



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 26 February 2024** at Eames Farm, Thorney Island.

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 11 December 2023 (Page 1).

4. DEVELOPMENT APPLICATIONS

- a. 24/00061/FUL - 1-4 Claytons Corner, Birdham Chichester (Page 4)
- b. 23/02868/FUL - Little Copse, Westlands Lane, Birdham (Page 13)

5. APPEAL DECISIONS

- a. APP/L3815/W/23/3319434 - Land off Main Road, Birdham (Page 28)
- b. APP/L3815/C/22/3311612 – Land at Thornham Marina, Southbourne (Page 51)

6. TABLE OF RECENT DECISIONS

To consider the report from the Principal Planning Officers (page 55).

7. QUARTERLY REPORT

To consider the report from the Principal Planning Officers (page 63).

8. DATE OF NEXT MEETING

Monday 22 April 2024 at County Hall, Chichester 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 11 December 2023 at Eames Farm, Thorney Island.

Present

Iain Ballantyne, Heather Baker, Jackie Branson, John Goodspeed, 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 Members of the public were welcomed. Apologies were received from Pieter Montyn.

2.0 DECLARATIONS OF INTEREST

2.1 None.

3.0 MINUTES

3.1 **Resolved** – That, subject to the correction of the spelling of Jackie Branson’s name, the minutes of the Planning Committee meeting held on 13 November 2023 be approved as a correct record and that they be signed by the Chairman.

4.0 DEVELOPMENT APPLICATIONS

4.a. 22/01273/FUL – Thorney Island Sailing Club, Church Road, West Thorney

4.1 The Principal Planning Officer (LP) presented her report to members on the application for a balcony/viewing platform on the roof of the existing building. The Officer recommends no objection subject to the materials and finishes (including colour) to be agreed.

4.2 The previously considered application included the use of glass panels with the CHC objection suggesting that timber or metal would be less obtrusive than glass. The plans were subsequently adjusted with the height of the glass panels reduced, etching to the lower part added and angle changed. The current plans now under consideration have metal railings.

4.3 **Action Point** – The Officer should add to her recommendation that the metal railings should be maintained in the approved colour.

Recommendation

4.4 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 points 4.3. The decision was unanimous.

4b. 23/01840/DOM - The Anchorage, Prinsted Lane, Prinsted

4.5 The Principal Planning Officer (LP) presented her report to members on the revised application for a first-floor extension and renovations. The Officer recommends that despite improvements made, the **objection** is maintained.

4.6 **Action Point** – The Officer was instructed to amend the wording in her recommendation to highlight that the proposal detracts from the distinctiveness of the area and was asked to include the word 'dominant' to describe the design.

Recommendation

4.7 That Chichester District Council, as Local Planning Authority (LPA) be advised that Chichester Harbour Conservancy raises **objections** to the proposed development subject to the reasons set out in the report and including the additional wording set out in points 4.6. The decision was unanimous.

4c. BI/23/02616/FUL – Creek Cottage, Westlands Estate, Birdham

4.8 The Principal Planning Officer (SL) presented his report to members on the application for a replacement dwelling and associated works. While previously approved applications were acceptable, the Officer recommends an **objection** due to the increase silhouette to Westlands Lane which is considered excessive.

4.9 **Action Point** – The Officer was instructed to include in the reasons the unvaried roofline to Westlands Lane. Reference to the neighbourhood plan policy should also be included.

Recommendation

4.10 That Chichester District Council, as Local Planning Authority (LPA) be advised that Chichester Harbour Conservancy raises **objections** to the proposed development subject to the reasons set out in the report and including the additions set out in point 4.9. The decision was unanimous.

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 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. While the conflict rate is currently 14%, many of the concerns raised by the Conservancy have been addressed.

7.2 Status of the AONBs/National Landscapes has been elevated in the new management plan; however, this is significantly short of the consultee status that was originally sought.

8.0 WEST WITTERING NEIGHBOURHOOD PLAN

8.1 The AONB Manager confirmed that neighbourhood plans are normally acknowledged by the Planning Committee. The West Wittering Neighbourhood Plan has been recently approved after a long and arduous process. The plan is

innovative as the West Wittering Parish Council actively pursued policies which they wanted included in the plan. The village design statement has been included in the plan. CHC will reference this document when considering West Wittering applications.

9.0 DATE OF NEXT MEETING

9.1 The next meeting will be held on Monday 22 January 2024 at 10:30am at County Hall, Chichester.

Meeting closed at 12:03pm

Chairman

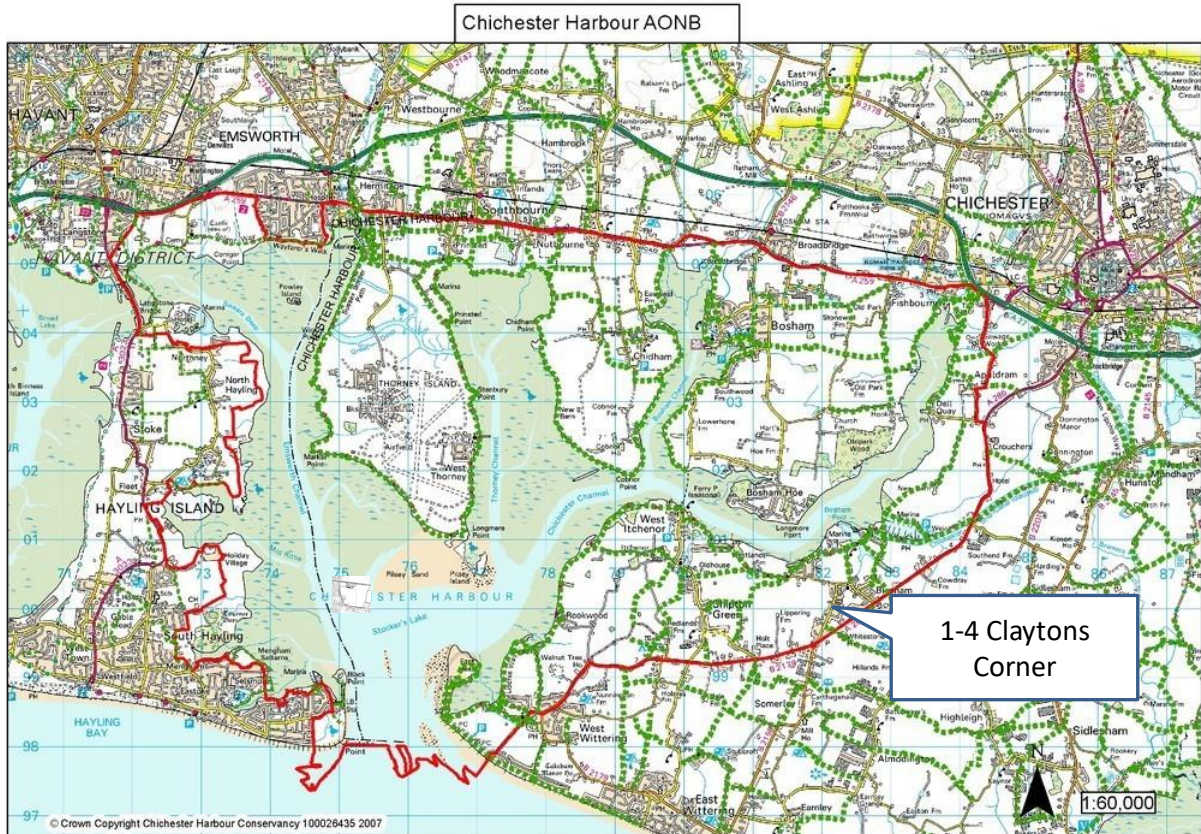
Local Planning Authority planning application reference: BI/24/00061/FUL

Site: 1-4 Claytons Corner Birdham Chichester West Sussex PO20 7HQ

Proposals: Demolition of 4 no. existing dwellings and erection of 5 no. dwellings, with associated works including new vehicular access route, parking provision and landscaping.

Conservancy case officer: Linda Park

Application details on LPA webpage – <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S73U3IERGQ700>



RECOMMENDATION

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

- Samples of materials to be agreed prior to construction, including cladding colour;
- Protection and retention of existing trees on frontage during construction;
- New planting to be implemented as shown on plans;
- External lighting to be agreed and internal blinds to be provided to all roof lights;
- Contribution to Bird Aware scheme be secured;
- Bat and Bird Boxes be installed;
- Sustainability statement incorporating suitable measures be submitted and agreed.

Conservancy Officers' comments and reasoned justification

1.0 Site description

- 1.1 The site is a small development of 4 semi-detached bungalows located within the settlement boundary of Birdham, located off Church Lane, close to the junction with Crooked Lane. The site sits on raised ground above the level of Church Lane, and is close to the cricket ground, which lies to the east beyond the neighbouring property.



- 1.2 The bungalows are of a simple pitched roof style, and are visible from Crooked Lane, the end of St James Close and from Church Lane immediately in front of the site, as well as being glimpsed from the cricket ground beyond the neighbouring properties. The area is characterised by a mix of different style of properties, mostly two-storeys in height.



Above: View from Church Lane



Above: Looking west along Church Lane / 'Church Lodge' (neighbouring property to east)



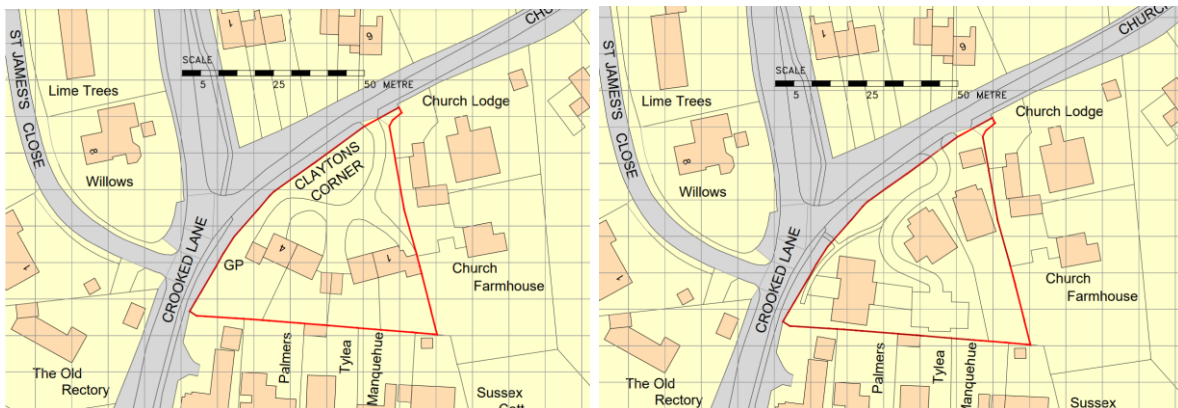
Above: Views from recreation ground with 'Church Farmhouse' in the foreground



Above: View from Crooked Lane with site on RHS

2.0 Proposed development

2.1 The application proposes the demolition of the existing 4 single-storey dwellings, and their replacement with 5 two-storey dwellings. This would comprise 2 detached houses facing northwards onto Church Lane, and a 3-dwelling terrace facing towards Crooked Lane to the west. All properties would be 2-storeys in height, with private front and rear gardens and a mixture of private driveways, garages and off-street communal parking.



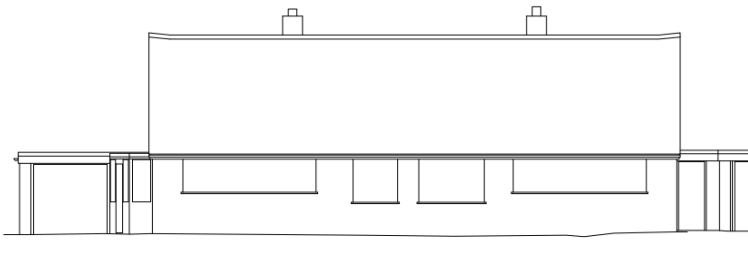
Above: Existing and proposed block plans

2.2 A new vehicular access would be created from Church Lane slightly further west than the existing access, and a new pedestrian access would be created further west where currently there is timber panel fencing demarcating the side of existing plot 4. A Weeping Willow tree (reduced to stump level) is proposed to be removed (as it is stated to be category C – of low value), with the proposed retention of the remaining trees along the frontage, including an Oak, Cherry (x 2), Cypress and Hawthorn. New landscaping is proposed including a wildflower meadow by the proposed access point, and soft landscaping within the private gardens and around the communal parking area.



Above: proposed site plan showing soft landscaping

2.3 The houses would have clay tiled roofs and timber weatherboard and brickwork elevations with UPVC windows. All dwellings would have 3 bedrooms at first floor level (the detached dwellings also have a study each), with open-plan living space and kitchens at ground floor level.



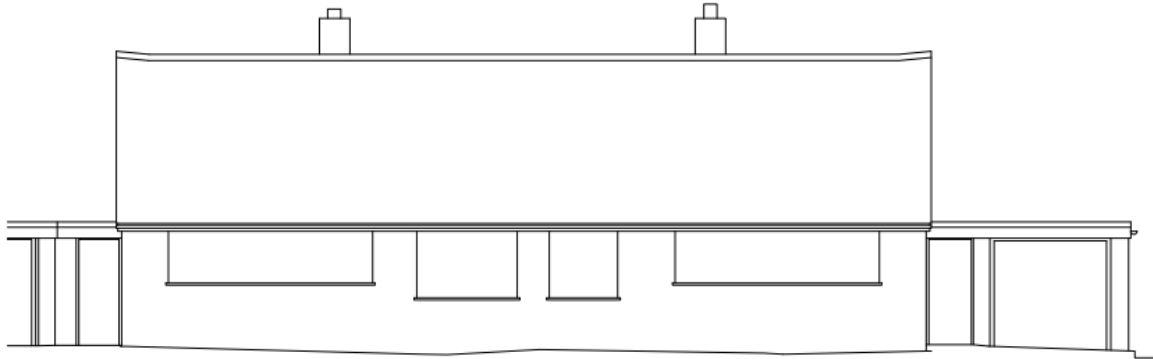
North-West Elevation (Plot 1/ Plot 2)



North West (Front) Elevation

North West (Front) Elevation

Above: Existing and proposed plots 1 and 2



North-East Elevation (Plot 3/ Plot 4)



West (Front) Elevation

Above: Existing plots 3 and 4, proposed plots 3, 4 and 5

2.4 There are no plans for the proposed detached garage for plot 1 available on the Council website at the time of writing, this has been raised with the Council’s case officer.

3.0 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) 43 (Chichester Harbour Area of Outstanding Natural Beauty), 48 (Natural Environment), 49 (Biodiversity).

Emerging Chichester Local Plan: NE5 (Biodiversity and Biodiversity Net Gain), NE8 (Trees, Hedgerows and Woodlands), NE13 (Chichester Harbour Area of Outstanding Natural Beauty), NE21 (Lighting).

Birdham Neighbourhood Plan (2016) Policies 5 (Light Pollution), 6 (Biodiversity), 14 (Windfall Sites), 16 (Housing Density and Design).

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), PP03 (Replacement Dwellings and Domestic Householder Extensions), PP09 (Dark Skies).

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

4.0 Key issues: Impact on Chichester Harbour AONB

4.1 Planning Principle PP04 (Creation of New Dwellings and Residential Institutions) states that the Conservancy is unlikely to object to proposals for new dwellings affecting the AONB where the applicant can demonstrate that all of the following criteria have been addressed:

- The proposed development is within existing settlement boundaries; and
- That sufficient headroom capacity exists in waste water treatment works infrastructure to serve the development, or the applicant has devised adequate alternative on-site facilities and storage to allow controlled release into the public sewer; and
- Recreational disturbance is adequately and appropriately mitigated to the satisfaction of the Conservancy and in accordance with the relevant Local Plan policy or policies; and
- The statutory requirement for biodiversity net gains will be met.

4.2 Planning Principle PP03 (Replacement Dwellings and Domestic Householder Extensions), which is expanded upon within the AONB SPD, also provides guidance covering issues including size increase, massing and bulk, siting, design, glazing, and materials, as well as planting, renewable energy and avoiding impacts to the AONB's Dark Skies.

4.3 The principle of residential development (with the net increase being 1 dwelling in this instance) within existing settlement boundaries is acceptable, as set out in PP04 and Birdham Neighbourhood Plan Policy 14 (Windfall Sites), as well as Local and National Planning policies, subject to the main considerations of design and impact on the character of the area (including the requirement to conserve and enhance the AONB/National Landscape), and the issues of waste water disposal and recreational disturbance being adequately addressed.

4.4 The site is surrounded by residential development (although sits close to the cricket ground) and there are no wider landscape views of the site, aside from glimpsed views from the cricket ground. As such, the impacts on the AONB/National Landscape would be localised and limited to views from the immediate surroundings (Crooked Lane, Church Lane and St James's Close to the west).

- 4.5 The area surrounding the site is a mixture of two-storey dwellings and bungalows, with two-storey dwellings being predominant. There are also terraced dwellings nearby at 'Kewell's Corner'. The proposed dwellings would be of a scale and design which would reflect other dwellings within the area.
- 4.6 The new/replacement dwellings would be sited closer to the road than the existing bungalows, however, the proposed siting would not be dissimilar to various nearby properties, and would follow the line of Crooked Lane and Church Lane in a way that the existing development does not. The existing bungalows are set back from Church Lane to an unusual degree, but are set amongst larger dwellings and in the wider surroundings, dwellings are often set further forward. As such, it is not considered that the proposed two-storey dwellings would be out of character with surrounding development in terms of their form, scale, massing or design.
- 4.7 The proposed development would be 'read' in two parts, with the terrace of 3 properties being seen from the Crooked Lane junction, and the 2 detached properties being 'read' from Church Lane. The proposed materials of all 5 dwellings are considered to be sympathetic to the area, utilising materials which are characteristic of Birdham and the wider AONB/National Landscape in general.
- 4.8 One advantage of the proposed change in layout would be the opening up of the frontages of plots 3, 4 and 5 onto Crooked Lane, with a new pedestrian access and planting, where currently an unsightly 6-foot timber panel fence borders Crooked Lane and detracts from the character and appearance of the area and the natural beauty of the AONB/National Landscape.
- 4.9 It would have been helpful if the application had included a 'street scene' view of existing and proposed for comparison purposes, as well as comparative silhouettes of the existing and proposed dwellings. However, the site is not visible from the wider AONB landscape and therefore the 50% (footprint) and 25% (silhouette) guidelines are not considered to be as relevant in this instance. There would be an inevitable increase in bulk, massing and built form on the site as a result of the change from single-storey to two-storey dwellings, however, this in itself would not be harmful to the AONB in this built-up location.
- 4.10 A detached garage is shown within the frontage of plot 1; however, no plans or elevations are available for this element. This has been raised with the Council's case officer – however, it is considered that provided this is a building of a relatively modest scale and sympathetic design, it is likely to be acceptable, given the presence of other garages and buildings in close proximity to the road within the vicinity.
- 4.11 It will be important that the existing mature trees to the frontage are retained and that appropriate new soft landscaping, as shown, is provided to soften the impacts of the increased built form on the site, and this should be the subject of suitable conditions.
- 5.0 **Impact on nature conservation**
- 5.1 Along with the retention of the Category B trees along the frontage and provision of the proposed new planting, it will be important that any external lighting is sensitive to the setting of the site within the AONB/National Landscape, in order to protect the AONB's Dark Skies and wildlife, and that any roof lights incorporate internal blinds to minimise upwards light pollution.

