (class E) building, new and altered access and associated works - revised plans | Objection |
| 21/02/2024 | FB/24/00189/T CA | Linda Park | Boundary Wall Between 85, 87 And 89 Fishbourne Road West Fishbourne Chichester | Notification of intention to fell 1 no. Sycamore tree (quoted as T1). | No Objection with Conditions |
| 21/02/2024 | APP/23/01078 | Steve Lawrence | FOWLEY COTTAGE, 46 WARBLINGTON ROAD, EMSWORTH, PO10 7HH | Demolition of existing dwelling and replacement with 4No. 2bed, 8No. 3bed and 3No. 4bed dwellings. | No Objection with Conditions |
| 21/02/2024 | APP/23/00918 | Steve Lawrence | 15 LANGSTONE HIGH STREET HAVANT PO9 1RY | Reduce overhanging limbs to southern sector of 1No. Willow back to boundary line with No. 17. Within Conservation Area of Langstone. | No Objection with Conditions |
| 21/02/2024 | APP/23/00911 | Steve Lawrence | 6 The Saltings, Havant, PO9 1SB | Proposed Development: Fell 1No. Bay and 1No. Holly tree within Conservation Area of Langstone. | No Objection with Conditions |
| 21/02/2024 | APP/24/00075 | Steve Lawrence | 8 KING STREET, EMSWORTH, PO10 7AZ | Fell 1No Holly within Conservation Area of Emsworth. | No Objection with Conditions |
| 26/02/2024 | BI/24/00061/F UL | Linda Park | 1-4 Claytons Corner, Birdham, Chichester, West Sussex, PO20 7HQ | Demolition of 4 no. existing dwellings and erection of 5 no. dwellings, with associated works including new vehicular access route, parking provision and landscaping. | No Objection with Conditions |
| 26/02/2024 | BI/23/02868/F UL | Steve Lawrence | Little Copse, Westlands Estate, Birdham, PO20 7HJ | Replacement dwelling, outbuildings and associated works. | No Objection with Conditions |
| 28/02/2024 | WT/24/00272/ PRELS | Linda Park | BAKER BARRACKS EMSWORTH ROAD WEST THORNEY EMSWORTH WEST SUSSEX PO10 8DH | New gym changing facility, new covered cleaning area, mess extension, car park and office space. | No Objection with Conditions |
| 28/02/2024 | SB/23/00024/ OUT | Linda Park | Land To The North Of Penny Lane Penny Lane Hermitage PO10 8HE | Erection of up to 84 dwellings with associated parking, public open space, drainage and alterations to access (all matters reserved except for access). | No Objection with Conditions |
| 04/03/2024 | APP/24/00088 | Linda Park | Waterside United Reformed Church, Bath Road, Emsworth, PO10 7EP | Fell 1No. Ash (T2 on the Sketch Plan) within Emsworth conservation area | No Objection with Conditions |

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| 04/03/2024 | BO/23/02862/ DOM | Linda Park | 4 Stumps End, Bosham, Chichester, West Sussex, PO18 8RB | Proposed replacement garden room, new pitched dormer, various alterations including changes to fenestration, replacement windows and doors, new clay tile roof with integrated solar panels and replacement shed structures. | No Objection with Conditions |
| 04/03/2024 | FB/23/02891/ DOM | Linda Park | TURNSTONES 8A OLD PARK LANE FISHBOURNE CHICHESTER WEST SUSSEX PO18 8AP | Replacement garden shed. | No Objection |
| 04/03/2024 | SB/24/00261/ DOM | Linda Park | KIMLAS SCHOOL LANE NUTBOURNE CHICHESTER WEST SUSSEX PO18 8RZ | First floor side extension, variation of condition 2 to planning permission SB/23/00649/DOM - | No Objection with Conditions |
| 04/03/2024 | SB/24/00164/F UL | Steve Lawrence | Paynes Boatyard, Thornham Lane, Southbourne, Emsworth, West Sussex, PO10 8DD | Tied dwelling to serve Paynes Boatyard, including change use of land from commercial to residential - Variation of Condition 2 of planning permission SB/22/03137/FUL - amendments to the outlay of certain materials and reduction in the amount of glazing. | No Objection with Conditions |
| 04/03/2024 | SB/24/00201/ DOM | Linda Park | 1 The Square, Prinsted Lane, Prinsted, Emsworth, PO10 8HT | Summerhouse/shed. | No Objection |
| 05/03/2024 | WI/24/00076/F UL | Linda Park | 15 The Spinney, Itchenor, Chichester, West Sussex, PO20 7DF | Demolition of existing dwelling and erection of new replacement dwelling with solar panels on south east elevation of roof. | No Objection with Conditions |
| 05/03/2024 | APP/24/00068 | Linda Park | COCKLE POINT, MARINE WALK, HAYLING ISLAND, PO11 9PQ | Variation of Condition 2 of Planning Permission APP/23/00190 to update the approved drawing number | No Objection with Conditions |
| 05/03/2024 | SB/22/01941/F UL | Steve Lawrence | Stables North of Thornham Farm House, Prinsted Lane, Prinsted, Emsworth | Proposed change of use of existing stables and outbuildings to create 1 no. new dwelling with fully engineered floating floor, retained stables, garage, and machinery store: Revised Plans and HRA. | Objection |
| 06/03/2024 | BI/23/02616/F UL | Steve Lawrence | Creek Cottage , Westlands Estate, Birdham, West Sussex, PO20 7HJ | Replacement dwelling and associated works: Amended Plans | Objection |