- 5.2 It will also be important that the applicant contributes to the Bird Aware Scheme as a result of the net increase in 1 dwelling close to the Harbour (and the increase in recreational disturbance that comes with this); as well as the provision of the recommended ecological mitigation and enhancements including Bird and Bat boxes. These items should be secured through suitable conditions to ensure that overall the proposed development provides a 'biodiversity net gain'.
- 5.3 The application states that the proposed development would link to Siddlesham waste water treatment works, and that therefore no nutrient neutrality assessment is required. This is confirmed as being acceptable by the Council's Environment Officer.
- 5.4 The application lacks information regarding sustainability measures for the development and we would agree with the Environment Officer that a sustainability statement should be submitted to demonstrate these measures, given the opportunity for renewable energy or other energy saving measures provided by an entirely new development.

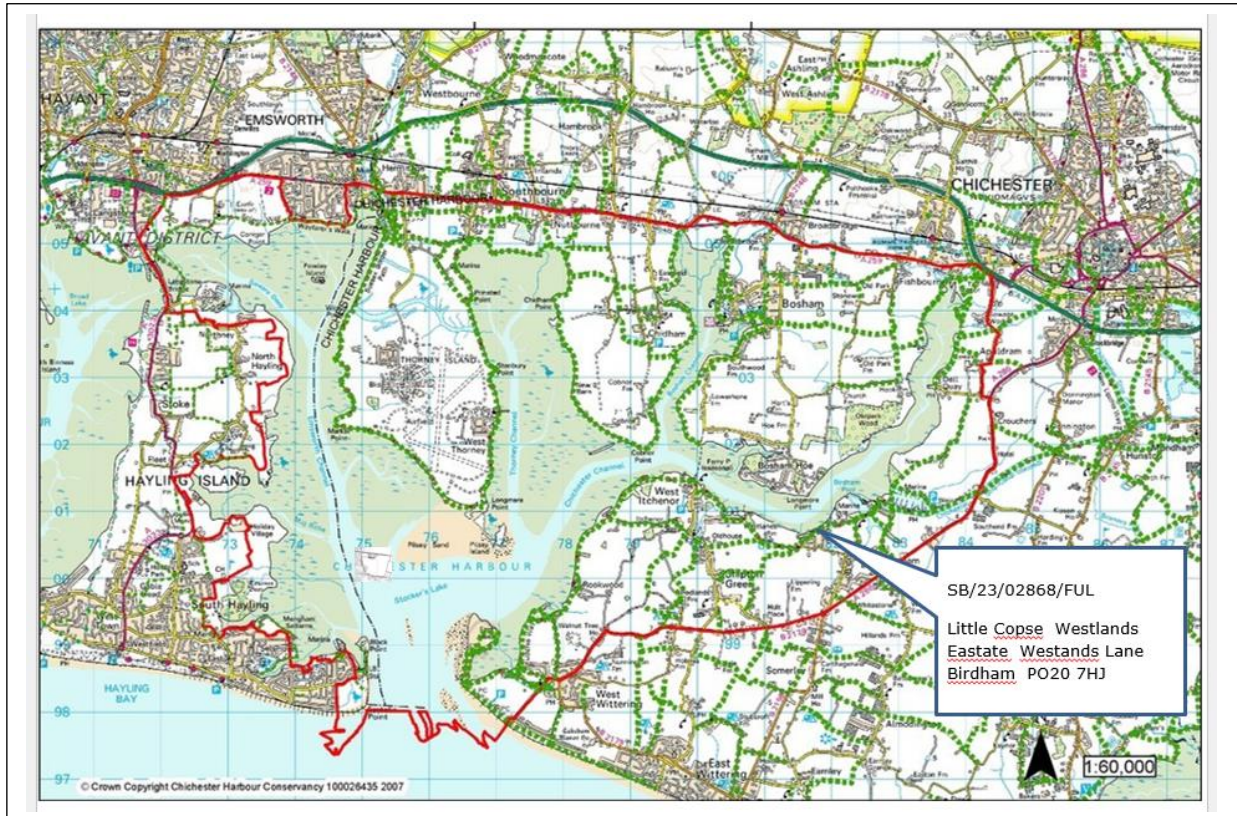
6.0 Conclusion

- 6.1 Overall the proposed development is of a sympathetic form and design and would be of a layout, density, scale and appearance which would be in keeping with the village and would not be overly dominant within the street scene or immediate area. As such, subject to the recommended conditions to secure appropriate materials, lighting, ecological mitigation and enhancement measures, protection of trees and provision of new planting, and the provision of sustainability measures for the new dwellings, the proposals would conserve and enhance the character and appearance of this part of the AONB / National Landscape in accordance with the relevant policies.

Local Planning Authority planning application references: BI/23/02868/FUL

Site: Little Copse, Westlands Estate, Westlands Lane, Birdham, West Sussex, PO20 7HJ

Proposals: Replacement dwelling, outbuildings and associated works



Recommendation – No objection, subject to planning conditions to secure:

- Biodiversity enhancements listed in Section 5 of the Phillips Ecology October 2023 report;
- The recommendations of sections 6 and 7 of the 10 January 2024, WT 106-23 AIA report by Wadley Trees Chartered Consultancy to be fully implemented in respect of tree/tree root protection and tree replanting;
- No bonfires on site during construction;
- All demolition materials to be removed from the site, unless agreed in writing with the local planning authority (for example recycling of rubble in the replacement house foundations);
- All piled foundations to be drilled by auger method only with no percussive piling, unless agreed in writing with the local planning authority;
- Public footpath adjoining the site to remain unobstructed during construction;
- Scheme of sustainable measures to be submitted/approved/implemented, with any solar panels to be fitted to be wholly black in colour finish including their surrounds/edging;
- Installation and subsequent retention in perpetuity of the timber louvre strips to the main glazed gable ends of the dwelling;
- Approval of a hard and soft landscape scheme, to include the replanting of at least 12 trees to heavy nursery standard, with its subsequent implementation within first

planting season after first occupation of the replacement dwelling: any soft planting which fails within 5 years of being first planted to be replaced;

- Samples of external facing and roofing materials to be approved and subsequently used to construct the replacement dwelling and outbuildings;
- Any works to trees specified in the submitted particulars to be carried out between 1st March to 1st October;
- No external lighting to be installed without approval of the local planning authority; and,

an informative in relation to bats and the developer's responsibilities under the Wildlife and Countryside Act 1981 and other legislation in respect of protected species.

Conservancy Officers' comments and reasoned justification

1.0 Site and its context

- 1.1 0.6 ha site on north side of Westlands Lane within the Chichester AONB boundary, on private street, outside defined settlement boundary for Birdham. The plot is split in two by a public footpath, which continues on to Court Barn Lane. The land portion to the north of the footpath is covered by a woodland TPO (seen hatched in mapping below) and a noted bat movement network on the Council website. No development is proposed in this northern land portion. The greater part of the site, where the replacement house and two outbuildings are proposed, sits east and south of the footpath. Whereas no trees within this larger part of the site are covered by a TPO they make a positive contribution to this rural part of the AONB. There are clear views of Little Copse looking south west from this footpath and of course along the Fishbourne channel from the Harbour, where the site/house sits in a prominent position at a bend in the channel. The house is not really visible from the Westlands Estate Road, owing to intervening properties.



- 1.2 Little Copse has a rendered ground floor with the upper level contained in the roofspace, with the northern element within a tile hung mansard, giving this part of the dwelling a two storeyed appearance, albeit with a truncated roof. Plain red clay tiles cover the roof. Bat surveys have been undertaken, showing that multiple bat roosts are present. A Natural England Licence will be needed to move roosting bats. Single storey outbuildings lie to the west linked via a wall/gates.



- 1.3 Houses within the Westlands Estate are mostly of vernacular design/materiality, no taller than two storeys in height and pitch roofed. Some are replacement dwellings, others original, but adapted/remodelled. Some images of the site and its context are shown below. The western, treed boundary screens eastward views of the site. Trees to the north, screen views south from the Harbour.





^ Seen from slipway in Harbour

v Seen from driveway and within garden





Limited views from public footpath





2.0 **Planning History**

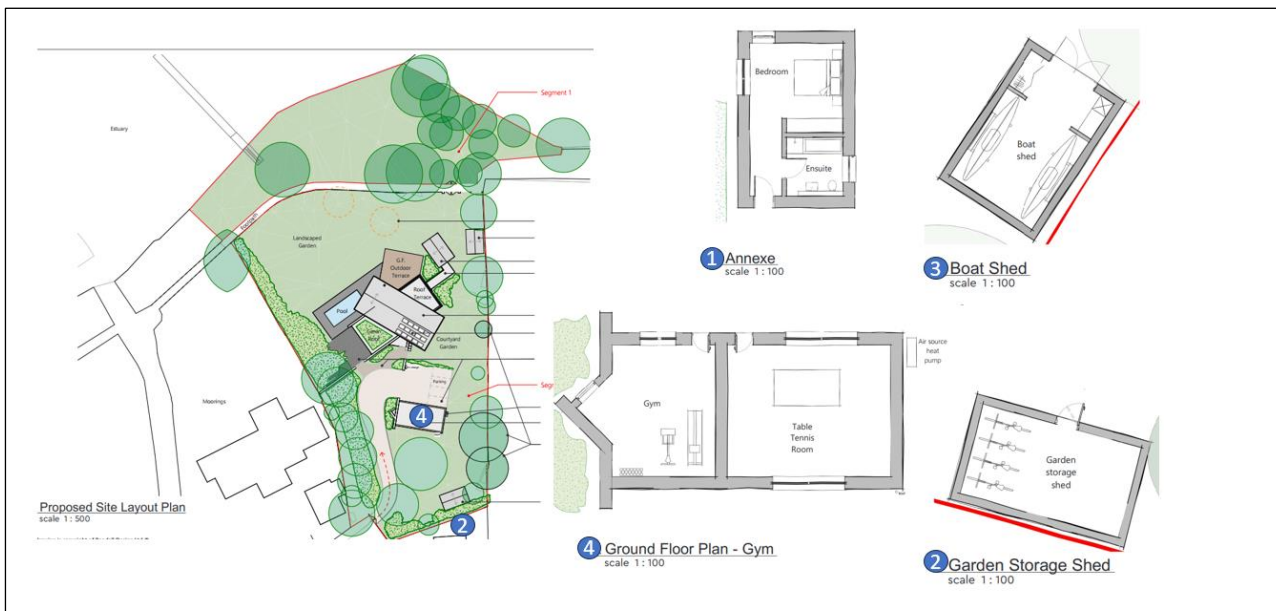
- 2.1 The property has been extensively altered and extended. A schedule of applications made is set out in the table on the next page. A jetty extension leading out from the northern part of the plot was refused in 1984. Apart from that decision, all other applications have been approved. Applications before 1993 are not available to view on the Council website, but the original dwelling profile is likely to have been that portion with the main hipped roof. Silhouette increases ordinarily should be calculated from the original dwelling profile, but the applicant has calculated these from how the dwelling appears now.

Little Copse Planning History

No	Application No	Application Date	Decision Date	Status	Description
01	77/00076/BI	1977	1977	Permit	Alterations and additions
02	79/00027/BI	1979	1979	Permit	Garage Extension
03	79/00080/BI	1979	1979	Permit	Kitchen Extension
04	83/00046/BI	1983	1983	Permit	Swimming Pool
05	83/00030/BI	1983	1983	Permit	Extension
06	84/00022/BI	1984	1984	Refused	Construction of access jetty from land owned by applicant to half tide mark across land controlled by the Chichester Harbour Conservancy
07	86/00052/BI	1986	1986	Permit	Extension over ground floor
08	89/00114/BI	1989	1989	Permit	Proviison of pitched roof to existing workshop and extension to form store for garden tools and machinery
09	97/O1783/DOM	1997	1997	Permit	Proposed Shed
10	03/01546/TPA	2003	2003	Permit	Reduce Lowest Eastern Limb of an Oak tree within woodland W1, subject to TPO/9/BI

2.2 Under Conservancy reference CHCPREAPP 23/23 BI, pre-application advice was sought by the applicant in November 2023. Officers responded 17/11/2023 on a without prejudice basis offering general support, subject to having matters of certain details clarified in a formal planning application, including the need for the annexe.

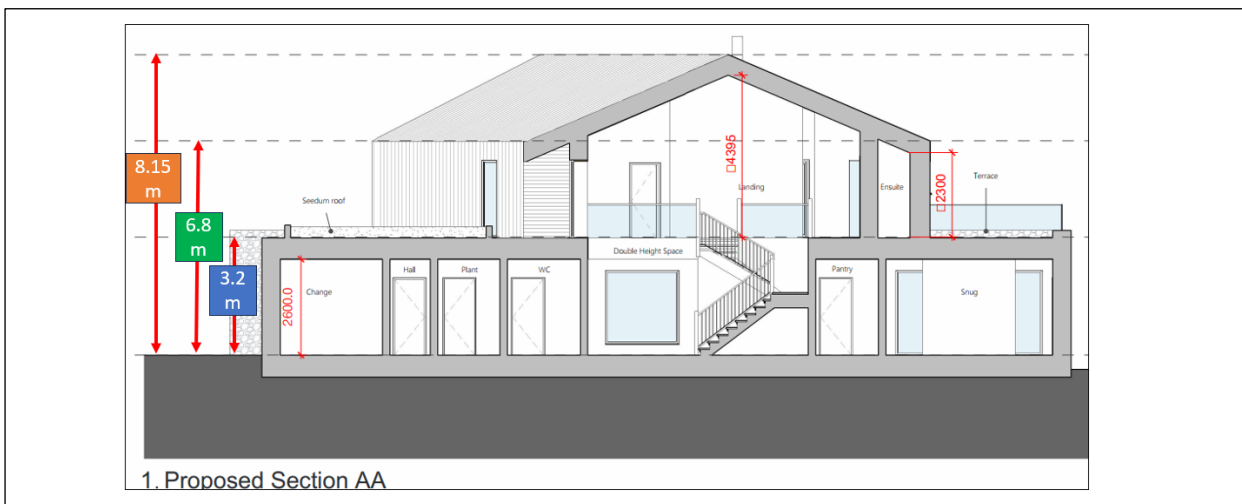
3.0 Proposed development



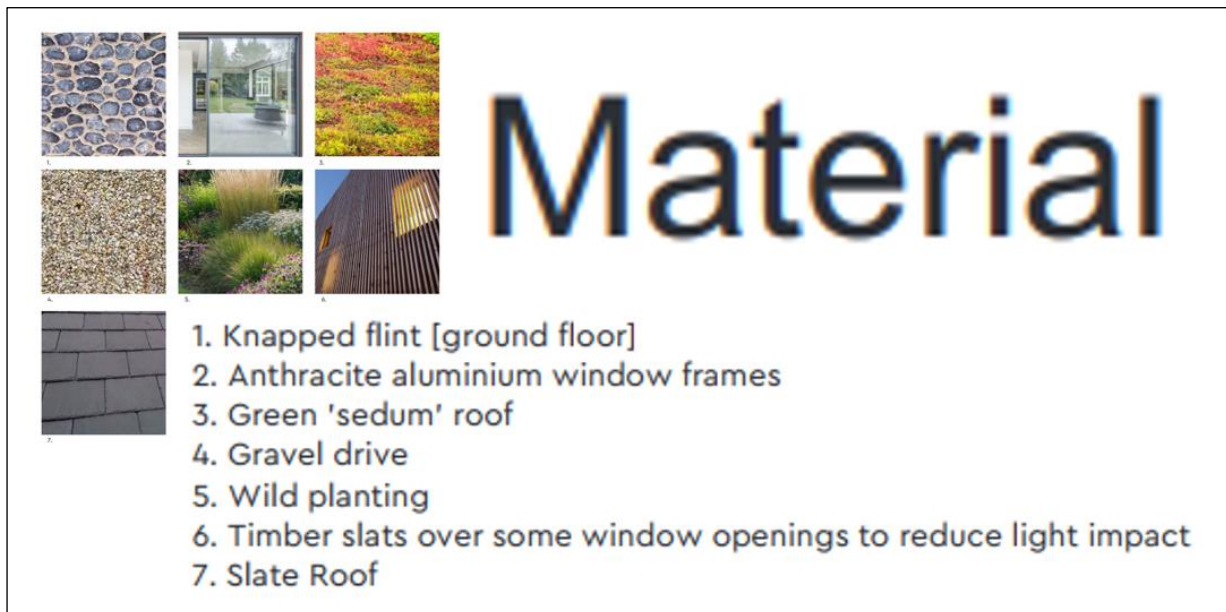
3.1 The applicant proposes to demolish/remove the existing chalet style (No. of bedrooms not specified) dwelling/garage/outbuilding and replace these with a full two storey eaves house (5 bedrooms including one in a linked 'annexe'). The annexe (for guests), with an en-suite bathroom and three other detached outbuildings would be single storey in scale, two standing forward of the main house harbour aspect, the others

behind, one close to the vehicle access, seen in the proposed site plan below. The gym would be flat-roofed.

3.2 The next two diagrams show building element heights from the existing dwelling, with that below from the proposed, all scaled from the submitted drawings. Ground level at the site is generally 5.345m AoD. The new house would be seen in the context of mature trees to be retained at the site. The diagram below that shows the silhouette comparisons from two perspectives.



3.3 The proposed materials palette is shown below.



3.4 The application is supported by the following technical reports –

- Arboricultural report (based on Randell proposed site layout 292 / 3.001 Rev 5: N.B. the submitted plan is Rev 6)
- Bat roost assessment ("*...the house supports five common pipistrelle bat day roosts and two soprano pipistrelle bat day roosts*")
- Design and Access Statement
- Sustainable Design and Construction Strategy
- Geotechnical report on ground conditions and foundation design - a piled foundation solution was considered the most suitable subjected to incorporating measures to address both tidal and groundwater influences. Percussive piling is spoken of in this report, but it is uncertain whether this just relates to surveying ground conditions to formulate detailed foundation design.

3.5 Whereas it is anticipated a hard and soft landscape design will be conditioned, no details of this have been submitted, although a green roof is planned on the flat roof of the ground floor projections.

3.6 The sustainable construction report concludes that a 20% improvement over what is required under Building Regulations can be achieved, principally through a fabric first approach, with a highly insulated building envelope and utilising passive solar gain (as well as installing solar panels and air source heat pumps). An EV charging points will be installed and the garden store shows space to store at least 4 bicycles.



- 3.7 Bats have been found to be roosting in the existing dwelling and foraging around it. A Natural England licence will be required to relocate them prior to demolition commencing. Two trees are to be removed in front of the house (seen circled yellow in the photograph above).
- 3.8 The replacement dwelling's design is unusual in one respect. The first floor is cantilevered at an angle over the ground floor. An external swimming pool would sit within a decked terrace to the harbour elevation. The architect has explained this choice of design in the following way -

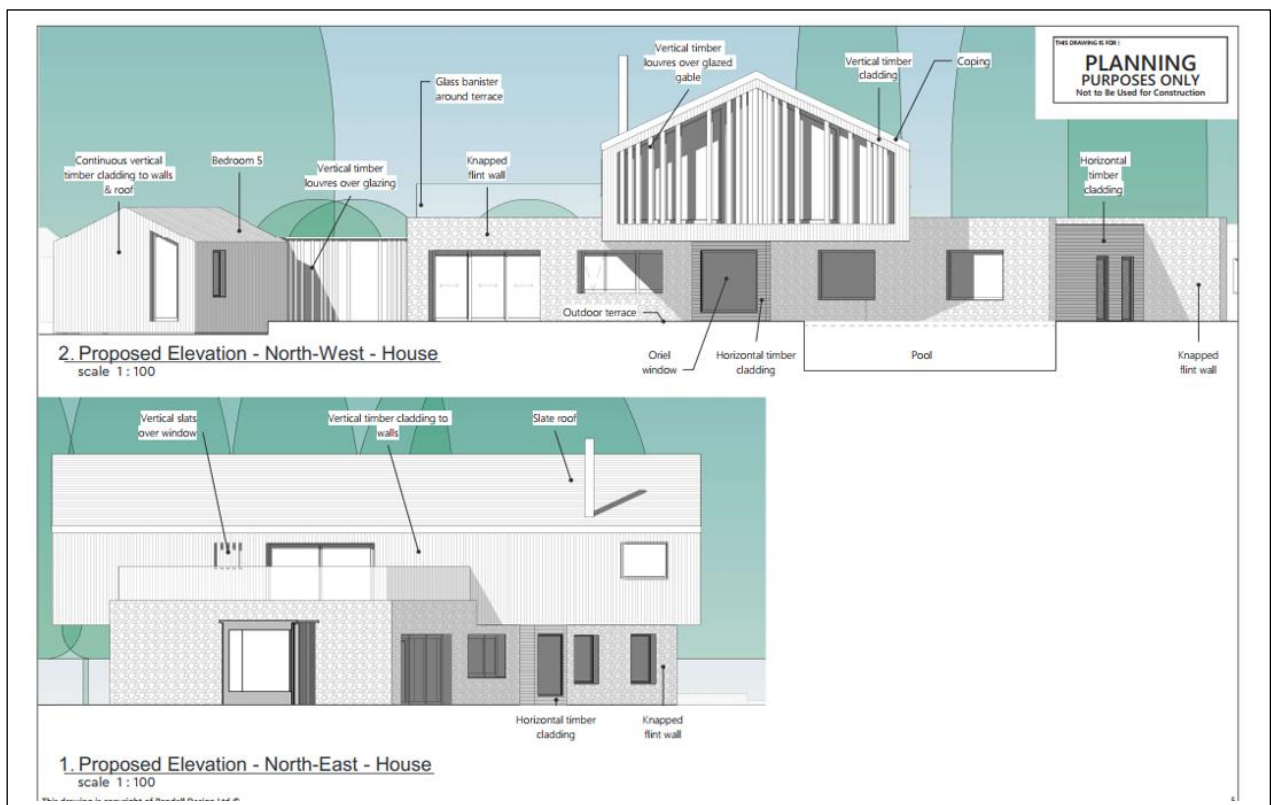


"The first floor has a pitched roof and is rotated almost perpendicular to the ground floor. This has 2 benefits. Firstly, it maximises the views both down the harbour and across the fields to the east. Secondly, it minimises the perception of the size of the first floor from the public realm, as only the shorter gable ends are visible from the footpath through the fields and the estuary."

3.9 Looking between the plans shown at the pre-app stage and those formally submitted now, little has altered in the elevations, with the exception of –

- a timber slatted roof being replaced with natural slate on the main house (confirmed by page 15 of the DAS, even though page 16 of the DAS and page 5 of the application form has not been updated to reflect this) and solar panels added to part of south-west roof surface;
- Some additional vertical timber louvres added to certain window openings;
- link added to annexe, glazed to Harbour and rear covered with vertical timber cladding;
- external swimming pool made deeper;
- glazed balustrade to first floor terrace increased in height;
- a flue added to the roof surface, serving a fireplace in the first floor living room;
- the gym outbuilding added to the site layout.

The applicant continues to show the main glazed gabled ends of the first floor mitigated by the installation of vertical timber louvres. The Harbour elevations shown below.



***Policy framework**

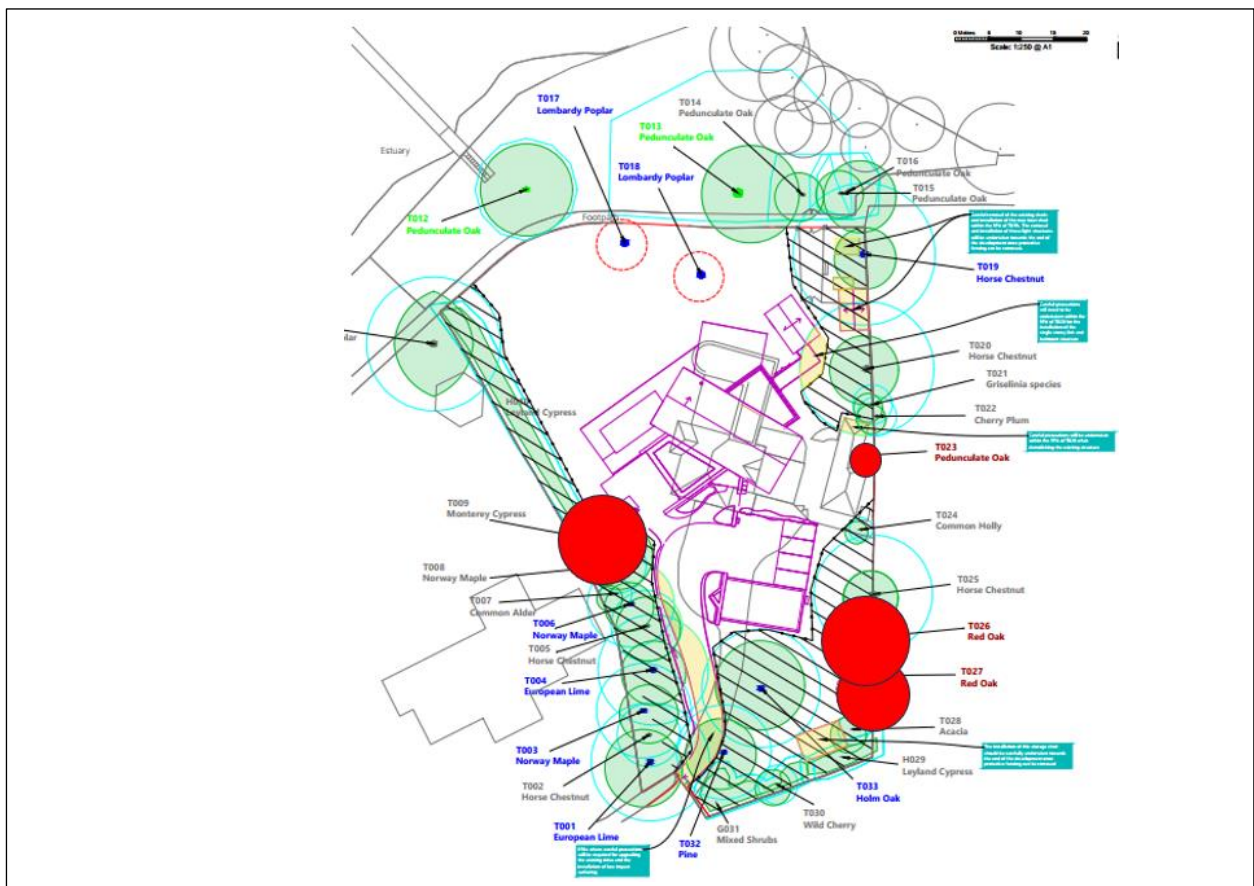
NPPF - 1-3, 6-12, 20, 28-30, 38-43, 47-48, 55-56, 85, 96, 108, 111-112, 114-116, 118, 123, 131-132, 135-136, 138-140, 157-160, 162-165, 173, 176, 180, 182, 185-186, 191,

224-225; **NPPG** – ID’s 6-8, 21a, 26, 31; **CLP** – 1, 22, 33, 39-40, 43, 45, 48-49; **BNP** –5-6, 13-18-21, 24; **CLPSV** - NE1-NE2, NE5, NE8, NE10-NE16, NE21, P1-P2, P4-P5, P8, T2-T4; **CHMP** – 1-2; **PP** – 01, 03, 09; **SPG/SPD**.

4.0 **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 It is disappointing that the sustainability section of the DAS says ‘*Retaining existing mature trees*’ and yet 6 mature trees are shown to be removed in the arboricultural report (only two [Lombardy poplars, described as ‘*inherent weak trunk and stem attachments that could be prone to failure if left unmanaged*’]) marked on the Randell proposed site layout plan, without any firm details of replacement planting to demonstrate enhancement of the AONB. The other 4 trees recommended for removal are lower graded/poor specimens and shown by red shading, in the submitted tree protection plan below.



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 bat report does recommend some biodiversity enhancement, namely –

- three Schwegler 2F bat boxes or similar will be installed at 3 metres on mature trees located within the site grounds;
- two open fronted boxes installed at least 2m above ground within a sheltered position within the garden or on the new build;

- additional native tree and shrub planting, to enhance the existing site habitats; and,
 - the provision of swift nesting boxes on the external elevations of the new building.
- 4.1.3 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.
- 4.1.4 The geotechnical report recommends that pile foundations are used. Clearly this is a very tranquil part of the AONB, adjacent to important international ecological designations – particularly for overwintering birds. Loud noises can easily disturb birds, disrupting their eating patterns and the amount of energy they need to take on board to fuel their long journeys. It is therefore recommended that no percussive piling take place and that this be required by planning condition. If the developer cannot implement the scheme by auger piling, further discussions would need to take place to understand the detailed timing of piling works.
- 4.2 **Flood risk and foul/surface water drainage** –
- 4.2.1 The site is raised up from the Harbour, within Environment Agency flood zone 1 (least risk). The submitted particulars say the applicant will consider sustainable drainage systems, although no detail is given.
- 4.3 **Urban design and high quality, low carbon design** –
- 4.3.1 The existing dwelling has a rather ‘jumbled’ and un-cohesive appearance. There is no objection to its loss. Notwithstanding the novel design, the architect has designed an attractive dwelling, whose muted materials palette will sit comfortably in the landscape on such a large plot.
- 4.3.2 No garage is proposed and one is left thinking whether if this application is approved, a further application will be made for such a facility. Officers have noted a ‘rash’ of such repeat applications recently within the AONB. As always, such applications are always considered on their merits and in accordance with national and local policy, but it is disappointing that a holistic approach is not taken when applicants consider replacing a dwelling, especially when the original dwelling profile is not used to calculate increases in silhouette (which can be evidenced from earlier applications at the site, in accordance with Conservancy Planning Principle 03). The stated 7% and 13% increases are likely to be much more than the original dwelling profile. Paragraph 12.1 of the Joint CHAONB SPD, on page 23 states that the silhouette will be calculated against the existing elevation, whereas in terms of footprint, the original dwelling footprint is to be calculated from. This subtle difference in terms of what is to be calculated from is unfortunate and can lead to a situation where developers just keep adding up to 25% to the silhouette every time a replacement dwelling is extended, which needs to be avoided to protect the natural beauty of the AONB, where the landscape should dominate, not built form. In this application, the agent has taken the unusual approach of calculating ground and first floor footprint comparisons, instead of just calculating the overall footprint of all built form. Thus, the ground footprint increase is given as 17%, but is actually slightly greater when taking account of the first floor overhangs. Still, it is well within the 50% tolerance in the SPD and this is a very large plot.

4.3.3 It is clear that the applicant is committed to incorporating sustainable measures, set out in the design and access statement. However, this is merely a shopping list of potential items and one is left with the impression that very little is actually definitely specified, with words like 'may include' and 'will be considered', rather than a firm commitment *now*, to meet the requirements of local plan policy 40. A scheme of measures can be delivered via a suitably worded planning condition for subsequent implementation as part of the build if planning permission is granted.

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 Whilst the design is quite unusual, there is sufficient diversity in dwelling appearance within the estate (and Greenacres further west) for this not to be an issue for Conservancy Officers.

SRL – for 26.2.24 Planning Committee. Comments requested by 20-2-24. Extension of time granted by the Council.

***Abbreviations used:**

NPPF – National Planning Policy Framework (December 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 –

DAS – Design and access statement





Appeal Decision

Inquiry held on 12 – 14 and 19 - 21 September 2023

Site visit made on 14 September 2023

by R Norman BA(Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2024

Appeal Ref: APP/L3815/W/23/3319434

Land off Main Road, Birdham PO20 7DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Gladman Developments Ltd against Chichester District Council.
 - The application Ref 21/01830/OUT, is dated 7 June 2021.
 - The development proposed is 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.
-

Decision

1. The appeal is allowed and outline planning permission is granted 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 at Land off Main Road, Birdham PO20 7DR in accordance with the terms of the application, Ref 21/01830/OUT, dated 7 June 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was originally submitted in outline form with all matters reserved apart from access. Matters relating to the layout, appearance, scale and landscaping of the proposal will be considered as part of later Reserved Matters applications. Indicative plans, including a Development Framework Plan, showing a possible layout have been submitted and I have considered these as illustrative only at this stage.
3. The proposal has been accompanied by two legal agreements, a Section 106 Agreement¹ and a Unilateral Undertaking². I will return to these later on.
4. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023. The parties have been given the opportunity to provide

¹ Planning Agreement Under Section 106 of the Town and Country Planning Act 1990 relating to Whitestone Farm, Main Road, Birdham, Chichester, West Sussex, PO20 7UH between (1) Chichester District Council (2) West Sussex County Council (3) Deborah Anne Osborne and Julie Elizabeth Mary Jones (4) Itchenor Gate Farms and (5) Gladman Developments Limited dated 14 September 2023.

² Planning Obligation by deed of undertaking under Section 106 of the Town and Country Planning Act 1990 relating to Whitestone Farm, Main Road, Birdham, Chichester, West Sussex, PO20 7UH (1) Deborah Anne Osborne and Julie Elizabeth Mary Jones (2) Itchenor Gate Farms and (3) Gladman Developments Limited dated 14 September 2023.

comments on the changes and I have taken these comments into consideration. Where references are made to the Framework in this decision, they relate to the December 2023 version unless otherwise specified.

Main Issues

5. The main issues are:

- The effect of the proposed development on the landscape, character and appearance of the area;
- Whether the development would be in a suitable location having regard to access to services and facilities and the scale of the proposal;
- Whether the development could ensure suitable provision for drainage infrastructure;
- Whether the development provides sufficient contributions towards infrastructure, with particular reference to the strategic highway network comprising improvements to the A27; and
- Five year housing land supply and its policy implications.

Reasons

Landscape, Character and Appearance

6. The appeal site is an agricultural field located adjacent to the A286 in Birdham. On the opposite side of the road are a mix of dwellings, a convenience store and a petrol station. There is also a village hall, playground and recreation field in proximity to the appeal site. The proposal would introduce up to 150 dwellings into the site along with public open space, vehicular and pedestrian access and connection points.
7. The appeal site falls within the South Coast Plain National Character Area NCA ID 126 and the Chichester Harbour Character Area SC3. It is also identified as being within Sub Area 98 in the Chichester Local Plan Review 2035 Landscape Capacity Study. The relevant characteristics of these areas, collectively, include flat coastal landscapes, undisturbed stretches of coastline, harbour landscapes including marinas and boatyards, stretches of farmland between developed areas and urban areas. Sub Area 98 of the Landscape Capacity Study is classed as a landscape of medium visual sensitivity which could have some capacity to accommodate some areas of new development, subject to the impacts on the setting and form of existing settlements and the sensitivity of adjacent landscape character areas.
8. The Birdham Parish Neighbourhood Plan (BPNP) includes supporting maps in Policy 3 and Policy 4 showing green infrastructure and ecology networks and important views. However, the appeal site itself does not fall within these areas or views. Policy 4 however does require any development to maintain the local character of the landscape.
9. A Landscape and Visual Assessment³ has been carried out which has assessed the visual and landscape baselines, and the likely effects of the proposed

³ CD E15 Landscape and Visual Assessment June 2021 – The Environment Partnership

development on the surrounding landscape. This included a number of visualisations from various viewpoints. The appeal site is reasonably well enclosed by existing established vegetation. A hedgerow runs partially along the site frontage with varying heights and densities, allowing for some views through into the appeal site. From the rear of the site, there are views across the appeal site from the public right of way, with the existing dwellings on Main Road visible beyond. Whilst there are some more open areas and some gaps along the site boundaries, it is read as a fairly well enclosed single parcel of land.