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| 06/03/2024 | APP/24/00047 | Linda Park | 51 HIGH STREET, EMSWORTH, PO10 7AN | Listed Building Consent for revised door and window layout to approved application - Ref. No: APP/23/0040 | No Objection |
| 11/03/2024 | WW/24/00266 /REM | Steve Lawrence | Land To The West Of Church Road, Church Road, West Wittering, West Sussex, PO20 8FJ | Approval of Reserved Matters following planning permission 20/02491/OUT, relating to appearance, landscaping, layout and scale for 70 no. dwellings. | No Comment Made |
| 11/03/2024 | WW/24/00122 /DOM | Steve Lawrence | Camber Court, Rookwood Lane, West Wittering, West Sussex, PO20 8QH | Erection of 2 no. outbuildings (garage and greenhouse). | Objection |
| 11/03/2024 | APP/24/00017 | Linda Park | Laburnums, St Peters Road, Hayling Island, PO11 0RT | Change of use to allow the keeping of horses and erection of a stable block. | No Objection with Conditions |
| 12/03/2024 | BO/24/00289/ TPA | Linda Park | Water Willow, Westbrook Field, Bosham, Chichester, West Sussex, PO18 8JP | Crown reduce by 1m (heights and widths - back to previous pruning points) on 2 no. Oak trees (quoted as T1, TPO'd T2 and quoted as T2, TPO'd no. T3) subject to BO/73/00047/TPO. | No Objection |
| 12/03/2024 | WI/24/00278/ DOM | Linda Park | Westerlies , Shipton Green Lane, West Itchenor, West Sussex, PO20 7BZ | Single storey side extension, with louvred covered area and extended terrace to incorporate spa. | No Objection with Conditions |
| 12/03/2024 | APP/24/00122 | Linda Park | The Brents, St Peters Road, Hayling Island, PO11 0RT | 1No Blue Atlas Cedar (labeled 1 on the sketch plan) reduce to previous pruning points. Crown raise to 3 metres. 1No Monterey Pine (labeled 2 on the sketch plan) fell to replace with alternative species. Trees within the St Peter's Conservation area. | No Comment Made |
| 13/03/2024 | CH/24/00004/ DOM | Linda Park | Orchard House, Cot Lane, Chidham, Chichester, West Sussex, PO18 8ST | Demolition of garage, partial demolition of west sector and reconfiguration of existing dwelling. Erection of detached store. Extensions to south and west elevations with various alterations including new porch. | No Objection with Conditions |

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| 13/03/2024 | WI/24/00271/ DOM | Linda Park | Coltsfoot, Itchenor Road, West Itchenor, Chichester, West Sussex, PO20 7DD | Demolition of porch and replacement single-storey extension. New rear gazed doors and windows. Conversion of existing garage to habitable space and single-storey side extension to provide en suite and external store. 2 no. new velux roof lights to master | No Objection with Conditions |
| 13/03/2024 | APP/24/00135 | Linda Park | WADE COURT COTTAGE, WADE LANE, HAVANT, PO9 2TB | Proposal T1 - Mixed hedge of Pittosporum, Virburnum, Bay, Eleagnus and Privet - reduce in height to 2M. T2, T3 - Holm Oak - Fell to ground level. T4 - Rowan - Fell to ground level. Within conservation area of Wade Court. | No Objection with Conditions |
| 13/03/2024 | APP/24/00101 & APP/24/00102 | Linda Park | 30 KING STREET, EMSWORTH, PO10 7AZ | Proposed ramp and raised planters (retrospective application) and listed building application for the same | No Objection with Conditions |
| 13/03/2024 | WI/24/00352/ ELD | Steve Lawrence | Lansdale Marine, 3 - 4 Marine Works, The Street, Itchenor, Chichester, West Sussex, PO20 7AL | Existing lawful development - use of cafe, sea school office and chandlery as 1 no. dwelling. | Objection |
| 19/03/2024 | BO/24/00245/ TPA | Linda Park | BURNESIDE, WESTBROOK FIELD, BOSHAM, CHICHESTER, PO18 8JP | Fell 1 no. Lombardy Poplar tree (quoted as T14) within Group, G1 subject to BO/89/00062/TPO. | No Objection with Conditions |
| 20/03/2024 | APP/24/00130 | Linda Park | 2 TOWERS GARDENS HAVANT PO9 1RZ | Installation of a hard stand/drive on part of the front garden to support the charging of electric vehicles. | Objection |
| 20/03/2024 | BO/24/00281/ PA14J | Linda Park | WALTON BARN, WALTON LANE, BOSHAM, CHICHESTER, PO18 8QB | Installation of 182.5 KW of roof mounted solar panels and ancillary equipment. | No Objection |
| 27/03/2024 | WI/24/00308/F UL | Linda Park | Orchard House, Orchard Lane, Itchenor, West Sussex, PO20 7AD | Incidental domestic greenhouse. | No Objection with Conditions |
| 27/03/2024 | WW/23/00700 /FUL | Linda Park | Sandhead, Rookwood Lane, West Wittering, Chichester, West Sussex, PO20 8QH | Renewal of existing sea defence wall to boundary with harbour. | No Objection with Conditions |