10. The Landscape and Visual Assessment assessed a number of visual receptors around the appeal site including from the recreation ground, the public rights of way, surrounding rounds and nearby properties. Of these receptors, the only one with a high sensitivity was found to be for visitors to the recreation ground, and whilst the public rights of way around the appeal site had high susceptibility, the sensitivity of these areas were concluded to be medium. It identifies that the overall effect on the site and immediate surroundings would be moderate adverse, which would decrease over the years until Year 15 when it would be classed as minor adverse as a result of the proposed planting having matured. I consider that the main visual and character impacts will be short range, from the adjacent public rights of way and Main Road.
11. Along the A286 a reasonably large proportion of the built development is along the opposite side of the road to the appeal site however the settlement extends back from the road by some distance and is not a typical linear settlement. The proposal would therefore introduce a consolidated form of development into an area which at present, is characterised by more sporadic properties and commercial enterprises to the north east further along Main Road. Nevertheless, I have had regard to the location of the existing properties sited close to the appeal site, along The Straight, Bell Lane and Pinks Lane and consider that the development of the appeal site would be read in the context of these properties also when travelling through the village. As such, I find that the development of the appeal site would not be completely at odds with the character and appearance of the area and, with sensitive and careful design and layout, would assimilate into the existing built form to an acceptable degree. Furthermore, when viewed from the rear and along the public right of way, the proposed dwellings would be seen in the context, and against the backdrop, of the existing properties on Main Road.
12. The appeal site itself is not located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB) however adjoins it. The Chichester Harbour AONB Landscape Character Assessment includes the appeal site in LCA I1: Manhood Peninsula. This character area is defined as having predominantly open arable farmland, medium to large-scale field patterns, historic north-south road and settlement patterns and a largely undeveloped character, amongst other things. The Chichester Harbour Conservancy have provided a letter outlining their objections to the proposal in relation to the impacts on the AONB.
13. I acknowledge that there would be a change in the nature of the appeal site when viewed from Main Road towards the AONB and I have had regard to the characteristics of the site in its current form and its contribution to the setting

of the AONB. The Landscape and Visual Assessment⁴ identifies the landscape receptor overall effect for the various receptors and concludes a sensitivity level of high for the Chichester Harbour AONB and its setting. It goes on to consider that the magnitude of effect and overall effect during the construction period, at year 1 and year 15 would be localised, low negative and negligible overall.

14. As the appeal site is relatively enclosed as a result of the existing boundary treatments this reduces the strength of the links with the wider landscape and its contribution to the AONB. From a number of locations in and around Birdham the appeal site is seen within the context of the existing built form and activity in the village, not just in terms of housing but also the convenience store and petrol filling station. As such, I find that the proposed development could be carried out in a way which would not be detrimental to the setting, character or enjoyment of the AONB, subject to appropriate landscaping and design of the properties themselves.
15. As part of the proposed development, the majority of the site boundary trees and hedgerows would be retained. In addition, further planting and substantial green infrastructure would be introduced into the site to strengthen the existing boundaries and to soften the overall appearance of the development. There would be a substantial green buffer to the eastern boundary which would minimise the impacts on the countryside beyond. The Development Framework and Design Code demonstrate careful thought into the form of the proposed development and any subsequent proposal in line with the indicated parameters would have good potential to achieve a high quality development, with the green infrastructure serving to soften the transition between the built form of the development and the countryside. Given the close range and limited visual and character impacts, I find that with careful design and landscaping, the proposed development could be adequately assimilated into the landscape.
16. The appeal site comprises agricultural land which was in use for growing crops at the time of my visit. The soil sampling carried out by the Appellant indicates that the land comprises Grade 2, Grade 3a and Grade 3b. Grades 2 and 3a are categorised as being best and most versatile (BMV) agricultural land and are therefore high quality. Grade 3b does not fall within this categorisation. As such, there would be a loss of good quality agricultural land however this would amount to a relatively small area in the context of the wider agricultural landscape. Furthermore, I have been provided with the Natural England Agricultural Classification Map which shows that a large proportion of the agricultural land outside of the AONB falls within Grades 1 and 2. Coupled with the designations of the AONB this results in a degree of constraint for developable land within the area.
17. Given the above considerations, whilst it is unlikely that housing on a greenfield site would not cause any adverse visual and landscape effects by its very nature, I find that the proposed development could be successfully assimilated into the landscape, subject to a robust and careful landscaping scheme and a sensitive layout and design. I have considered the existing settlement pattern however find, for the above reasons, that the introduction

⁴ Table 3

of dwellings into this side of Main Road would not be unacceptably harmful to the character and appearance of the area. Furthermore, I accept the findings of the Landscape and Visual Assessment and with the proposed mitigation measures and a carefully designed scheme the proposal would not give rise to unacceptable impacts on the landscape, the surroundings or in terms of any of the character areas.

18. Accordingly, the proposed development would therefore comply with Policies 33, 43, 48 and 52 of the Chichester Local Plan 2014 – 2029 (Local Plan), which seek to ensure that proposals meet the highest standard of design, are in keeping with and protect the character of the surrounding area and its setting in the landscape, conserve and enhance the natural beauty, local distinctive features, character and special qualities of the AONB and contribute towards the provision of additional green infrastructure, amongst other things. It would also meet the aspirations of Birdham Parish Neighbourhood Plan (BPNP) Policy 16.

Access to services and facilities and the scale of the development

19. Policy 2 of the Local Plan sets out the settlement hierarchy and identifies Birdham as a Service Village. Service Villages follow Chichester City and the Settlement Hubs as the third priority for new development and facilities, comprising of small scale housing developments, local community facilities and small scale employment, tourism or leisure proposals. Policy 5 of the Local Plan expands on this and details that small scale housing sites will be identified to address the specific needs of local communities and assigns an indicative housing number of 50 to Birdham. This is reflected in Policy 12 of the BPNP, which also highlights that there are no plans to allocate sites at present.
20. The appeal site is located adjacent to, but outside of, the defined settlement limits for Birdham. Policy 2 also refers to development in the countryside and states that development in these areas are restricted to that which requires a countryside location or meets an essential local rural need or supports rural diversification. Policy 45 expands on this and reiterates the types of developments and criteria that would be supported in a countryside location. Policy 13 of the BPNP shows the Settlement Boundary Area for Birdham and states that outside of this boundary is deemed to be rural and Policy 15 reflects Local Plan Policy 45. The proposal does not meet the criteria within Policies 2 and 45 in relation to the countryside.
21. The proposed development would considerably exceed the 50 dwellings specified within Policy 5 and would represent around a 20% increase in the number of dwellings in Birdham at present. Policy 14 of the BPNP states that schemes for 5 or fewer dwellings within the Settlement Boundary Area will be supported subject to criteria. Nevertheless, it is necessary to consider the level of services available to support the settlement and a numerical or percentage increase in itself may not be harmful.
22. Within Birdham facilities and services include a convenience store, located opposite the appeal site, garden centres and café's, a recreation field and club, a petrol station with small shop and a primary school. There is also a business park which may provide opportunity for employment, albeit limited. Plans have been provided which show the walking and cycling distances between the

appeal site and the wider area⁵. These demonstrate that there are reasonable opportunities for access to a number of facilities by foot or cycle and I note the location of local Public Rights of Way⁶.

23. Further afield, Chichester is located to the north east of Birdham, accessed via the A286, and provides a wide range of facilities including employment opportunities, numerous shops and restaurants and a train station with regular services to wider areas. There are existing bus services between Birdham and Chichester, amongst other places, with bus stops located in proximity to the appeal site. I have been provided with details of the bus services and frequencies which demonstrate a reasonable level of service⁷ including some into the evening. It would be possible to catch a bus to Chichester and then utilise the train services further afield. The station in Chichester provides regular services to wider locations including Portsmouth, Brighton and Gatwick Airport.
24. In addition, the development would include a number of highway improvements and links including additional pedestrian routes, crossings, and upgrades to parts of existing public rights of way which would contribute to the accessibility to other areas by means other than the private car.
25. Given the above, whilst the proposed development would exceed the indicative number of 50 dwellings in Policy 5 and would not meet the criteria within Policies 2 and 45 of the Local Plan or Policies 12, 13, 14 and 15 of the BPNP, I find that the level of services in Birdham, as well as the accessibility to wider facilities and services in Chichester and further afield, mean that Birdham is a suitable location for new development. I accept that future residents of the proposed development may be likely to use private vehicles to access services in the wider area particularly as there may be limited employment opportunities within Birdham itself, however I find that there are sufficient and suitable options for alternative transport methods provided to allow access to other areas for a range of journey purposes which would comply with the provisions of Policies 8 and 39 of the Local Plan and Policy 10 of the BPNP. The aims of Section 9 of the Framework would also be met.

Drainage

26. The appeal site is located within an area classed as Flood Zone 1. The proposal has been accompanied by a flood risk assessment⁸ and a groundwater information note⁹ and the site has been assessed via boreholes and the monitoring of groundwater levels over different periods within 2021 and 2022. The data used identifies the appeal site as being at a negligible risk of groundwater flooding. The proposed development would include a surface water management system including the retention of the existing pump and arrangements for flow attenuation. I note that the Development Framework demonstrates that there are substantial areas within the site that would remain undeveloped, such as the areas of open space.

⁵ CD E21 Figures 5.1 and 5.3

⁶ CD E21 Figure 5.2

⁷ CD E21 Transport Assessment Section 6.2.2

⁸ Lees Roxburgh Flood Risk Assessment Ref: 6573/R2

⁹ Land off Main Road, Birdham – Groundwater Information (E11)

27. The development would incorporate a connection to the existing watercourse network to the south eastern corner of the appeal site, as it has been identified by the submitted Flood Risk Assessment that the ground investigations carried out indicate that the conditions, resulting from the underlying sand, silt and clay, would not be suitable for infiltration based drainage. As such, flow attenuation would be via a piped system and pumped, with overall flows restricted to the identified Q_{bar} rates.
28. I note that within the area to the south of site in the vicinity of Briery Cottage and Pink's Lane it has been identified that there have been flooded ditches. The Appellant's LIDAR data and site contour analysis indicates that all surface water leaves the site via the ditch at Briery Cottage. In contrast, at the Inquiry a topographic survey¹⁰ was provided by the BVRA indicating the likely flows from the appeal site from the four catchment areas, with water from catchments B and C leaving the site from the north east and eastern boundaries of the site.
29. In terms of surface water flows, based on the evidence before me, whilst there may be some flows to other areas around the site, it is demonstrated that much of the flows from the appeal site are directed towards the south eastern corner and into the drainage system there. The flows would be directed to the network to the rear of Briery Cottage, to the system that runs along Pinks Lane and onwards to Bookers Lane. Furthermore, it has been shown within the Catchment Assessment that whilst some water may leave the site at points other than the south eastern corner, the flows are then likely to run back towards this point¹¹.
30. The differences between topography and LIDAR data has been highlighted and I accept that topographical is more accurate with a tolerance of +/-5mm rather than +/-15mm associated with the LIDAR approach. However, the figures that I have show the topographical data mainly contained within the site and the LIDAR goes wider. I understand that it is an industry standard to use LIDAR and to carry out topographical surveys over a wider area may be difficult. The analysis has been carried out using both a Digital Terrain Model (DTM) and a Digital Surface Model (DSM) and the results only show a slight difference between the DTM and DSM flow routes. As such, I am satisfied with the appropriateness of the use of LIDAR for assessing the appeal site and surroundings.
31. Reference was made to the Briery Cottage ditch being flooded during the surveys. However, the extent of this was not clarified and there is little evidence to suggest that it had breached and overtopped the ditch at this time. A number of local residents raised concerns in relation to the impacts upon their homes from flood related issues previously and I have been provided with many photographs showing standing water and issues in the local area and further downstream. I viewed the hardstanding and pipe along Pink's Lane which is used by sewage tankers for pumping. I also have had regards to the photographs and additional information provided by Dr Ross in relation to flooding and drainage issues in the area. I understand the significant concerns that the local residents have in relation to this issue, however, it is not clear to me the specific details of these events and I have limited details of the evidence base which accompanied the information presented to me. Also,

¹⁰ ID1 33217 Drawing 04 Rev P1 – Topographic Survey

¹¹ Dr Ellis Rebuttal Proof of Evidence

whilst this existing situation would impact on the lives of local residents, based on the extensive information provided to me in relation to flood risk and water flows in and around the site, it has not been demonstrated that the proposed development would result in significant increases in the volume water flows to this point to exacerbate these issues or that the site could not be developed with suitable measures in place to prevent additional and excessive flows. Furthermore, in relation to the concerns over foul water drainage and previous issues faced by the residents, Southern Water have a statutory duty to ensure that the system is satisfactory and fit for purpose and does not lead to issues locally or elsewhere.

32. Following the Inquiry further points relating to the drainage network were provided by a local resident. I have considered these, however find that they raise no additional evidence or material considerations that would alter my findings in this instance. As such, this additional information does not alter any of my above conclusions.
33. I have had regard to the consultee responses, including those from Southern Water and the objections raised by the Lead Local Flood Authority (LLFA). Southern Water highlight that any network reinforcement that is deemed necessary to mitigate any increased risk of foul flooding from the sewer network would be provided by themselves and provides guidance relating to the requirements of the developer. It is usual that in principle development should connect to the local sewerage system at the nearest point where capacity exists and any works required can be secured by condition. Furthermore, the inclusion of relevant mitigation measures may also overcome constraints to capacity.
34. The LLFA's objections related to the details provided as part of the FRA, Surface Water Drainage Strategy and supporting information. However, having considered the content of these documents, as well as the evidence presented at the Inquiry and the Council's Surface Water and Foul Drainage Supplementary Planning Document¹² and the Strategic Flood Risk Assessment (SFRA)¹³ I am satisfied that the level of evidence provided is adequate and further information relating to additional flows, including velocity and volume, and the details of the appropriate schemes, drainage methods and mitigation measures can be reasonably secured by condition.
35. Considering all of the above, I find that it has been sufficiently demonstrated that the proposed development could achieve a suitable drainage system without resulting in adverse impact upon the surrounding area and that the use of a pumped system is justified. I therefore find it appropriate to secure the additional required information in relation to drainage and flooding via conditions to ensure that the site would not give rise to additional or exacerbate existing issues relating to the drainage network. The proposal would therefore comply with Policy 42 of the Local Plan which seeks to ensure that, as a minimum there is no net increase in surface water run-off and priority is given to incorporating SuDS unless it is proven that SuDS are not appropriate, amongst other things. It would accord with the aims of BPNP Policy 18, Policy 20 and Policy 21. It would also meet the aspirations of Section 14 of the Framework.

¹² CD B08

¹³ CDs C18, C19, C20, C21 and C22

Infrastructure Contributions

36. Two signed legal agreements, comprising a Section 106 Agreement¹⁴ and a Unilateral Undertaking¹⁵ have been submitted. It is only the matter of the contribution to the A27 mitigation that is disputed between the Council and Appellant.
37. Policy 9 of the Local Plan seeks to ensure that all development provides or funds new infrastructure, facilities or services required, both on and off-site, as a consequence of the proposal and, where appropriate, mitigate the impact of the development on existing infrastructure, facilities or services and fund or contribute to improvements to increase the effectiveness and efficiency of infrastructure, facilities or services, amongst other things.
38. Whilst the appeal proposal in isolation would not result in a severe impact on the highway network, the Council have considered that the cumulative impact on the highway network gives rise to the need for mitigation contributions. The Council consider that the current A27 improvement contribution levels in accordance with Policy 9 of the Local Plan and the Planning Obligations and Affordable Housing Supplementary Planning Document are no longer appropriate and to proceed with the lower amount would leave a considerable shortfall. I have also been provided with a letter from National Highways¹⁶ which supports and provides reasons for this position.
39. A number of junctions of the A27 are currently operating over capacity. The Chichester Transport Study¹⁷ was carried out in January 2023 which identified that, going forward, a significant mitigation package would be required overall, identifies a number of schemes in relation to the A27 and prioritises the A27 Fishbourne junction and Bognor junction. It also highlighted estimated costs of between £89 million and £134 million for the A27 schemes and considers that the current requirements are unlikely to achieve sufficient funding to support the various schemes in the short term and by the end of the Local Plan period of 2039¹⁸.
40. The Council have prepared a draft A27 Chichester Bypass Mitigation Supplementary Planning Document¹⁹ (August 2023) (draft SPD) which had been before the Council's cabinet in September 2023. This identifies a new transport contribution based on the apportionment of the overall costs between the level of dwellings anticipated to come forward under the Local Plan Review²⁰. I am not seeking to undermine the work undertaken to date in relation to this matter, nor suggest that it is not relatively robust, I also acknowledge that the current policy is not sufficient to meet the costs arising in relation to the required works. However, this and its evidence base has not

¹⁴ Planning Agreement Under Section 106 of the Town and Country Planning Act 1990 relating to Whitestone Farm, Main Road, Birdham, Chichester, West Sussex, PO20 7UH between (1) Chichester District Council (2) West Sussex County Council (3) Deborah Anne Osborne and Julie Elizabeth Mary Jones (4) Itchenor Gate Farms and (5) Gladman Developments Limited dated 14 September 2023.

¹⁵ Planning Obligation by deed of undertaking under Section 106 of the Town and Country Planning Act 1990 relating to Whitestone Farm, Main Road, Birdham, Chichester, West Sussex, PO20 7UH (1) Deborah Anne Osborne and Julie Elizabeth Mary Jones (2) Itchenor Gate Farms and (3) Gladman Developments Limited dated 14 September 2023.

¹⁶ ID11 – National Highways Letter ref: NH Position Chichester SPD dated 11 September 2023

¹⁷ Stantec Chichester Transport Study: Local Plan Review Transport Assessment Dated January 2023.

¹⁸ Paragraph 9.11.1 Chichester Transport Study

¹⁹ CD L11c

²⁰ Draft SPD Paragraphs 4.8 – 4.12

been formally or fully tested as part of an adoption or local plan process. I have been presented with appeal decisions where the Inspectors have found in favour of the increased contribution, and where the Inspectors have concluded it is appropriate to accord with the current requirements, however based on the specific evidence provided and heard at the Inquiry in this case, I have concerns over the need to test the content of the draft SPD formally. I also acknowledge that there can only be a degree of certainty with the projects themselves and the need for flexibility however, I find that the documents provided to date do not provide a sufficient amount of detail of the works required and how the contributions would be used to meet the necessary tests.

41. Taking all of the evidence into account, whilst I acknowledge that the level of funding secured under the current arrangements would not cover all of the identified schemes. I note that the issue is a collective one and would not be as a result of this development in isolation. Nevertheless, the draft SPD has not been fully tested at this stage. Furthermore, whilst the affected junctions have been identified, I find that there is still a lack of clarity of the works required to the junctions. As such it has not been demonstrated that the higher amount has been justified and would meet the necessary tests. Accordingly, I find that the lower contribution, contained within the submitted unilateral undertaking is justified and meets the tests and as such, the clause within the Section 106 takes effect and the relevant provisions within the Section 106 do not apply.
42. In addition to the highway network contribution, the Section 106 Agreement secures the provision of affordable housing, the provision of first homes, contributions for recreation disturbance mitigation, the provision of open space and play area land, a travel plan and audit. In respect of these provisions, I am satisfied that these are necessary, directly related, and fairly and reasonably related in scale and kind. The Section 106 has been prepared in a way which I am satisfied will secure the necessary contributions.
43. Based on the evidence before me, I find that, in combination, the submitted legal agreements make suitable provision for infrastructure contributions that would sufficiently mitigate the impacts of the proposed development. It therefore complies with Policy 9 of the Local Plan and Policy 9 of the BPNP.

Five-Year Housing Land Supply

44. At the Inquiry, the parties agreed that there was a shortfall in the Council's five year supply of deliverable housing sites with three remaining disputed sites between the Council and Appellant, comprising Land North of Cooks Lane, Southbourne, Graylingwell Hospital, Chichester and Land West of Centurion Way, Chichester. There is also a difference between the Council and Appellant in relation to minor windfall sites and major windfall sites. In relation to the three disputed sites, the Council and Appellant's positions vary by 247 units and the windfall sites total a difference of 260. This has led to the Council's calculated position of 4.65 years in contrast with the Appellant's position of 3.9 years. An Interim Position Statement for Housing Development (IPS)²¹ was produced by the Council to provide an updated position. The IPS identifies 13 criteria by which development proposals should be considered. However, the IPS is not a formally adopted document nor a supplementary planning

²¹ CD B06

document, nevertheless I have had regard to the criteria in my assessment of the proposal.

45. The new National Planning Policy Framework (2023) was published on 19 December 2023 which included changes to the five-year housing land supply requirements, amongst other things. The comments received from the parties in relation to this new version considered that the new arrangements relating to the need for only a 4 year supply of housing land applies to the Council. The Council therefore are of the view that they can now demonstrate a sufficient supply of housing land as their calculations exceed the 4 years. The Appellant agreed that the 4 year requirement applies however, as they consider the housing land supply to be 3.9 years, they state that the Council still cannot demonstrate a sufficient supply and therefore the tilted balance still applies.
46. However, although I do not dispute the Council's revised position going forward, transitional arrangements have been put in place and Footnote 79 states that the policy contained in paragraph 76 and the related reference in footnote 8 of this Framework, and which refers to the 4 year change, should only be taken into account as a material consideration when dealing with applications made on or after the date of publication of this version of the Framework. Consequently, notwithstanding the new position, the transitional arrangements mean that in this particular case, as it was originally submitted prior to the 19 December 2023, the original housing land supply requirements apply.
47. Returning to the original position of the parties therefore, with housing land supplies of 3.9 and 4.65 years respectively, I find that it is not necessary for me to conclude specifically on the disputed sites as in either case there is a shortfall. The Council and Appellant, whilst having a difference in the five-year housing land supply, do not appear to consider that this makes a difference to the weight to be given to the provision of housing. Indeed, in both cases the Council's supply of housing land falls below 5 years.
48. It is agreed by the parties that the Council cannot demonstrate a five year supply of housing land and it is not disputed that this results in the relevant policies of the development being out of date. The Statement of Common Ground identifies the relevant policies²² in relation to this proposal and the most important policies as being Policy 2, Policy 4, Policy 5 and Policy 45. The Council and Appellant agree that they are considered to be out of date²³. As such, these policies cannot carry full weight.
49. Notwithstanding the housing land supply considerations above, the BVRA considered that the tilted balance is not triggered as a result of the reference to flood risk in Footnote 7. Paragraph 11 d) i states that where there are no relevant development plan policies, the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect these areas or assets of particular importance provides a clear reason for refusing the development proposed, and footnote 7 includes areas at risk of flooding or coastal change. However, I interpret the provisions of the Framework in this regard to relate to areas designated under Flood Zones 2 or 3 as being those at high risk. Based

²² Paragraphs 3.2.1, Paragraphs 3.3.3 of the Planning Statement of Common Ground (CD J01)

²³ Paragraphs 3.22 and 3.23 of the Planning Statement of Common Ground

on its flood risk classification, the appeal site is located within a low risk flood zone and whilst there has been much debate over the drainage matters, I find that the appeal site is not within an area at risk of flooding based on my drainage conclusions and the designation of the site within Flood Zone 1, which is low risk. Paragraph 165 of the Framework requires development to be directed away from areas at highest flood risk, and paragraph 167 highlights the need for a sequential, risk-based approach. Furthermore, the Planning Practice Guidance refers to areas at risk of river and sea flooding being principally land within Flood Zones 2 and 3 or where a Strategic Flood Risk Assessment shows it will be at risk of flooding in the future²⁴. The appeal site would therefore be sequentially preferable as it is largely within Flood Zone 1 and consequently, I find that the provisions within Footnote 7 in respect of flood risk do not apply in this instance and therefore the tilted balance applies.

50. Consequently, it has been demonstrated that, in this case, there is a shortfall in the Council's five year housing land supply and accordingly the proposed development would make a contribution to the housing need. I will return to this and the weight that it should carry in the following planning balance section.

Other Matters

Highways Matters

51. The proposed vehicular access to the appeal development would be off Birdham Road towards the northern corner of the site. At this point along Main Road, visibility is good. There would be pedestrian and cycle paths along the site frontage, within the landscaping buffer of the appeal site, which would link up with the existing footpath and public rights of way. There would also be an additional pedestrian crossing provided on Main Road and contributions towards improvements to the cycleway between the appeal site and Sidlesham Lane.
52. There have been a large number of concerns raised from local residents in relation to congestion and delays on the A286 and difficulty accessing other areas at certain times of the day. As part of the Transport Assessment, traffic counts were carried out as well as studies into the likely traffic generation from the proposed development and the impacts on the highway network and a study of a number of junctions. It also included details and consideration of accident data for the area. I have also considered the Highways Response²⁵, the Highways Statement of Common Ground²⁶ and the Stage 1 Road Safety Audit.
53. The Parish Council provided a review of the traffic impacts²⁷ and there have been a number of local concerns raised in relation to highway capacity and safety. However, I note that the County Council have not raised any concerns about the impact of the proposed development on the highway in terms of safety or capacity. Having regard to the detailed evidence put forward by the Appellant, I am satisfied that it has been demonstrated that there would not be an unacceptable impact on highway safety or that the cumulative impacts on

²⁴ Paragraph: 001 Reference ID: 7-001-20220825 (ID16)

²⁵ Benjamin David Jackson, Ashley Helme Associates Ltd

²⁶ Highways Statement of Common Ground with West Sussex County Council

²⁷ Transport Planning Associates letter dated 25 August 2023

the highway network would not be severe as a result of the development, as required by paragraph 115 of the Framework.

Protected Species and Habitats

54. The appeal site is within the 5.6km Zone of Influence of the Chichester and Langstone Harbours Special Protection Area (SPA). The Habitat Regulations require that where a project is likely to result in a significant effect on a European site, a competent authority is required to make an appropriate assessment of the implications on the integrity of the European site in view of its conservation objectives. Any likely significant effects arising from the development need to be considered alone and in combination with other development in the area.
55. The appeal proposal has been accompanied by a number of documents²⁸ assessing the impact of the proposal on protected species and habitats and these have also been considered by the relevant statutory consultees, including the Environmental Protection team. The development is likely to result in recreational disturbance through increased coastal visits, dog walking and cycling, jogging and walking, unless suitable mitigation measures are secured.
56. The Solent Recreation Mitigation Strategy (SRMS) has been produced to mitigate the effects of new development through a number of measures including educational material, permits, management activities and monitoring. The Appellant has presented, within the legal agreement, provision for the required contributions towards the necessary mitigation as detailed within the SRMS and no objections have been raised by Natural England on this basis. I am therefore satisfied that the content of the legal agreement is sufficient to secure the necessary mitigation in relation to the European sites and their objectives and accords with the requirements of the SRMS. I therefore find that the proposed development would not conflict with the Habitats Regulations and the mitigation measures and contributions would ensure that there would be no adverse impact upon the integrity of the SPA in accordance with Policy 50 of the Local Plan.

Local Objections

57. A large number of local and Parish Council objections have been received and a number of local residents spoke at the Inquiry. In addition to the above matters, their concerns included lack of medical care and school facilities and adverse impacts on tourism.
58. In relation to lack of facilities, I have been provided with little evidence to demonstrate that there are capacity issues in terms of medical care or education facilities and neither the Council nor any statutory consultees have requested contributions toward such facilities. I have little before me to evidence that levels of tourism would be affected by the location and scale of the development proposed.

Planning Balance

59. I have concluded there would be a breach of Policies 2, 5, and 45 of the Local Plan. However, as a result of the most important policies being considered out

²⁸ CD E05, CD P07, CD P08, CD P09, CD P10, CD P11, CD P12

of date, these conflicts can only attract limited weight. There would also be conflict with BPNP Policies 12, 13, 14 and 15. I acknowledge that there would be a loss of BMV agricultural land, although not a significant amount and this would therefore carry limited weight. There would be some impacts in terms of the landscape and visual effects of the proposed development, however I have found that these would not be unacceptable, therefore these impacts also carry limited weight. I have considered the criteria listed within the IPS document and find that of the 13 listed criteria that are relevant to this case²⁹, the proposed development would comply.

60. The proposed development would also result in a number benefits. It would provide up to 150 dwellings including affordable housing which I give significant weight to given the need for new housing locally and nationally. There would be economic benefits arising in both the short term through employment opportunities during the construction period and in the longer term as a result of new residents contributing to the local economy. I consider this attracts moderate weight. The provision of Biodiversity Net Gain, which could potentially exceed 10%, would also carry moderate weight in the planning balance. The proposed improvements and additions to the pedestrian and cycle networks would constitute benefits of the appeal scheme and taken collectively would provide notable improvements and therefore carry significant weight. I also consider that the provision of open space would attract moderate weight.
61. As a result of the transitional arrangements of the new NPPF, and my findings in relation to the flood risk references in Footnote 7, I conclude that in this case the tilted balance applies. I therefore conclude that, in this case, the harms arising from the proposed development and the identified policy conflicts, and therefore the conflict with the development plan as a whole, are significantly and demonstrably outweighed by the identified benefits. Nevertheless, in any case were the transitional arrangements considered not to apply in this case and the flat balance was therefore applicable, given the limited levels of harm arising from the proposal, I consider the benefits would represent material considerations which would outweigh the development plan conflict in this instance.

Conditions

62. In addition to the standard time limit and reserved matters conditions for outline applications (1, 2, and 3), I have imposed a condition listing the approved plans (4) as this provides certainty. I have been provided with a list of suggested conditions which were discussed with the parties, and I have considered against the necessary tests in the Planning practice guidance.
63. Condition 5 is necessary to ensure the development that comes forward is in compliance with the indicated design code. I have imposed conditions 6 and 8 in order to ensure that the construction period is carried out in a timely manner and in a way that will protect the living conditions of existing residents. Conditions 7 and 22 are necessary in order to ensure the development would protect and enhance local habitats and result in ecological enhancements. Condition 9 is necessary to ensure that the existing trees are protected and not damaged or removed during the construction period.

²⁹ Criteria 1, 2, 3, 4, 5, 7, 8, 9, 10, 11 and 13

64. I have imposed condition 10 in order to ensure that the site is safe and appropriate for the end use and to ensure that any contamination is dealt with correctly. Condition 11 is essential to ensure that an adequate and functional system for foul water drainage is provided. Conditions 12, 13 and 14 are necessary to ensure that surface water drainage is carried out in a suitable way to ensure no additional flood risk to the site and surrounding area occurs as a result of the development. I have considered the Council's additional conditions, the suggested drainage conditions in the LLFA Letter³⁰ and the Appellant's comments and revised wording³¹. Based on the information before me, I consider that the Appellant's suggested wording covers the necessary requirements and are sufficient to secure the necessary drainage information. I have therefore used this wording.
65. I have imposed condition 15 to ensure that any archaeological remains on site are protected and not damaged by the works on site. Conditions 16, 17 and 26 are necessary in the interests of highway safety, providing safe vehicular access and egress and to provide alternative travel options to the private car. Condition 26 relates to land outside of the appeal site however it was advised at the Inquiry that the works can be legally carried out.
66. Conditions 18, 19, 20 and 21 are imposed in order to ensure that the development accords with the principles of sustainability and in the interests of future residents. I have imposed conditions 23, 24 and 25 in the interests of the character and appearance of the area, the living conditions of neighbouring and future residents. I have included wording to ensure that the affordable homes are not visually distinguishable from the open market housing to accord with the similar provision in the legal agreements in relation to the first homes as discussed at the inquiry.
67. Conditions 8, 9, 11, 12, 13, 14, 15, 21, and 22 are pre-commencement conditions as it is fundamental to have the details for these agreed before any work commences on site.

Conclusion

68. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

³⁰ ID13 – West Sussex County Council Lead Local Flood Authority dates 8 September 2023

³¹ Appellant's Revised Drainage Condition and Justification Note

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos D8610.001 rev D Location Plan and 1736/06 rev I Proposed Access Arrangement Plan.
- 5) Detailed plans and particulars of the reserved matters submission(s) shall be in compliance with the approved Design Code (August 2021) 8610.001 rev B and each reserved matters submission(s) must demonstrate compliance with the design requirements set out in the Design Code.
- 6) As part of the first reserved matters application the developer shall submit to and have approved by the local planning authority a construction phasing plan (including timescales) for the carrying out of the development. The development shall thereafter be carried out in accordance with the approved timetable.
- 7) Notwithstanding that 'layout' and 'landscaping' are reserved matters on this application, the subsequent reserved matters details to be submitted for approval by the local planning authority shall incorporate the following mitigation measures and ecological enhancements:
 - a) Wildflower meadow grass planting;
 - b) Filling gaps in tree lines or hedgerows with native species;
 - c) The provision of bat brick/boxes to be installed into the agreed dwellings and bird boxes to be installed within the retained trees on site;
 - d) The provision of 2 no. log piles as hibernacula for reptile mitigation; and
 - e) Gaps to be provided at the bottom of the fences to allow movement of small mammals across the site.
- 8) No development shall commence until a Construction Environmental Management Plan (CEMP) comprising a schedule of works and accompanying plans for that development has been submitted to and approved in writing by the local planning authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the local planning authority. The CEMP shall provide details of the following:
 - a) The phased programme of construction works;

- b) The anticipated number, frequency and types of vehicles used during construction;
 - c) The location and specification for vehicular access during construction;
 - d) The provision made for the parking of vehicles by contractors, site operatives and visitors;
 - e) The loading and unloading of plant, materials and waste;
 - f) The storage of plant and materials used in construction of the development;
 - g) The erection of maintenance of security hoarding;
 - h) The location of any site huts/cabins/offices;
 - i) The provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
 - j) Details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details know to all relevant parties.
 - k) Measures to control the emissions of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse;
 - l) Measures to control the emission of noise during construction;
 - m) Details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety;
 - n) Appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas;
 - o) Measures to reduce air pollution during construction, including turning off vehicle engines when not in use and plant servicing;
 - p) Waste management including prohibiting burning and the disposal of litter;
 - q) Provision of temporary domestic waste and recycling bin collection point(s) during construction; and
 - r) Hours of construction.
- 9) No development shall commence on site, until protective fencing has been erected around all trees and shrubs on the northwest and southwest site boundaries in accordance with the recommendations of BS5837:2012. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the local

- planning authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.
- 10) In the event that land contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. The development shall not be first occupied until;
- i. An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii. Where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use; and
 - iii. A verification report for the remediation shall be submitted in writing to the local planning authority before the development is first brought into use.
- 11) No development shall commence until details of the proposed means of foul water sewerage disposal have been submitted to and approved in writing by the local planning authority. Thereafter all development shall be undertaken in accordance with the approved details. No occupation of any dwelling shall take place until the approved off-site works have been completed or, in the event that the off-site works are not completed in full by the time of first occupation, then detailed interim on-site measures for the disposal of foul water sewerage shall be submitted to and agreed in writing by the local planning authority and implemented in full.
- 12) Prior to, or in conjunction with, the first Reserved Matters application for the development hereby permitted, details of a surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall:
- a) Include a survey of the piped land drainage system within the site and include details of any mitigation works necessary to preserve flow from any contribution land;
 - b) Be designed to secure separate systems of drainage for foul and surface water;
 - c) Limit discharge rates to the predevelopment Q_{bar} rate (12.97l/s) for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change;
 - d) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - e) A final drainage plan which details exceedance and conveyance routes;

f) Demonstrate that only where necessary the surface water that must be discharged via a pumped system is discharged via this method whilst the remainder is discharged via a gravity system; and

g) Include a timetable for its implementation.

The development shall be carried out and maintained in accordance with the approved scheme and no dwelling shall be occupied until the surface water drainage scheme serving it is operational.