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| 05/04/2024 | WT/23/02785/ FULEIA | Steve Lawrence | BAKER BARRACKS EMSWORTH ROAD WEST THORNEY EMSWORTH WEST SUSSEX PO10 8DH | Demolition of car park and garaging; the construction of 3 no. single living accommodation buildings, associated external works, ancillary buildings and landscaping; the development and reuse of an existing area of hardstanding to form a car park, with a | No Objection with Conditions |
| 05/04/2024 | WT/24/00170/ FUL | Steve Lawrence | GLEBE HOUSE, CHURCH ROAD, WEST THORNEY, EMSWORTH, WEST SUSSEX PO10 8DS | Demolition of 2 no. existing units and erection of replacement 1 no. new unit with existing use E9c)(iii) and extra dry storage use. | No Objection with Conditions |
| 09/04/2024 | WI/24/00200/ DOM | Linda Park | Moorings , Shipton Green Lane, West Itchenor, West Sussex, PO20 7BZ | Installation of 2no. Rooflights and cladding to existing dwelling, construction of bins and bikes store; and garden kit store. | No Objection with Conditions |

Quarterly Report

From 01/07/2023 to 30/09/2023

Application 91 Conflicts 9%

| Respo | Reference | CHC Officer | Address | Description | Recommendation | LPA Decision | Request Agreed? |
|-----------|------------------|----------------|---|---|------------------------------|--------------|-----------------|
| 02-Jul-23 | SB/23/01013/ DOM | Steve Lawrence | Hirgan Cottage, Prinsted Lane, Prinsted, Emsworth, PO10 8HS | Replacement of existing windows and doors. | No Objection | Permit | Yes |
| 02-Jul-23 | SB/23/00699/ DOM | Steve Lawrence | MOUNTAIN ASH, 106 MAIN ROAD, SOUTHBOURNE, EMSWORTH, HANTS. PO10 8AY. | Two storey rear addition/alterations and new front porch | No Objection with Conditions | Permit | Some |
| 12-Jul-23 | BO/23/01032/ FUL | Steve Lawrence | Broadbridge Business Centre, Delling Lane, Bosham, West Sussex | Erection of single storey building comprising the following classes E, F1(a) and F2(b) uses:fitness gym (indoor sport), offices/community room, children's nursery (education) and veterinary practice(medical) | Holding Objection | | |
| 13-Jul-23 | BO/22/03074/ FUL | Steve Lawrence | Broadbridge Business Centre, The Crate Cafe, Delling Lane, Bosham, West Sussex, PO188NF | Retrospective application for change of use from sandwich bar to cafe and bar with associated containers, seating areas, toilets and boundary treatments. | No Objection with Conditions | Permit | |
| 18-Jul-23 | WI/23/00732/ DOM | Steve Lawrence | OLDFIELD HOUSE, ITCHENOR ROAD, WEST ITCHENOR, PO20 7AB | Single storey rear extension to existing garage/annexe | No Objection with Conditions | Refuse | |
| 18-Jul-23 | WI/23/00732/ DOM | Steve Lawrence | OLDFIELD HOUSE, ITCHENOR ROAD, WEST ITCHENOR, PO20 7AB | Single storey rear extension | No Objection with Conditions | Refuse | |
| 19-Jul-23 | FB/23/01348/ FUL | Linda Park | Lowood House, 2 Old Park Lane, Fishbourne, PO18 8AP | Use of an existing residential outbuilding as a holiday let (part-retrospective) with proposed associated external alterations, including replacement side extension, rear dormer and new fenestration | No Objection with Conditions | Withdrawn | |

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| 19-Jul-23 | CH/23/01164/ REM | Steve Lawrence | CHAS WOOD NURSERIES, MAIN ROAD, BOSHAM, PO18 8PN | Application for the approval of remaining Reserved Matters of Appearance, Landscaping, Layout and Scale following outline planning permission CH/20/01854/OUT (APP/L3815/W/22/3299268) for 26 no. dwellings with access, public open space, community orchard | No Objection with Conditions | Permit | Some |
| 19-Jul-23 | BI/23/01063/ DOM | Steve Lawrence | CYDONIA, 103 CROOKED LANE, BIRDHAM, PO20 7ET | Single storey side extension to provide en-suite shower room | No Objection with Conditions | Permit | Yes |
| 19-Jul-23 | SB/23/01270/ FUL | Linda Park | Westmead, Prinsted Lane, Prinsted, Emsworth, PO10 8HT | Demolition of existing two storey dwelling and construction of a replacement single storey dwelling with detached outbuilding/office. | No Objection with Conditions | Permit | Some |
| 25-Jul-23 | CH/23/01024/ ADV | Linda Park | THE BARLEYCORN MAIN ROAD SOUTHBOURNE CHICHESTER WEST SUSSEX PO18 8RS | Erection of illuminated and non illuminated signs to the exterior of the building - amended plans | Objection | Permit | |
| 25-Jul-23 | SB/23/00744/ DOM | Linda Park | 3 THORNEY ROAD, SOUTHBOURNE, WEST SUSSEX, PO10 8BL | Erection of first floor rear extension with internal/external alterations. | No Objection with Conditions | Permit | Yes |
| 26-Jul-23 | WI/23/00849/ LBC | Linda Park | OVER THE WAY, THE STREET, ITCHENOR, CHICHESTER, WEST SUSSEX, PO20 7AH | Replacement of wooden fence with flint and brick wall. Removal of existing wooden fence, pedestrian gate, wooden double gates, existing greenhouse and concrete base; replacement with smaller greenhouse, | No Objection with Conditions | Permit | Yes |
| 26-Jul-23 | WI/23/00848/ DOM | Linda Park | OVER THE WAY, THE STREET, ITCHENOR, CHICHESTER, WEST SUSSEX, PO20 7AH | Replacement of wooden fence with a flint and brick wall. Removal of existing wooden fence, pedestrian gate and wooden double gates on the property and existing greenhouse and concrete base; replacement with smaller greenhouse. | No Objection with Conditions | Permit | Yes |

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| 26-Jul-23 | BI/23/01406/F UL | Linda Park | Orchard House , Lock Lane, Birdham, West Sussex, PO20 7BA | Replacement dwelling, pool house and shed outbuildings and associated works - Variations of Condition 2 of planning permission BI/22/03176/FUL - various minor amendments to originally approved dwelling (inc addition of pv panels), pool house and carpor | No Objection with Conditions | Permit | Yes |
| 31-Jul-23 | APP/23/00492 | Linda Park | 5 Simmons Green, Hayling Island, PO11 9PP | Two-storey rear extension and alteration to single-storey side extension, alterations to existing fenestration including new master bedroom balcony and 6 additional roof lights, new dormer, and proposed composite cladding on brick walls | No Objection with Conditions | Permit | Yes |
| 31-Jul-23 | APP/23/00404 | Linda Park | 51 HIGH STREET, EMSWORTH, PO10 7AN | Listed Building Consent for garage conversion to office | No Objection with Conditions | Permit | Yes |
| 31-Jul-23 | BO/23/01486/ ELD | Linda Park | COMBES BOATYARD, SMUGGLERS LANE, BOSHAM, CHICHESTER, WEST SUSSEX. PO18 8QW | Existing Lawful Development - Use of land and building for purposes ancillary to the use of Combes House as a dwelling. | No Objection with Conditions | Permit | |
| 01-Aug-23 | BO/23/01425/ DOM | Linda Park | 4 Stumps End, Bosham, Chichester, West Sussex, PO18 8RB | Proposed single storey rear extension, replacement garden room, new pitched dormer, various alterations including changes to fenestration, replacement windows and doors, new clay tile roof with integrated solar panels, replacement shed structures, ASHP | No Objection with Conditions | | |
| 01-Aug-23 | BO/23/01415/ DOM | Linda Park | Rambles, Sunnyway, Bosham, West Sussex, PO18 8HQ | Two storey side and rear extensions with associated roof works including 1 no. front and rear dormer, installation of solar PV panels and various alterations including new front porch and alterations to fenestration | No Objection with Conditions | Permit | Some |
| 01-Aug-23 | BI/23/01305/ DOM | Linda Park | 2 WALWYN CLOSE, BIRDHAM, PO20 7SR | Proposed single storey rear extension, front porch infill extension | No Objection | Permit | |

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| 02-Aug-23 | BO/23/01439/ DOM | Linda Park | GARLANDS, SUNNYWAY, BOSHAM, CHICHESTER, PO18 8HQ | Two storey front extension, first floor side extension with 1 no. front bay window and various alterations including changes to fenestration. | Objection | Permit | No |
| 02-Aug-23 | BO/23/01433/ DOM | Linda Park | CLOVELLY, BOSHAM LANE, BOSHAM, CHICHESTER, WEST SUSSEX, PO18 8HG | Extend existing roof (hip to barn hip) and west dormer. 3 no. new rooflights to extended roof. Convert garage to cycle store and office. | No Objection with Conditions | Permit | Yes |
| 02-Aug-23 | SB/23/00891/ FUL | Linda Park | Brook Cottage, Farm Lane, Nutbourne, Chichester, West Sussex, PO18 8SA | Erection of a shed, (retrospective) | Objection | Refuse | |
| 02-Aug-23 | BO/23/01555/ DOM | Linda Park | Sailmakers , Shore Road, Bosham, West Sussex, PO18 8JA | New front garden walls, trellis, patio crazy paving and planting | No Objection with Conditions | Permit | Yes |
| 09-Aug-23 | BO/23/01312/ DOM | Steve Lawrence | 24 Critchfield Road, Bosham, Chichester, West Sussex, PO18 8HH | Ground and first floor extensions, loft conversion with 2nd floor dormer window, replacement porch and associated works | No Objection | Permit | Yes |
| 09-Aug-23 | BO/23/01237/ DOM | Steve Lawrence | Corner Cottage, High Street, Bosham, Chichester, West Sussex, PO18 8LS | Replacement extension and alterations to the rear, including the insertion of dormer windows and reinstatement of a chimney to the side. | No Objection | Permit | Yes |
| 10-Aug-23 | BO/23/01445/ DOM | Steve Lawrence | 9 MARCUSE FIELDS, BOSHAM, PO18 8NA | First floor extension over garage | No Objection with Conditions | Refuse | |
| 10-Aug-23 | BO/23/01247/ DOM | Steve Lawrence | 30 Critchfield Road, Bosham, West Sussex, PO18 8HH | Demolition of existing extension replaced with new two-storey extension with roof terrace to north elevation, change of use of existing carport and garage to create habitable accommodation, 1 no. dormer to east and west elevations and new porch to west | | Refuse | |
| 10-Aug-23 | BO/23/01400/ DOM | Steve Lawrence | The Haven , Shore Road, Bosham, West Sussex, PO18 8HZ | Refurbishment for thermal performance. Including front bay window extension and canopy and a new dormer to rear. | No Objection with Conditions | Permit | Yes |