- 13) Development shall not commence until a detailed construction phase surface water management plan, including a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the local planning authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure that there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with the approved method statement, unless alternative measures have been subsequently approved by the local planning authority.
- 14) No development shall take place until a Maintenance Plan detailing the maintenance arrangements for the existing land drainage system and the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing by the local planning authority. Should any part be maintainable by a management company, details of long-term funding arrangements should be provided. The land drainage and surface water drainage systems shall be maintained in accordance with the approved details.
- 15) No development shall commence on the site until a written scheme of archaeological investigation of the site, has been submitted to and approved in writing by the local planning authority. The scheme shall include proposal for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details.
- 16) No part of the development shall first be occupied until such time as works have been constructed in accordance with the details shown on the drawing titled Proposed Access numbered 1736/06 Rev I.
- 17) No dwelling hereby permitted shall be first occupied until the car parking space(s) and any associated turning space serving that dwelling have been constructed, surfaced and drained in accordance with plans and details that shall have been submitted to and approved in writing by the local planning authority. The parking space(s) and any associated turning space shall thereafter be retained at all times for their designated purpose.
- 18) No part of the development shall be first occupied until Electric Vehicle Charging (EVC) spaces serving the respective dwellings has been

- constructed in accordance with plans and details to be submitted to and approved in writing by the local planning authority.
- 19) No dwelling shall be occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with the reserved matters submitted.
 - 20) Prior to the occupation of any dwelling, footways and cycleways identified on Drawing 1736/08 shall be made available for use.
 - 21) No development shall commence until full details shall be submitted to and be approved in writing by the local planning authority showing how the development is to achieve the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014 – 2029. The development shall thereafter be carried out in accordance with the approved details.
 - 22) Before the development commences a reptile activity survey shall be carried out and the results of that survey together with a reptile mitigation strategy (if required) including a programme for its implementation shall be submitted to and approved in writing by the local planning authority. Thereafter the strategy shall be implemented fully in accordance with the approved details.
 - 23) No construction of any buildings above slab level shall be carried out unless and until a full schedule of all materials and finishes including samples and finishes for external walls and roofs of the proposed buildings and surfacing materials have been submitted to and approved in writing by the local planning authority. At the same time, a design statement shall be submitted detailing how the proposed materials respond to design considerations for new development in the made Birdham Parish Neighbourhood Plan. The affordable homes shall not be visually distinguishable from the open market units based on their external appearance. All approved materials and finishes shall be used for the development unless otherwise agreed in writing by the local planning authority.
 - 24) Before first occupation of any dwelling details of any external lighting of the site shall be submitted to and approved in writing by the local planning authority. This information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details, unless the local planning authority gives its written consent to any variation. The lighting scheme shall take into consideration the presence of bats in the local area and shall minimise potential impacts to any bats using trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional lighting sources and shielding. Note: Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution.
 - 25) Before first occupation of any dwelling, details showing the precise location, installation and ongoing maintenance of fire hydrants to be supplied (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the local planning authority in consultation with West Sussex County Council's Fire and Rescue Services. The approved fire hydrants shall be installed before

first occupation of any dwelling and thereafter be maintained in accordance with the approved details.

- 26) Details of the upgrade works to Footpath 48 between the site and Sidlesham Lane, to establish this as a bridleway shall be set out in the first reserved matters application, but which shall be broadly in accordance with the route identified on Drawing Ref: ROWLP 002, or another route subsequently agreed. No more than 100 dwellings shall be occupied until that bridleway has been provided in accordance with the approved plans and made available for use in accordance with the approved details.

APPEARANCES

FOR THE APPELLANT:

Martin Carter, Barrister, Kings Chambers, instructed by Stuart Carvel, MTCP (Hons) MRTPI, Planning Director, Gladman Developments Limited

HE CALLED:

Ben Pycroft BA(Hons) Dip TP MRTPI, Director Emery Planning
Ian Grimshaw BA(Hons) MA(LM) MSc CMLI MRTPI, Director, The Environment Partnership (TEP) Limited.
Dr Paul Ellis BSc PhD C.Geol, Managing Director Geosmart Information Limited
Stuart Carvel MTCP (Hons) MRTPI, Planning Director, Gladman Developments Limited

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Dale-Harris, Barrister, Landmark Chambers, instructed by Chichester District Council Legal Department

HE CALLED:

Ivan Tennant MRTPI, MIED, Director, Lambert Smith Hampton
Andrew Robbins MA MRTPI, Senior Planning Officer, Chichester District Council
Tony Whitty BA(Hons) MRTPI, Divisional Manager, Planning Policy, Chichester
Phil Brady BEng MCLITP, Director of Land Development South at Stantec

FOR THE RULE 6 PARTY

Ian Ponter, Barrister, Kings Chambers, instructed by Genesis Town Planning, 26 Chapel Street, Chichester, West Sussex PO19 1DL

HE CALLED:

Paul Gibbs DipLA, CMLI, DipUD, Managing Director of David Jarvis Associates Limited (DJA)
Vincent Carpenter BSc(Hons), CEng, MICE, FCIWEM, MIHT, MIOd, Partner at Archibald Shaw Consulting Engineers
Kris Mitra, MA, MRTPI, Managing Director of Genesis Town Planning

INTERESTED PARTIES:

Timothy Firmston, Birdham Parish Council
Kevin Atree on behalf of Mr Walker, BVRA
Robert Carey, Local Resident
Carey Mackinnon, Local Resident
Linda Park, Chichester Harbour Conservancy
Richard Gubbins, Local Resident
Ian Balantine, District Councillor
Richard Morrison, Birdham Parish Council
Elizabeth Hamilton, Birdham Parish Council and District Councillor
Andrew McFarland, District Councillor
Councillor Pieter Montyn
Dr Colin Ross

DOCUMENTS SUBMITTED DURING THE INQUIRY

- ID1 Topographic Survey Plan prepared by BVRA
- ID2 Appellant's Opening Statement
- ID3 Council's Opening Statement
- ID4 BVRA (Rule 6) Opening Statement
- ID5 Opus 2014 Drainage Review of Bell Lane and Bookers Lane, Earnley commissioned by WSCC
- ID6 Transport and Highways Review (TPA) – Submitted by Birdham Parish
- ID7 Written representation from third party – Carey Mackinnon
- ID8 S106 Legal Agreement
- ID9 Unilateral Undertaking
- ID10a Suggested Conditions
- ID10b Suggested Conditions amended by the Council
- ID11 National Highways Letter dated 11.09.23
- ID12 Representation from Cllr Pieter Montyn WSCC dated 13.09.23
- ID13 Letter from WSCC LLFA dated 08.09.23
- ID14 Appellant's Highway Response by AHA
- ID15 Gladman Response to WSCC LLFA letter
- ID16 Flood Risk – PPG Extract
- ID17 Notes and documents from Cllr Montyn
- ID18 Off-site flood risk assessment from Dr Ross
- ID19 Appeal Decision 3318548 G & R Harris, Main Road, Nutbourne, Chichester
- ID20 Suggested drainage conditions
- ID21 MP Gillian Keegan Email
- ID22 Section 106 Agreement dated 14 September 2023
- ID23 Unilateral Undertaking dated 14 September 2023
- ID24 Closing Submission on behalf of Council
- ID25 Closing Submissions on behalf of BVRA
- ID26 Closing Submissions of the Appellant

DOCUMENT SUBMITTED AFTER THE INQUIRY

- Council's Response to National Planning Policy Framework Dec 2023
- Birdham Village Residents' Association's Response to National Planning Policy Framework Dec 2023
- Appellant's Response to National Planning Policy Framework Dec 2023
- Letter from the Council dated 30 January 2024 and copy of Government Response to the Levelling-up and Regeneration Bill: Reforms to national planning policy consultation – Updated 19 December 2023
- Appellant's Response to Council's further NPPF comments – email dated 9 February 2024.



Appeal Decision

Site visit made on 4 January 2024

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2024

Appeal Ref: APP/L3815/C/22/3311612

Land at Thornham Marina, Thornham Lane, Southbourne, West Sussex

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Jonny Boys of Thornham Marina Ltd against an enforcement notice issued by Chichester District Council.
 - The enforcement notice was issued on 11 October 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission, the construction of two floating pod-style dwelling houses.
 - The requirements of the notice are: Disconnect and remove the said floating pod-style dwelling houses from the Land.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b) and (c) of the Town and Country Planning Act 1990 as amended.
-

Summary of Decision

1. The appeal is allowed, and the enforcement notice is quashed.

Preliminary Matters

2. The appellant queries whether the Council had pursued the correct authorisation to take enforcement action and with it the validity of the notice. However, there is a valid appeal before me to determine and it is not for me to review such decisions made by the Council in discharging its duties leading up to the issue of the notice.
3. The Council describe what they have enforced against as floating pod-style dwelling houses. The appellant describes them as boats. In an effort to adopt a neutral description for the purposes of my assessment, I shall refer to them as units throughout.

The ground (b) appeal

4. For the ground (b) appeal to succeed the onus is on the appellant to demonstrate, on the balance of probabilities, that the alleged breach of planning control, namely the construction of two floating pod-style dwelling houses, has not occurred as a matter of fact.
5. The allegation is therefore that two buildings have been constructed, which is refuted by the appellant. My assessment is confined to whether the units are buildings for planning purposes. I am therefore not assessing whether the units are boats or whether they amount to a material change of use of land.

6. As means of overview, the units are each made from two rows of concrete blocks. There are five blocks in each row, which are filled with foam to provide buoyancy. These are held together by a metal framework above which also provides a level platform for wooden decking. In-turn, a pre-assembled pod is then attached to the framework/decking which provides accommodation in the form of a shower room, kitchenette and living/bedroom area.
7. There is an outboard motor to the rear, with steering and other controls situated at the front. There is evidence before me that the units have been certified as boats and have been used for navigation. Each unit weighs approximately 12 tonnes and has a footprint of 45 sqm. They are located and accessed via one of the pontoons at the marina. The evidence before me is that the units are then advertised as a form of tourist accommodation.
8. I therefore recognise that the units float and can be moved. However, this does not imply that they are not buildings. '*Not everything that floats is a boat*¹. It is therefore necessary to consider whether the units are a building for the purposes of the Act.
9. Section 55 of the Act includes in the definition of the word 'development' the carrying out of 'building, engineering, mining or other operations in, on, over or under land'. It should also be noted that for planning purposes water is considered to be 'land'. Section 55 (1A) states that for the purposes of the Act 'building operations' includes: a) demolition, b) rebuilding, c) structural alterations of or additions to buildings and d) other operations normally undertaken by a person carrying on business as a builder.
10. A building is defined by section 336(1) of the Act as including any structure or erection and any part of a building. With respect to the question of what is a 'building', the Courts in *Cardiff Rating Authority*² (endorsed by the Court of Appeal in *Skerritts*³), have identified three primary factors as being decisive of what a building is: (a) that it is of a size to be constructed on site, as opposed to being brought onto the site; (b) permanence; and (c) physical attachment. These are matters of fact and degree which involve planning judgement. No one factor is decisive.
11. In respect of size, the approximate dimensions of the units are not disputed by the appellants.
12. However, whilst there are many buildings that may be of an equivalent size, there are also many other objects that have the same or significantly larger dimensions. In the specific context of this appeal, I observed during my site visit a number of boats that were significantly larger than the units before me.
13. Moreover, in contrast to a building, the units were designed by a boat specialist, not a builder or architect, and comprise the common features of a boat such as a bow, stern, outboard motor and steering wheel with controls. The evidence is also that the units were completed in the boatyard beside the marina and then lifted into the water in the same way as a boat. Accordingly, this would not bring them within the definition of building operations as defined by the Act.

¹ *Sussex Investments Ltd v SSE & Spelthorne BC* [1997] EWCA Civ 3049

² *Cardiff Rating Authority v Guest Keens* [1949] 1 KB 385

³ *Skerritts of Nottingham Ltd v SSETR (No.2)* [2000] 2 PLR 102

14. The evidence before me is that units were designed as boats and have been certified and used for navigation. Although the visual appearance and form of the units may then be considered uncharacteristic, I am not persuaded this is directly relevant to the factor of size.
15. In respect of size, on the balance of probabilities the evidence therefore does not weigh in favour of the units being buildings.
16. In respect of permanence, the units were first brought to their location/moorings in June 2019 and have been used for navigation under their own propulsion, irrespective of their weight, on a small number of occasions. Whilst I accept they could be returned to a different mooring, there is little evidence before me to demonstrate this has actually been the case. There is accordingly significance in the planning context in this respect.
17. It is then clear from *Cardiff Rating Authority* that a structure that moves can still be a building. Also, from *Skerritts*, buildings do not need to be on site 365 days every year to be held as permanent.
18. I note the units are advertised for use as a form of tourist accommodation. This demonstrates a likelihood of availability and with-it permanence to cater for this. Whilst I appreciate that boats in the marina may have the same or greater levels of accommodation, there is little evidence before me that these are used as a form of tourist accommodation from the marina. These boats therefore have a likelihood of being more transient and moored elsewhere on occasion.
19. In respect of permanence, on the balance of probabilities the evidence therefore weighs in favour of the units being buildings.
20. In respect of physical attachment, the units are not bolted to the pontoon, they are merely located by four very small pins and then attached by ropes. The units float according to the tides. They are then served by quick release couplings which were demonstrated during my site visit in respect of the water and electrical supply, as well as the discharge of waste. Whilst the method of coupling was slightly different to the boats at this marina, it was not materially so, given there are various way, for example, to discharge waste available to boat users in general.
21. As I have however already found, the units have been designed as boats and certified as such. They have also been used for navigation. Whilst they may then contain some of the accoutrements of a dwellinghouse and be insulated, the same can be said of many boats or structures.
22. In respect of physical attachment, on the balance of probabilities the evidence therefore does not weigh in favour of the units being buildings.
23. The Council has drawn my attention to other appeal decisions; however, the full details of those units are not before me. I also note these decisions related to proposed works and works undertaken to an existing boat which rendered it unnavigable. In any event, each decision is a matter of planning judgement based upon the specific available evidence.
24. I accept that the units are not advertised as mere boats. However, as a consequence of all the above, I do not find that this, nor the domestic appearance of the units and their use as a form of tourist accommodation, to be determinative for the purposes of my assessment.

25. I have therefore found that in respect of size and physical attachment the units are not buildings. However, in respect of permanence the evidence weighs in favour of them being buildings. On the balance of probabilities, taking all my findings into account, I therefore find that the units are not buildings. As a matter of fact and degree, the appellant has therefore discharged the necessary burden of proof to demonstrate that the alleged breach of planning control has not occurred as a matter of fact. Despite my findings, it however remains open to the Council to investigate whether the units amount to a material change of use of land. This is however a matter which is entirely for them in the first instance.

26. The appeal on ground (b) therefore succeeds for the above reasons.

Overall Conclusion

27. For the reasons given above I conclude that the appeal should succeed on ground (b). Accordingly, the enforcement notice will be quashed. In these circumstances the remainder of the appeal under the various grounds set out in section 174(2) to the 1990 Act as amended and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended do not need to be considered.

Formal Decision

28. The appeal is allowed, and the enforcement notice is quashed.

Paul T Hocking

INSPECTOR

Recent Decisions Report

From **01/12/2023** t **18/02/2024**

60 Total Cases

Process		Recommendation					
53	CHC Delegated	1	No Comment Made	10	Objection	0	EIA Screen - No ES Sought
3	CHC Consulted De	7	No Objection	3	Holding Objection	0	EIA Screen - ES Sought
3	CHC Committee	37	No Objection with Conditions	1	Further Info Required	0	EIA Scope - ES Content Required
						0	EIA Scope - ES Content Acceptable

Responded	Reference	CHC Officer	Address	Description	Recommendation
07/12/2023	APP/23/00885	Steve Lawrence	7A LANGSTONE HIGH STREET, HAVANT, PO9 1RY	Proposed Development: (T1 on plan) 1No. Hornbeam - 2m crown reduction to previous pruning points - finishing height 5m and spread 4m, within Conservation Area of Langstone.	No Objection with Conditions
07/12/2023	APP/23/00855	Steve Lawrence	Mallard Buildings, Marina Developments Ltd, Northney Marina, Hayling Island, PO11 0NH	Proposed installation of photovoltaic solar panels on roof.	Holding Objection
11/12/2023	SB/23/01840/ DOM	Linda Park	The Anchorage, Prinsted Lane, Prinsted, Emsworth, PO10 8HS	First floor extension and renovations.	Objection
11/12/2023	WT/22/02173/ FUL	Linda Park	Thorney Island Sailing Club, Church Road, West Thorney, Emsworth, West Sussex, PO108DS	Provision of a balcony/viewing platform on the roof of building - Amended plan.	No Objection with Conditions
11/12/2023	BI/23/02616/F UL	Steve Lawrence	Creek Cottage , Westlands Estate, Birdham, West Sussex, PO20 7HJ	Replacement dwelling and associated works.	Objection
12/12/2023	APP/23/00825	Linda Park	50 BATH ROAD, EMSWORTH, PO10 7ER	Material changes to APP/22/00917 and APP/23/00166 to include new timber cladding to replace existing; timber cladding to extensions; removal of brick detailing front elevation; existing render to be painted. Existing doors & windows replaced with aluminium	No Objection with Conditions

18/12/2023	SB/23/02334/ DOM	Linda Park	THE WARREN, NUTBOURNE PARK, NUTBOURNE, CHICHESTER, WEST SUSSEX, PO18 8TX	Proposal: Removal of rear conservatory and erection of single storey extension, removal of front conservatory to form a bay window and removal of and replacement of porch - Variation of Condition 2 of Planning Permission SB/21/02689/DOM for alterations to	No Objection with Conditions
18/12/2023	BO/23/02503/ DOM	Linda Park	Nursery Cottage , Main Road, Bosham, West Sussex, PO18 8EH	Proposed detached garage.	No Objection with Conditions
18/12/2023	CH/23/02450/ DOM	Linda Park	Barn Cottage , Main Road, Nutbourne, West Sussex, PO18 8RS	Proposed installation of solar panels to the East and West facing roofs.	No Objection
18/12/2023	APP/23/00876	Linda Park	87 Brook Gardens, Emsworth, PO10 7LA	Single-storey front extension with internal structural alterations.	No Objection with Conditions
19/12/2023	BO/23/02563/ TPA	Linda Park	Fletchers, Bosham Hoe, Bosham, Chichester, West Sussex, PO18 8EU	Fell 1 no. Oak tree (T1) within Woodland, W1 subject to BO/04/00100/TPO.	Objection
20/12/2023	APP/23/00855	Steve Lawrence	Mallard Buildings, Marina Developments Ltd, Northney Marina, Hayling Island, PO11 0NH	Proposed Development: Proposed installation of photovoltaic solar panels on roof. RECONSULTATION REQUEST for revised plans and/or documents received - Proposed Plans 01 REV A	No Objection with Conditions
20/12/2023	CH/23/02626/ DOC	Linda Park	Tithe Barn , Cot Lane, Chidham, West Sussex, PO18 8SX	Proposal: Discharge of conditions 3 (materials), 4 (windows/doors), 5 (ecological), 6 (bat report) and 7(ecological mitigation) from planning permission CH/22/02215/DOM.	No Objection
20/12/2023	CH/23/02657/ DOC	Linda Park	Tithe Barn , Cot Lane, Chidham, West Sussex, PO18 8SX	Proposal: Discharge of conditions 3 and 4 from planning permission 22/02216/LBC.	No Objection
20/12/2023	APP/23/00853	Steve Lawrence	Marina Developments Ltd, Northney Marina, Hayling Island, PO11 0NH	Proposed installation of photovoltaic solar panels on roof	No Objection with Conditions
02/01/2024	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