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| 11- Aug- 23 | SB/23/01030/ DOM | Steve Lawrence | THORNHAM HOUSE, PRINSTED LANE, PRINSTED, SOUTHBOURNE, PO10 8HS | Replacement of existing timber windows and doors | Holding Objection | | |
| 14- Aug- 23 | BO/23/01499/ DOM | Linda Park | Lea Rig, 3 Elm Park, Bosham, Chichester, West Sussex, PO18 8PD | Demolish conservatory and replace with single storey rear extension. Demolish and re-build south/side extension. Roof extension and loft conversion with cat slide roof to form entrance canopy. Replace tile hanging with fibre cement cladding | No Objection with Conditions | Permit | Yes |
| 14- Aug- 23 | APP/23/00475 | Steve Lawrence | 30 SANDY BEACH ESTATE, HAYLING ISLAND, PO11 9RG | Proposed extensions to dwelling including front and rear balconies, second floor habitable accomodation, changes to fenestration | Objection | Pending | |
| 14- Aug- 23 | WW/23/0092 0/FUL | Steve Lawrence | CHAMBON, ROOKWOOD ROAD, WEST WITTERING, CHICHESTER, WEST SUSSEX, PO20 8LT | Proposed 2 no. new dwelling following demolition of the existing dwelling | Objection | Withdrawn | |
| 15- Aug- 23 | BI/23/01536/ DOM | Linda Park | By Harbour, Westlands Estate, Birdham, Chichester, West Sussex, PO20 7HJ | Extension and remodeling of existing dwelling, including the erection of a two storey front extension, first floor extension to existing single storey south side extension, single storey rear and north side extension, erection of a detached pool house, a | No Objection with Conditions | Permit | Yes |
| 15- Aug- 23 | BI/23/01497/ OUT | Linda Park | Land Off Main Road, Birdham, Chichester, West Sussex, PO20 7HU | Outline planning application for up to 150 dwellings (including 30% affordable housing) with community park, public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access | Objection | Pending | |
| 15- Aug- 23 | BO/23/01552/ DOM | Linda Park | Watergate , Harbour Way, Bosham, West Sussex, PO18 8QH | Enlargement and remodeling of existing dwelling house. | No Objection with Conditions | Permit | Yes |

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| 16-Aug-23 | SB/23/00649/ DOM | Linda Park | KIMLAS SCHOOL LANE NUTBOURNE CHICHESTER WEST SUSSEX PO18 8RZ | First floor side extension | No Objection with Conditions | Permit | Yes |
| 22-Aug-23 | APP/23/00142 | Steve Lawrence | Northney Marina Office, Northney Marina, Hayling Island, PO11 0NH | Use of existing hardstanding for temporary siting of up to 5 years for a portable office building for use by Bar Marine Electrical. RECONSULTATION REQUEST for revised plans and/or documents received | No Objection with Conditions | Permit | Some |
| 22-Aug-23 | APP/23/00421 | Steve Lawrence | Northney Marina Office, Northney Marina, Hayling Island, PO11 0NH | Retrospective application for stand alone metal framed tent structure (15.1 x 9.06m) used for yacht repairs for period of 5 years. | No Objection with Conditions | Permit | Yes |
| 22-Aug-23 | APP/23/00556 | Steve Lawrence | HAYLING ISLAND SAILING CLUB, SANDY POINT, HAYLING ISLAND, PO11 9SL | Installation of a proprietary security control gate with ANPR vehicle recognition. | No Objection | Permit | |
| 22-Aug-23 | APP/23/00561 | Steve Lawrence | 4 South Street, Emsworth, PO10 7EH | New flat roof front and rear dormers at first floor within roof slope, modifications to general exterior appearance, removal of pitched roof over single storey outrigger and replacement with terrace | Objection | Permit | |
| 23-Aug-23 | APP/23/00571 | Steve Lawrence | 71 LANGSTONE ROAD, HAVANT, PO9 1RD | Crown lift 4No. conifers to 3m back to previous pruning points; Crown lift 1No. silver birch to 2m, back to previous pruning points. Remove all dead and epicormic branches as necessary. Within Conservation area of Langstone | No Objection with Conditions | Permit | Yes |
| 23-Aug-23 | APP/23/00229 | Steve Lawrence | 42 Bath Road, Emsworth, PO10 7ER | Erection of car port (Revised modification of application reference:APP/2200585 - Two storey side extension and single storey rear extensions, balconies and other alterations) | No Objection with Conditions | Permit | Yes |
| 23-Aug-23 | APP/23/00554 | Steve Lawrence | 26 Bath Road, Emsworth, PO10 7ER | Removal of 1No.Cherry tree within Conservation Area of Emsworth | No Objection with Conditions | Refuse | |
| 23-Aug-23 | FB/23/01194/ TPA | Steve Lawrence | Land South Of 10 To 15 Mill Close Fishbourne West Sussex | Removal of 3 no. lower/mid limbs (north sector) on 1 no. Willow tree (T3) and removal of up to 4 no. lower/mid limbs (north sector) on 1 no. Willow tree (T4). Both trees subject to FB/70/00226/TPO. | No Objection with Conditions | Withdrawn | |

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| 23-Aug-23 | APP/23/00621 | Steve Lawrence | Havant Youth Sail Training Scheme, adj The Ship Inn, Langstone Road, Havant, PO9 1RD | Fell 1 No. self-set Ash to hedge/fence height, within Conservation Area of Langstone. | Objection | Permit | |
| 24-Aug-23 | BI/23/01410/ DOM | Steve Lawrence | COTSWOLD HOUSE, 6 ST JAMES CLOSE, BIRDHAM, CHICHESTER, WEST SUSSEX, PO20 7HE | AMENDED PROPOSAL DESCRIPTION: Single storey north extension to replace existing garage, two storey extension to the rear/east elevation and single storey extension to the south elevation. Replace roof tiles with clay tiles and clad the dwelling with paint | No Objection with Conditions | Permit | Yes |
| 24-Aug-23 | BI/23/01410/ DOM | Steve Lawrence | COTSWOLD HOUSE, 6 ST JAMES CLOSE, BIRDHAM, CHICHESTER, WEST SUSSEX, PO20 7HE | Single storey extension to replace existing garage, 2 storey rear extension. Replace existing roof tiles with plain clay tiles and cladding and painted timber weatherboarding. | No Objection with Conditions | Permit | Yes |
| 24-Aug-23 | APP/23/00609 | Steve Lawrence | WESTBROOK, BRIDGEFOOT PATH, EMSWORTH PO10 7EA | 1No. Chestnut (T1 on plan) - crown reduce to previous pruning points leaving a height of 6m by 5m width, subject to TPO 1704. | No Objection with Conditions | Permit | Yes |
| 24-Aug-23 | APP/23/00611 | Steve Lawrence | WESTBROOK, BRIDGEFOOT PATH, EMSWORTH PO10 7EA | 1No. Bay (T2 on plan) crown reduce by 1.5m overall, leaving a height of 3m by 3m width; 1No. Plum (T3 on plan) crown reduce by 1.5m overall, leaving a height of 3m by 3m width, within Conservation Area of Emsworth | No Objection with Conditions | Permit | Yes |
| 25-Aug-23 | SB/23/01678/ DOM | Steve Lawrence | THORNHAM HOUSE, PRINSTED LANE, PRINSTED, SOUTHBOURNE, PO10 8HS | Installation of 16 no. solar panels to existing flat roof areas | Holding Objection | Permit | |
| 25-Aug-23 | BI/23/01669/F UL | Steve Lawrence | CHICHESTER YACHT CLUB CHICHESTER MARINA BIRDHAM CHICHESTER WEST SUSSEX PO20 7EJ | Installation of Solar PV panels onto existing pitched roof. | Holding Objection | Permit | |
| 29-Aug-23 | WI/23/01540/ DOM | Linda Park | Hamerton, Chalkdock Lane, West Itchenor, Chichester, West Sussex, PO20 7DE | Amended proposal description (29/8/23): Replace the roof and raise the eaves and ridge height. Erection of a first floor west side extension with a carport at ground floor, a first floor front extension and a first floor rear extension. Replacement single | No Objection with Conditions | Permit | Some |

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| 29-Aug-23 | BO/23/01666/ FUL | Linda Park | Owl Barn, Lower Hone Farm, Lower Hone Lane, Bosham, Chichester, West Sussex, PO188QN | Change of use of barn to create additional residential accommodation, provision of natural swimming pond and associated works. | No Objection with Conditions | Permit | Some |
| 04-Sep-23 | WI/23/01703/ FUL & WI/23/01706/ LBC | Linda Park | North Block Itchenor Park Farm Itchenor Park Itchenor | Change of use of agricultural building (former grain drying and grain storage building) to storage use together with restoration, repair and maintenance of existing building and demolition of lean to. | No Objection with Conditions | Permit | Some |
| 04-Sep-23 | WW/23/01693/ DOM | Linda Park | Thornton Cottage , Chichester Road, West Wittering, West Sussex, PO20 8QA | Two storey side and single storey rear extension, including a proposed car port and external and internal alterations - Variation of Condition 2 of householder permission WW/22/01579/DOM - minor amendments to boot room and addition of window to downstairs | No Objection with Conditions | Permit | Yes |
| 04-Sep-23 | WW/23/01809/ DOM | Linda Park | South Nore, Snow Hill, West Wittering, Chichester, West Sussex, PO20 8AT | Single storey rear extension, partial demolition and replacement 2 storey side extension and new dormer window. Addition of outdoor pool. | No Objection with Conditions | Permit | Yes |
| 05-Sep-23 | SB/23/01654/ DOM | Linda Park | 6 Frarydene, Prinsted, Southbourne, West Sussex, PO10 8HU | New thermal insulation. New tiled roof. Changes to side dormers. New carport and landscaping. | No Objection with Conditions | Permit | Some |
| 06-Sep-23 | SB/23/01572/ ELD | Linda Park | Land Rear Of 34 Nutbourne Park, Nutbourne, Chichester, West Sussex, PO18 8RU | Existing lawful development certificate for the plot of land rear of 34 Nutbourne Park to be used as garden land associated with this address. | Objection | Pending | |
| 11-Sep-23 | SB/23/01782/ DOM | Linda Park | MAYFIELD, PRINSTED LANE, PRINSTED, SOUTHBOURNE, CHICHESTER, WEST SUSSEX. PO10 8HS | Demolition of rear side extension and garage. Construction of two story rear side extension with pitched roof, new garage with pitched roof and new dormer windows at second floor level. Alterations to the existing fenestrations and timber cladding. Const | Objection | Permit | |
| 11-Sep-23 | SB/23/01840/ DOM 158 | Linda Park | The Anchorage, Prinsted Lane, Prinsted, Emsworth, PO10 8HS | First floor extension and renovations | Objection | Permit | |