02/01/2024	BO/23/02697/ TPA	Steve Lawrence	Southfield Industrial Park, Delling Lane, Bosham, Chichester, West Sussex, PO18 8NN	Crown reduce by up to 5m (50%) on 52 no. Poplar trees within Area, A1 subject to BO/99/00088/TPO	No Comment Made
03/01/2024	APP/23/00856	Steve Lawrence	Teal Buildings, Northney Marina, Hayling Island, PO11 0NH	Proposed installation of photovoltaic solar panels on roof. RECONSULTATION REQUEST for revised plans and/or documents received	No Objection with Conditions
08/01/2024	APP/23/00773	Steve Lawrence	NORTHNEY FARM, ST PETERS ROAD, HAYLING ISLAND, PO11 0RX	Proposal Application for certificate of lawfulness for existing mixed use of agricultural and storage to include motorhomes and caravans (previous use agricultural).	No Objection with Conditions
09/01/2024	WW/23/02442 /DOM	Steve Lawrence	SNOWHILL COTTAGE, ROMAN LANDING, WEST WITTERING, CHICHESTER, WEST SUSSEX. PO20 8AS.	Installation of 2 no. ground floor bay windows (north and east elevations), various window and external door modifications, and installation of an external pergola.	No Objection with Conditions
09/01/2024	APP/23/00975	Steve Lawrence	7 Sandy Beach Estate, Hayling Island, PO11 9RG	Solar panels to second storey flat roof set back min. 800mm from roof edge.	No Objection with Conditions
10/01/2024	AP/23/02426/F UL	Linda Park	The Stables, Church Road, Appledram, Chichester, West Sussex, PO20 7EG	1 no. greenhouse.	Further Information Required
10/01/2024	BO/23/01032/ FUL	Steve Lawrence	Broadbridge Business Centre, Delling Lane, Bosham, PO18 8NF	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) (Revisions to previously approved scheme).	No Objection with Conditions
10/01/2024	WI/23/02551/F UL	Linda Park	Paddock House, Spinney Lane, Itchenor, West Sussex, PO20 7DJ	Replacement dwelling, outbuildings, swimming pool and associated works - Variation of Condition 2 of planning permission WI/22/01278/FUL - to include the addition of a summer house outbuilding and vary permission in line with drawing nos. 242.0.001 (Rev 0	No Objection with Conditions

15/01/2024	BO/23/02631/ LBC	Linda Park	MERMAID COTTAGE, SHORE ROAD, BOSHAM, CHICHESTER, WEST SUSSEX PO18 8QL	Height reduction of North boundary wall	No Objection
15/01/2024	CH/23/02621/ FUL	Steve Lawrence	Avenue Cottage, Main Road, Bosham, Chichester, West Sussex, PO18 8PN	Development of 4 no. residential dwellings together with associated landscaping, parking and infrastructure.	Objection
15/01/2024	APP/23/00989	Linda Park	25 Queen Street, Emsworth, PO10 7BJ	Listed Building Consent for Additional steels between existing timbers to support existing roof. Replacing existing plasterboard ceilings with new plaster board	No Objection
15/01/2024	WW/23/01991 /DOM	Linda Park	South Nore, Snow Hill, West Wittering, Chichester, West Sussex, PO20 8AT	Demolition of existing garage replaced with outbuilding for use as garage/boathouse and home office. Amended plans and further information in support of the application submitted.	No Objection with Conditions
15/01/2024	WW/23/02664 /FUL	Linda Park	Sandhead, Rookwood Lane, West Wittering, Chichester, West Sussex, PO20 8QH	Demolition of 1 no. existing dwelling and the construction of 1 no. new dwelling, covered pool, double garage, boat house and log store. (Variation of condition 2 of permission 22/01647/FUL - revised plans).	No Objection with Conditions
15/01/2024	WI/23/02604/ TCA	Steve Lawrence	Meadow Cross, The Street, Itchenor, PO20 7AE	Notification of intention to crown reduce by 2m (all round) on 1 no. Oak tree (T1) and crown reduce by 1.5m (back to previous pruning points) on 1 no. Oak tree (T2).	No Objection with Conditions
15/01/2024	CH/23/02721/ DOM	Linda Park	Stonecroft , Main Road, Bosham, West Sussex, PO18 8PL	One and a half storey extension with associated roof works including 2 no. dormers. Cladding to be added to exterior of the building and composite roofing tiles to replace existing tiling. 1 no. proposed Juliet balcony to southern elevation. Proposed sol	No Objection with Conditions

15/01/2024	WI/23/02628/ DOM	Linda Park	Hamerton, Chalkdock Lane, West Itchenor, Chichester, West Sussex, PO20 7DE	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 storey east side extension. External a	No Objection with Conditions
17/01/2024	BO/23/02062/ FUL	Steve Lawrence	Cove House , Smugglers Lane, Bosham, PO18 8QP	Erection of eastern boundary wall and western boundary fence, alteration to driveway configuration, erection of two vehicle and pedestrian gates with pillars, erection of pergola, hardstanding and associated hard and soft landscaping	Holding Objection
18/01/2024	BO/23/02717/ FUL	Steve Lawrence	Wildfowlers , Shore Road, Bosham, West Sussex, PO18 8QL	Proposal: Demolition of existing dwelling, erection of replacement dwelling and associated landscaping. (Variation of condition 2 of permission 22/01909/FUL - additional south wing gardeners store and plant room).	Holding Objection
18/01/2024	WI/23/00518/F UL	Steve Lawrence	Church Corner, Itchenor Road, West Itchenor, Chichester, West Sussex, PO20 7DL	Garage building with associated landscaping including regrading land and reduce height of existing retaining wall.	Objection
19/01/2024	APP/23/00966	Steve Lawrence	42 King Street, Emsworth, PO10 7AZ	T1 - Rowan - Reduce height from 8 meters, by 2 meters, to leave a height of 6 meters to previous pruning points. Lightly reduce sides to match (0.5 meter reduction on east, north, south and west facing sides). Within Conservation Area of Emsworth.	No Objection with Conditions
19/01/2024	APP/23/00892	Steve Lawrence	71 Eastoke Avenue, Hayling Island, PO11 9QP	Installation of replacement gazebo, installation of new decking in existing dock, repairs to existing dock.	No Objection with Conditions
22/01/2024	SB/22/02787/F UL	Linda Park	New Life Christian Church , Main Road, Southbourne, West Sussex, PO10 8HA	Demolition of existing church meeting hall and temporary reception structure replaced with a new church hall building, landscaping car parking and associated works.	No Objection with Conditions

24/01/2024	CH/23/02730/ REM	Steve Lawrence	Land At Flat Farm, Hambrook, West Sussex, PO18 8F	Approval of Reserved Matters Application following permission 20/03378/OUT, relating to appearance, landscaping, layout and scale for development comprising of 30 no. dwellings.	No Objection with Conditions
24/01/2024	FB/23/02576/ DOM	Linda Park	Oak Cottage, Mill Lane, Fishbourne, Chichester, West Sussex, PO19 3JN	Front porch.	No Objection with Conditions
24/01/2024	WI/23/02776/ TCA	Linda Park	Grass Paddock Verge O/s Oak Tree Cottage Itchenor Road West Itchenor Chichester	Notification of intention to fell (down to hedge height) 83 no. Ash trees (quoted as G24).	No Objection
25/01/2024	SB/23/02559/ DOM	Steve Lawrence	Shalom, Ham Lane, Prinsted, Southbourne, West Sussex, PO10 8XT	New conservatory on south elevation and single storey extension on the north elevation.	No Objection with Conditions
25/01/2024	BO/23/02672/ FUL	Steve Lawrence	Flat 1, Myll Lodge, Bosham Lane, Bosham, West Sussex, PO18 8HP	Demolition of existing dwelling house replaced with 1 no. new dwelling house. (Variation of condition 2 of permission 21/01810/FUL - changes to external materials to upper half of house to clay tiles)	No Objection with Conditions
26/01/2024	BI/23/02462/D OM	Steve Lawrence	11 GREENACRES, BIRDHAM, CHICHESTER, PO20 7HL	First floor extension to the west side elevation to provide home gymnasium-amended plans	Objection
26/01/2024	APP/23/01030	Steve Lawrence	6 Orange Row, Emsworth, PO10 7EL	Enlargement of existing skylight windows, log burner flue and enlargement of front dormers to existing apartment.	Objection
29/01/2024	BO/23/02795/ DOM	Linda Park	FURZEND BOSHAM HOE BOSHAM CHICHESTER WEST SUSSEX PO18 8ET	Proposed single storey rear flat roof extension, two storey side extension. Refurbishment of external elevations and roof to include new dormer windows and rooflights.	No Objection with Conditions
30/01/2024	WW/23/02778 /TPA	Steve Lawrence	Field West Of Court Barn Rookwood Lane West Wittering Chichester	Re-pollard up to 9m (from ground level) on 41 no. trees re-pollard up to 9m (from ground level) on 41 no. Poplar trees (T37), subject to 77/01131/TPO.	No Objection with Conditions

30/01/2024	WI/23/02831/ DOM	Steve Lawrence	Harbour View, Itchenor Road, West Itchenor, Chichester, West Sussex, PO20 7DH	Erection of a new garage, ancillary to an existing dwelling.	No Objection with Conditions
31/01/2024	APP/24/00005	Steve Lawrence	39 Bath Road, Emsworth, PO10 7ER	1No.Willow (T1 on plan) pollard to previous pruning points, leaving a height of 4m by 3m width. Within Conservation Area of Emsworth.	No Objection with Conditions
31/01/2024	SB/24/00015/T CA	Steve Lawrence	WALNUT TREE COTTAGE, PRINSTED LANE, PRINSTED, EMSWORTH, HAMPSHIRE, PO10 8HT	Notification of intention to crown reduce by up to 33% on 1 no. Strawberry tree (quoted as T1) and 1 no. Hazel tree (quoted as T2).	
31/01/2024	BI/23/02878/D OM	Linda Park	Garden Corner, Church Lane, Birdham, Chichester, W.Sussex PO20 7AT	Demolition of garage and erection of 1 no. annexe outbuilding.	No Objection with Conditions
31/01/2024	SB/23/02829/F UL	Linda Park	THORNHAM MARINA, THORNHAM LANE, SOUTHBOURNE, EMSWORTH, WEST SUSSEX. PO10 8DD	Static power crane and associated works.	No Objection with Conditions
31/01/2024	SB/23/01840/ DOM	Linda Park	The Anchorage, Prinsted Lane, Prinsted, Emsworth, PO10 8HS	Revised plans	Objection
31/01/2024	FB/24/00007/ DOM	Linda Park	Estoril, Main Road, Fishbourne, West Sussex, PO18 8AN	Erection of detached garage.	Objection
01/02/2024	BO/24/00030/ TCA	Steve Lawrence	3 Gordon Terrace Bosham Lane Bosham Chichester	Notification of intention to reduce height by 1.5m, South and West sectors by 3m (back to suitable growth points) on 1 no. Eucalyptus tree (quoted as T1).	No Objection with Conditions
01/02/2024	WW/23/02789 /DOM	Steve Lawrence	Wix Corner, Redlands Lane, West Wittering, West Sussex, PO20 8QE	Installation of external insulation to the outside walls and render over.	No Objection with Conditions
07/02/2024	SB/23/02713/F UL	Linda Park	Marina Farm, Thorney Road, Southbourne, Emsworth, West Sussex, PO10 8BZ	The installation of an oak-framed gazebo to provide alternative nesting structure for migrating swallows.	No Objection
07/02/2024	WI/23/02893/F UL	Linda Park	Old House Farm, Itchenor Road, West Itchenor, Chichester, West Sussex, PO20 7DH	Conversion of existing barn to 1 no. dwelling and associated works including outbuildings and pool.	Objection

09/02/2024	APP/24/00015	Steve Lawrence	11 School Lane, Emsworth, PO10 7ED	Alterations to rear elevation including first floor Juliet balcony following demolition of existing rear extension.	No Objection with Conditions
15/02/2024	WI/23/02598/ TPA	Steve Lawrence	Meadow Cross, The Street, Itchenor, PO20 7AE	Crown reduce by 1.5m (all round) on 1 no. Oak tree (quoted as T3, TPO'd as T1) subject to WI/11/00119/TPO.	No Objection with Conditions

Quarterly Report

From **01/03/2023** t **30/06/2023**

Application 114 **Conflicts** 4%

Respo	Reference	CHC Officer	Address	Description	Recommendation	LPA Decision	Request Agreed?
06-Mar-23	BI/22/03026/FUL	David Rothery	Chichester Marina, Birdham, Chichester, West Sussex, PO20 7EJ	Variation of Planning Condition 3 of planning permission BI/12/00475/FUL dated 29 June 2012 (as amended by planning permission B1/22/01742/FUL dated 11 Nov 2022) for the construction of four purpose built buildings including marine related workshops, offi	Objection	Pending	
06-Mar-23	AP/22/03196/FUL	David Rothery	Apuldram House, Dell Quay Road, Dell Quay, Appledram, Chichester, West Sussex, PO20 7EE	Construction of replacement detached dwelling and garage with associated landscaping	No Objection	Pending	Material condition included
06-Mar-23	APP/22/01136	Linda Park	Fiscal House, 2 Havant Road, Emsworth, PO10 7JE	Change of use of existing two storey building from B1a to residential including part demolition and extension of existing building, formation of new residential garden and reallocation of parking and erection of 1No. dwelling to rear	Objection	Withdrawn	
07-Mar-23	BO/22/03107/DOM	David Rothery	30 Critchfield Road, Bosham, West Sussex, PO18 8HH	Erection of single-storey rear extension with roof balcony terrace above, main roof shape alteration to incorporate gable ends dormer windows to both sides to provide for expansion of first-floor accommodation floor space, together with the conversion of	No Objection	Permit	Yes
07-Mar-23	WI/23/00120/TCA	David Rothery	Church Corner, Itchenor Road, West Itchenor, Chichester, West Sussex, PO20 7DL	Notification of intention of Tree works to 1x Oak tree (G4) to crown reduce by 3m (30%)	No Objection	NOTPO	Yes
07-Mar-23	APP/23/00061	David Rothery	4 Langstone High Street, Havant, PO9 1RY	Installation of replacement front door	No Objection	Permit	Yes

08-Mar-23	APP/23/00076	Steve Lawrence	Tournerbury Woods, Tournerbury Lane, Hayling Island	Change of Use of land and woodland (retrospective) as a wedding and events venue, including retention of permanent ancillary buildings and structures, the erection of removable structures (including marquees and temporary facilities), and the use of the	Objection	Permit	
13-Mar-23	BI/23/00238/T PA	Linda Park	White Water Lock Lane Birdham Chichester	Reduce height by 8m on 1 no. Lombardy Poplar tree (quoted as T1). Reduce height by 6m on 1 no. Lombardy Poplar tree (quoted as T4). Reduce height by 6m and reduce north sector by 3m on 1 no. Lombardy Poplar tree (quoted as T5). All 3 no. trees within Grou	No Objection	Permit	No conditions specified
13-Mar-23	APP/23/00104	Linda Park	Cockle Point, Marine Walk, Hayling Island, PO11 9PQ	Proposed replacement access gates, garden store and summerhouse and construction of swimming pool and 2 storey garage.	No Objection	Permit	Some
13-Mar-23	BO/22/02602/ DOM	Linda Park	Rambles, Sunnyway, Bosham, West Sussex, PO18 8HQ	Side extension and rear single storey extension Externally insulate the walls and render, extend existing roof structure from a hip roof to a gable end, . Replace all the doors and glazing. Replace the garage with a new garden store. Add solar generating	No Objection	Permit	Some
13-Mar-23	BI/23/00240/T PA	Linda Park	White Water Lock Lane Birdham Chichester	Reduce height down to 4m/part fell (to match the fourth tree/stump in the line along the rear boundary) on 2 no. Lombardy Poplar trees (quoted as T2 and T3). Both trees within Group, G subject to CC/98/00035/TPO	No Objection	Permit	No conditions specified
14-Mar-23	BO/23/00329/ DOM	David Rothery	Sailmakers , Shore Road, Bosham, West Sussex, PO18 8JA	Installation of new front garden walls, trellis, gate pergola and path	No Objection	Permit	Some
14-Mar-23	BO/23/00308/ TCA	David Rothery	7 Mariners Terrace Shore Road Bosham West Sussex	Tree works to 1x Goat Willow tree (T1) to be felled, 1x Weeping Willow tree (T2) to be re-pollarded back to previous wound points, and 1x Cherry tree (T3) to be crown reduce by up to 1m back to previous wound points Statutory Consultation Expiry Date not	No Objection	NOTPO	Yes