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| 12-Sep-23 | WI/23/01365/ DOM | Steve Lawrence | OLD HAVEN, THE STREET, ITCHENOR, CHICHESTER, WEST SUSSEX, PO20 7AN | AMENDED PROPOSAL DESCRIPTION 2/10/23 (and corresponding amendment to response date from 11/9 to 16/10/23): Demolition of existing link way, erection of a single storey front extension and a single and two storey rear extension, raise the roof of the dwell | No Objection with Conditions | Permit | Some |
| 13-Sep-23 | BO/23/01737/ DOM & BO/23/01738/ LBC | Linda Park | Quay Cottage, Quay Meadow, Bosham, Chichester, West Sussex, PO18 8LY | Replacement of plaster and render with lime plaster and render. Removal of chimney stack and partition wall. Repairs to historic windows and replacement of modern windows | No Objection with Conditions | Permit | Yes |
| 13-Sep-23 | SB/23/00942/ FULEIA | Linda Park | G And R Harris, Main Road, Nutbourne, Chichester, West Sussex, PO18 8RL | Demolition and mixed use development comprising 103 no. dwellings and a Children's Nursery, together with associated access, parking, landscaping (including provision of Wildlife Corridor) and associated works. | Objection | Withdrawn | |
| 14-Sep-23 | APP/23/00469 | Steve Lawrence | Northney Marina Office, Northney Marina, Hayling Island, PO11 0NH | RECONSULTATION REQUEST for revised plans and/or documents received | No Objection with Conditions | Permit | Some |
| 14-Sep-23 | SB/23/01655/ DOM | Steve Lawrence | 270 Main Road, Southbourne, Emsworth, West Sussex, PO10 8JL | Single storey side and rear extensions. Alterations to fenestration and roof extension at rear. New pitch roofs to front bay windows. | No Objection with Conditions | Permit | Yes |
| 14-Sep-23 | APP/23/00469 | Steve Lawrence | Northney Marina Office, Northney Marina, Hayling Island, PO11 0NH | Single storey extension to existing Marina Services Building (Amendment to Planning Permission APP/22/00479) and alterations to existing car park | No Objection with Conditions | Permit | |
| 14-Sep-23 | APP/23/00142 | Steve Lawrence | Northney Marina Office, Northney Marina, Hayling Island, PO11 0NH | Use of existing hardstanding for temporary siting of up to 5 years for a portable office building for use by Bar Marine Electrical. RECONSULTATION REQUEST for revised plans and/or documents received | No Objection with Conditions | Permit | Some |
| 18-Sep-23 | WI/23/01787/ DOM | Linda Park | Seaforth , Spinney Lane, Itchenor, West Sussex, PO20 7DJ | Single storey rear extension and covered terrace, alterations to existing first floor dormer window with new balcony and alterations to entrance porch to front elevation and rear window. | No Objection with Conditions | Permit | Yes |

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| 18-Sep-23 | WI/23/01721/ DOM | Linda Park | IONA ITCHENOR ROAD WEST ITCHENOR CHICHESTER WEST SUSSEX.PO20 7AB | Extension of first and second floors above existing ground floor, and associated works | No Objection with Conditions | Permit | Yes |
| 18-Sep-23 | WI/23/01767/ TPA | Linda Park | STEPASIDE COTTAGE ITCHENOR CHICHESTER WEST SUSSEX | Fell 1 no. Holm Oak tree (T1) subject to WI/98/01092/TPO | No Objection with Conditions | Permit | Yes |
| 18-Sep-23 | SB/23/01612/ TPA | Linda Park | The Sanderling Gordon Road Southbourne West Sussex | Crown reduce by 1.5m on 1 no. Horse Chestnut tree (T2) subject to SB/97/00906/TPO | No Comment Made | Permit | |
| 18-Sep-23 | BO/23/01649/ TPA | Linda Park | SKYFALL, SMUGGLERS LANE, BOSHAM, PO18 8QP | Reduce south sector by up to 2.5m on 1 no. Oak tree (quoted as T1), reduce south sector by 1m and north sector by 2m on 1 no. Oak tree (quoted as T2), reduce south and north sectors by 2m on 2 no. Oak tree (quoted as T3 & T5), reduce south sector by 1m an | No Objection | Permit | Yes |
| 18-Sep-23 | BO/23/01568/ TPA | Linda Park | SKYFALL, SMUGGLERS LANE, BOSHAM, PO18 8QP | Reduce heights by 3m and reduce widths by 2m (all around) on 5 no. Oak trees (T1 to T5) within Area, A3 subject to BO/81/00058/TPO. | No Objection | Permit | Yes |
| 18-Sep-23 | BO/23/01528/ DOM | Steve Lawrence | Cut Mill Cottage , Main Road, Bosham, West Sussex, PO18 8PL | Single storey extension with lean to roof, fence and brick wall to north side, associated works and alterations to boundary treatments (alternative to permissions 21/02627/DOM and 22/01197/FUL). | No Objection with Conditions | Permit | |
| 19-Sep-23 | WI/23/01849/ DOM | Linda Park | Westerlies , Shipton Green Lane, West Itchenor, West Sussex, PO20 7BZ | Replacement two storey side extension, rear single storey extension with raised decking, front porch extension, 1 no. rear facing dormer and enlargement of existing dormer - Variation of Condition 2 of householder permission WI/22/01981/DOM - minor amend | No Objection with Conditions | Permit | Some |

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| 19-Sep-23 | BO/23/01650/TPA | Linda Park | RUNNING TIDE, SMUGGLERS LANE, BOSHAM, CHICHESTER, WEST SUSSEX. PO18 8QP | Crown reduce on north and south/south-east sectors by 2.5m and crown to south/south-west by 2m on 1 no. Oak tree (T1). Crown reduce on south sector by 2.5m on 1 no. Oak tree (T2). Lower crown reduce on south sector by 1m and crown lift to allow 3.5m ground | No Comment Made | Permit | |
| 19-Sep-23 | FB/23/01736/TCA | Linda Park | Salt Mill House Mill Lane Fishbourne Chichester West Sussex PO19 3JN | Notification of intention to pollard down to 5m (above ground level) on 1 no. Ash tree | No Comment Made | No TPO | |
| 19-Sep-23 | BI/23/01557/FUL | Steve Lawrence | Land Adjacent To Cowdry Barn Birdham Road Birdham Chichester | 1 no. dwelling and detached garage | Objection | Refuse | |
| 19-Sep-23 | APP/23/00646 | Linda Park | 2A The Mews, Langstone High Street, Havant, PO9 1SL | Fell 1No. Silver Birch within the Conservation Area of Langstone. | No Objection with Conditions | Permit | Yes |
| 20-Sep-23 | AP/22/03196/FUL | Linda Park | Apuldram House, Dell Quay Road, Dell Quay, Appledram, Chichester, West Sussex, PO20 7EE | Demolition and replacement dwelling and garage with associated landscaping. New information submitted - Heritage, Biodiversity and Landscaping | No Objection with Conditions | Permit | Some |
| 20-Sep-23 | BO/23/01502/DOM | Steve Lawrence | 26 Fairfield Road, Bosham, Chichester, West Sussex, PO18 8JH | Demolition of existing orangery to provide replacement single-storey rear extension. | No Objection with Conditions | Permit | Yes |
| 20-Sep-23 | SB/23/01510/DOM | Steve Lawrence | Fieldside , Prinsted Lane, Prinsted, Southbourne, West Sussex, PO10 8HS | Erection of an outbuilding | No Objection | Refuse | |
| 20-Sep-23 | SB/23/01663/DOM | Steve Lawrence | Hirgan Cottage, Prinsted Lane, Prinsted, Emsworth, PO10 8HS | Demolish Existing Rear Sunroom and create New Single Storey Orangery Extension alongside Rear First Floor Extension. | No Objection with Conditions | Permit | Yes |
| 20-Sep-23 | BO/23/01746/TCA | Steve Lawrence | MILLSTREAM HOTEL AND RESTAURANT, BOSHAM LANE, BOSHAM, CHICHESTER, WEST SUSSEX, PO18 8HL | Notification of intention to reduce height by up to 4m to north, south and west sectors and by up to 6m to east sector. Reduce north sector by 2m, south sector by up to 4m, east sector 1m and lower crown by 3m and upper crown by 2m on the west sector on | No Objection with Conditions | Permit | Yes |

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| 20-Sep-23 | APP/23/00656 | Linda Park | 39 BRIDGEFOOT PATH EMSWORTH HANTS PO10 7EB | Fell 1No. Birch within Conservation Area of Emsworth. | Objection | Pending | |
| 25-Sep-23 | WW/23/0070 0/FUL | Linda Park | Sandhead, Rookwood Lane, West Wittering, Chichester, West Sussex, PO20 8QH | Renewal of existing sea defence wall to boundary with harbour. Additional ecology surveys provided and amended drawings. | Objection | Pending | |
| 26-Sep-23 | SB/23/01911/ TPA | Linda Park | 3A GORDON ROAD, SOUTHBOURNE, EMSWORTH, HAMPSHIRE, PO10 8AZ | Crown reduce by up to 3m (back to previous pruning points) and crown thin by up to 20% on 1 no. Horse Chestnut tree (T1) subject to SB/97/00906/TPO. | No Objection | Permit | |
| 27-Sep-23 | BO/23/01216/ FUL | Linda Park | Public Conveniences, Bosham Lane, Bosham, West Sussex, PO18 8HS | Refurbishment of public conveniences including enlargement of disabled WC and 1 no.additional door to south east elevation | No Objection with Conditions | Permit | No |
| 28-Sep-23 | BI/23/01788/T PA | Steve Lawrence | 2 Stumps End, Bosham, Chichester, West Sussex | Reduce height by up to 3m on 1 no. Horse Chestnut tree within Group, G3 subject to BO/76/00049/TPO | No Comment Made | Permit | |