14-Mar-23	APP/23/00109	David Rothery	Holmwood Mews, King Street, Emsworth, PO10 7AZ	Tree works to 1x tree of undisclosed species comprising the removal of a lower branch laying on party wall between nos. 14 & 16 King Street (within Emsworth Conservation Area)	No Objection	Permit	Yes
14-Mar-23	APP/23/00139	David Rothery	3 Spring Gardens, Emsworth, PO10 7AU	Tree works to 1x Bay tree comprising the felling of the single tree (within Emsworth Conservation Area)	No Objection	Permit	Yes
15-Mar-23	SB/23/00025/ DOM	Steve Lawrence	Fieldside , Prinsted Lane, Prinsted, Southbourne, West Sussex, PO10 8HS	Single storey rear orangery.	No Objection	Permit	Yes
15-Mar-23	BI/22/03067/ UL	Steve Lawrence	Strathmore , Main Road, Birdham, West Sussex, PO20 7HU	Construction of a two storey 3 bed detached self-build dwelling - variation of condition 2 of Planning Permission BI/21/00980/FUL for alterations to fenestration including addition of 1 no. window and 1 no. rooflight to south elevation and additional ti	No Objection	Permit with S106	Yes
15-Mar-23	CH/23/00216/ DOM	Linda Park	Stonecroft , Main Road, Bosham, West Sussex, PO18 8PL	One and a half storey extension with associated roof works including 2 no. dormers.Cladding to be added to exterior of the building and composite roofing tiles to replace existing tiling. 1 no.proposed Juliet balcony to southern elevation. Proposed sola	No Objection	Permit	Yes
15-Mar-23	WI/23/00351/ FUL	Linda Park	Orchard House, Orchard Lane, Itchenor, West Sussex, PO20 7AD	Replacement dwelling, outbuildings and associated works. (Variation of condition 2 (planscondition) of permission 22/00374/FUL - amendments to lantern, windows, front canopy, and turret).	No Objection	Permit	Yes
15-Mar-23	BO/23/00075/ TPA	Linda Park	Rivendell The Drive Bosham West Sussex	Crown reduce by up to 6m, reduce southern sector to give a clearance of 2m from adjacent property (Rithe End), crown raise southern sector by up to 3m (above ground level), crown thin by 10% and reduce 4 no. surface roots on southern sector by 4m on 1 no.	No Objection	Permit	No conditions specified
20-Mar-23	BI/23/00034/ DOM 65	Linda Park	Sixpenny Cottage , Crooked Lane, Birdham, West Sussex, PO20 7ET	Proposed single storey outbuilding comprising of garden store/workshop, studio/garden room and gym	No Objection	Permit	Yes

20-Mar-23	APP/23/00174	Linda Park	23 Queen Street, Emsworth, PO10 7BJ	Modifications to rear single storey extension and small increase in its footprint. Revised 1st floor layout to remove partition abutting window and create an ensuite.	No Objection	Permit	Yes
20-Mar-23	APP/23/00150	Linda Park	23 Queen Street, Emsworth, PO10 7BJ	Fell 9No Leylandii. 1No Pittosporum reduce crown height and spread by 3 metres, leaving crown height of 4 metres and crown spread of 3 metres. 1No Bay reduce crown height and spread by 3 metres, leaving crown height of 4 metres and crown spread of 3 metre	No Objection	Permit	No
22-Mar-23	SB/23/00460/ELD	Linda Park	Gosden Green Nursery , 112 Main Road, Southbourne, West Sussex, PO10 8AY	Existing lawful development certificate for the use of polytunnel for the storage of motor vehicles.	No comment made	Permit	
22-Mar-23	BO/23/00587/TCA	Linda Park	Corner Cottage High Street Bosham West Sussex	Notification of intention to fell 1 no. Cherry tree (T1).	No Objection	NOTPO	No
29-Mar-23	SB/23/00219/DOM	Linda Park	6 Frarydene, Prinsted, Southbourne, West Sussex, PO10 8HU	Replacement of existing conservatory with single storey rear extension.	No Objection	Permit	No conditions specified
29-Mar-23	APP/23/00190	Linda Park	Cockle Point, Marine Walk, Hayling Island, PO11 9PQ	Loft conversion with 4No. dormers to front and rear, bay window extension, balcony to first floor, extended raised terrace area with ramped access and balustrade, internal and external alterations (Revised Application Alterations to Permission APP/22/0075	No Objection	Permit	Some
03-Apr-23	BO/22/01722/FUL	Linda Park	Walled Garden Adjacent To Nursery Cottage, Taylors Lane, Bosham, Chichester, WestSussex, PO18 8EN	Demolition of existing workshop and construction of 1 no. dwelling. Change of use, alterations and extension of one glasshouse to form annexed accommodation, restoration of two other existing glasshouses, landscape enhancements & associated works (altern	No Objection	Permit	Some
06-Apr-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	Objection	Permit	

06-Apr-23	BO/22/03163/ DOM	Steve Lawrence	Waders, Smugglers Lane, Bosham, West Sussex, PO18 8QW	Proposed first floor extension to east, alterations to external materials and fenestration, dormers to front and rear elevations to create second floor accommodation, dormers and balcony extension to eastern wing and detached garage with annexe accommodat	No Objection with Conditions	Permit	Yes
06-Apr-23	BO/23/00207/ TPA	Steve Lawrence	Willow House 8 Stumps End Bosham West Sussex	Re-pollard (back to previous wound points) on 1 no. Willow tree (quoted as 1) within Group, G4 subject to BO/76/00049/TPO.	No Objection	Permit	Yes
06-Apr-23	APP/23/00100	Steve Lawrence	Land and Buildings at, Northney Marina, Hayling Island	Use of existing hardstanding for temporary siting of up to 5 years for a portable office building for use by Jaykay Marine Sales	No Objection with Conditions	Permit	Yes
06-Apr-23	APP/23/00087	Steve Lawrence	Tree adj to Coastguard Cottages, Langstone Road, Havant, PO9 1RG	1No Oak (T1) reduce south facing lateral limbs that overhang boundary wall by 2.5 meters to leave branch lengths of 2 meters. Cut back to growth points	No Objection with Conditions	Permit	Yes
06-Apr-23	APP/23/00067	Steve Lawrence	7 Towers Garden, Havant, PO9 1RZ	Retention of replacement front door.	No Objection	Permit	Yes
06-Apr-23	APP/22/01122	Steve Lawrence	Land at, Northney Marina, Hayling Island	Retrospective application for single storey temporary buildings comprising of 1No. classroom, 1No. ancillary office, 1No. ancillary changing space, 2No. steel container store and 1No. shed store for a period of 3 years to support the provision of educatio	No Objection with Conditions	Permit	Yes
10-Apr-23	CHCPREAPP 23/07 HI	Steve Lawrence	70 Seaview Road, Hayling Island, PO11 9PE	Are Solar Panels allowed on the Chichester Harbour facing roof of a waterside house? I have solar panels on a flat roof which is not visible from the harbour. They are not generating enough power. I'm thinking of adding some more panels on the roof faci	Further Information Required		
10-Apr-23	CHCPREAPP 23/04	Steve Lawrence	Chidmere House, Chidham Lane, Chidham, PO18 8TD	My client proposes to install solar panels at a property within the conservancy, specifically on a barn roof and a pool house roof. Please can you advise as to any constraints? neither building is listed. Jeremy Yeoplumbing@jeremyyeo.co.uk 0703 113856	Further Information Required		

11- Apr- 23	WW/23/0056 7/FUL	Linda Park	Public Conveniences, Pound Road, West Wittering, West Sussex, PO20 8AJ	Demolition of existing WC block and associated outbuilding, demolition of lifeguard building,removal of storage containers, re-siting of 2 no. beach huts and erection of a replacement building to accommodate new toilet facilities, operational and lifegu	No Objection	Permit	
11- Apr- 23	BO/23/00729/ PREHH	Linda Park	Lea Rig, 3 Elm Park, Bosham, Chichester, West Sussex, PO18 8PD	Internal and external improvements which include a loft conversion and the re-building of 2no. single storey extensions.	Pre-App Advice given		
12- Apr- 23	BO/22/03237/ DOM	Steve Lawrence	16 Marcuse Fields, Bosham, West Sussex, PO18 8NA	Single storey rear extension	No Objection	Permit	Yes
12- Apr- 23	BO/22/03049/ DOM	Steve Lawrence	The Haven , Shore Road, Bosham, West Sussex, PO18 8HZ	Proposed partial demolition refurbishment and extension of garage/garden building and new swimming pool	No Objection with Conditions	Permit	Yes
12- Apr- 23	BO/23/00364/ TPA	Steve Lawrence	The Old School Shore Road Bosham Chichester	Crown reduce by 30% (back to previous pruning points), remove epicormic shoots up to crown break on 5 no. Poplar trees. Crown lift by up to 4m on 1 no. Poplar tree (west end of Group). All within Group, G1 subject to BO/22/00018/TETPO.	No Objection with Conditions	Permit	Some
12- Apr- 23	BO/23/00424/ TPA	Steve Lawrence	Tidewater Landing Bosham Hoe Bosham Chichester	Reduce 1 no. secondary limb on eastern sector (overhanging the neighbouring land) by up to 4m to suitable growth points. Remove 1 no. branch on eastern sector on 1 no. Monterey Pine tree (T1) within Group, G2, subject to 03/00097/TPO.Consultation expiry	No Objection with Conditions	Permit	Yes
17- Apr- 23	BI/20/02066/ OUT	Linda Park	Koolbergen, Kelly's Nurseries And Bellfield Nurseries, Bell Lane,Birdham, Chichester West Sussex PO20 7HY	Outline Application with all matters reserved apart from access for the erection of up to 73 dwellings, open space and associated works,Class E(g) employment floorspace and Class E(a) retail floorspace	No Comment Made	Refuse	
17- Apr- 23	BO/23/00443/ DOM	Linda Park	23 Westward Close, Bosham, Chichester, West Sussex, PO18 8QX	Replacement of existing conservatory with single storey side extension including changes to boundary treatment	No Objection	Permit	Yes

17-Apr-23	APP/23/00172	Linda Park	30 King Street, Emsworth, PO10 7AZ	Listed Building Consent for partial demolition and re-construction of existing brickwork boundary wall to listed dwelling. RECONSULTATION REQUEST for revised plans and/or documents receive	No Objection	Permit	Yes
17-Apr-23	APP/23/00172	Linda Park	30 King Street, Emsworth, PO10 7AZ	Partial demolition and re-construction of existing brickwork boundary wall to listed dwelling.	No Objection	Permit	Yes
17-Apr-23	SB/23/00434/ DOM	Linda Park	Critchfield, Prinsted Lane, Prinsted, Emsworth, PO10 8HR	Single storey rear extension with pitched roof, single storey and two storey side extension with hipped roof.	No Objection	Permit	Yes
17-Apr-23	APP/23/00217	Linda Park	17 King Street, Emsworth, PO10 7AX	Replacement of the existing mix of UPVC and timber windows with new set of solely timber windows and the addition of a small garden structure	No Objection	Permit	Yes
18-Apr-22	APP/23/00196	Linda Park	17 Spring Gardens, Emsworth, PO10 7AU	To erect a Summerhouse in the rear garden of my property	No Objection	Permit	Yes
21-Apr-22	APP/23/00155	Steve Lawrence	45 High Street, Emsworth, PO10 7AL	Retrospective application for rear extraction flue	No Objection with Conditions	Permit	Yes
23-Apr-23	APP/23/00171	Steve Lawrence	23 South Street, Emsworth, PO10 7EG	Ground floor rear extension, first floor rear extension, loft/second floor extension with installation of dormer windows and increase the roof height.	No Objection with Conditions	Permit	Yes
23-Apr-23	WI/23/00518/ DOM	Steve Lawrence	Church Corner, Itchenor Road, West Itchenor, Chichester, West Sussex, PO20 7DL	Garage building with associated landscaping including regrading land and reduce height of existing retaining wall.	Objection	Pending	
24-Apr-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
24-Apr-23	FB/23/00393/ DOM	Linda Park	Mill Lodge, Mill Lane, Fishbourne, Chichester, West Sussex, PO19 3JN	Proposed single storey rear extension, revised fenestration and proposed change of use of existing garage/studio for use as store/studio with alterations to fenestration and roof.	No Objection	Permit	Yes

26- Apr- 23	BO/23/00430/ DOM	Linda Park	Eden Cottage, High Street, Bosham, Chichester, West Sussex, PO18 8LS	Replacement of sheds with storage unit and open fronted gazebo/ pergola. Erection of fence/wall. Erection of gate.	No Objection	Permit	Yes
03- May- 23	WW/23/0075 2/FUL	Linda Park	Sandhead, Rookwood Lane, West Wittering, Chichester, West Sussex, PO20 8QH	Demolition of 1 no. existing dwelling and the construction of 1 no. new dwelling, covered pool, double garage, boat house and log store (Variation of condition 2 of permission 22/01647/FUL - Amendments to external envelope in relation to main house grou	No Objection	Permit	Yes
10- May- 23	WI/23/00678/ FUL	Linda Park	Paddock House, Spinney Lane, Itchenor, West Sussex, PO20 7DJ	PV panels and boreholes for ground source heat pump in connection with permission 22/02618/FUL.	No Objection	Permit	Yes
10- May- 22	APP/23/00268	Linda Park	8 Towers Garden, Havant, PO9 1RZ	Remove 1No.Magnolia within Conservation Area of Langstone.	No Objection	Permit	No
10- May- 22	BO/23/00608/ DOM	Linda Park	Oysters High Street Bosham Chichester	Addition of 6 skylights. Changes to roof space and access thereto by new staircase.	No Objection	Permit	Yes
11- May- 23	BO/23/00595/ FUL	Steve Lawrence	Five Elms, Stumps Lane, Bosham, Chichester, West Sussex, PO18 8QJ	Demolition of existing 1 no. dwelling and garage and erection of replacement dwelling and garage and amendments to site levels and additional planting. (Variation of conditions 2 and 16 of permission 22/02531/FUL - raise all the levels of the build by 60c	No Objection	Permit	
11- May- 23	BO/23/00595/ FUL	Steve Lawrence	Five Elms, Stumps Lane, Bosham, Chichester, West Sussex, PO18 8QJ	Demolition of existing 1 no. dwelling and garage and erection of replacement dwelling andgarage and amendments to site levels andadditional planting. (Variation of conditions 2 and 16 of permission 22/02531/FUL).	No Objection	Permit	
11- May- 23	BO2300595FU L	Steve Lawrence	Five Elms, Stumps Lane, Bosham, Chichester, West Sussex, PO18 8QJ	Demolition of existing 1 no. dwelling and garage and erection of replacement dwelling andgarage and amendments to site levels andadditional planting. (Variation of conditions 2 and 16 of permission 22/02531/FUL - raise all the levels of thebuild by 60c	No Objection	Permit	

15-May-23	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.	Objection	Pending	
15-May-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.	Objection	Pending	
16-May-23	SB/23/00687/ DOM	Linda Park	32 Gordon Road, Southbourne, Emsworth, West Sussex, PO10 8AZ	Single Storey Rear Extension	No Objection	Permit	Yes
16-May-23	WI/23/00758/ DOM	Linda Park	Steddles, Itchenor Road, West Itchenor, Chichester, West Sussex, PO20 7AB	Application for detached carport, shed and adjusted and new entrance	Objection	Permit	
22-May-23	BI/23/00640/ DOM	Steve Lawrence	Farne House, Court Barn Road, Birdham, Chichester, West Sussex, PO20 7BQ	Glazed link between extension and pool house, and minor fenestration changes to mainhouse.	No Objection	Permit	Yes
22-May-23	APP/23/00362	Linda Park	23 BATH ROAD, EMSWORTH, PO10 7EP	New enclosed driveway, sliding gate to south-west, dropped kerb and re-landscaped driveway	No Comment Made	Permit	
22-May-23	WI/23/00328/ DOM	Linda Park	Little Badgers, 6 The Spinney, Itchenor, Chichester, West Sussex, PO20 7DF	Conversion of loft space to create one bedroom with en-suite shower/WC, single storey extension to rear of existing garage and general rearrangement of the downstairs internal walls.	No Objection with Conditions	Permit	Yes
22-May-23	APP/23/00221	Steve Lawrence	56 King Street, Emsworth, PO10 7AZ	Removal of existing balcony, infill recess at first floor front elevation with window and cladding to match	No Objection	Permit	Yes
22-May-23	WI/23/00903/ DOM	Linda Park	Mariners, 13 The Spinney, Itchenor, Chichester, West Sussex, PO20 7DF	Second storey roof extension, removal of chimney and 1 no. dormer to east elevation. Singlestorey side extension permitted under 22/02486/DOM).	No Comment Made	Withdrawn	
23-May-23	BI/23/00963/ DOM	Linda Park	Lockfield, Lock Lane, Birdham, Chichester, West Sussex, PO20 7BB	Swimming pool and plant house with associated landscaping	No Objection with Conditions	Permit	Yes

24- May- 23	APP/23/00249	Linda Park	North Street House, 6 North Street, Emsworth, PO10 7DD	Proposed conversion of 2.5-storey surgery [Class E(e)] building to hotel(Class C1); replacement of single-storey surgery [Class E(e)] building with two-story café [Class E(b)]	No Objection with Conditions	Permit	Some
26- May- 23	WW/23/0076 8/ELD	Steve Lawrence	The Boathouse Brook House Pound Road West Wittering	Existing lawful development for use of main building as studio/holiday accommodation and storage for kayaks and sailing equipment. Use of shed as storage. Land adjacent to main building used as car parking and bike/refuse storage and landscaping.	Further Information Required	Withdrawn	
28- May- 23	BI/23/00735/T PA	Steve Lawrence	Land South Of Chichester Canal Adjacent To Salterns Lock Lock Lane Birdham West Sussex	Reduce heights down to 12m (above ground level) on 2 no. Lombardy Poplar trees (593, 599), reduce height down to 14m (above ground level) on 1 no. Lombardy Poplar tree (597) and reduce heights down to 15m (above ground level) on 20 no. Lombardy Poplar tre	No Objection	Permit	Yes
28- May- 23	CHCPREAPP 23/04 CH	Steve Lawrence	Chidmere House, Chidham Lane, Chidham, PO18 8TD	My client proposes to install solar panels at a property within the conservancy, specifically on a barn roof and a pool house roof.	Further Information Required		
28- May- 23	WI/23/00657/ DOM	Steve Lawrence	HAMRA HOUSE, SPINNEY LANE, ITCHENOR, CHICHESTER, WEST SUSSEX PO20 7DJ	Replacement of pool cover building.	No Objection	Permit	Yes
29- May- 23	WW/23/0085 5/DOM	Steve Lawrence	Trilby Cottage, Rookwood Road, West Wittering, Chichester, West Sussex, PO20 8LT	Single storey rear extension and associated alterations	No Objection	Permit	Yes
29- May- 23	BO/23/00647/ DOM	Steve Lawrence	20 Critchfield Road, Bosham, Chichester, West Sussex, PO18 8HH	Demolition of existing conservatory and erection of single storey rear extension	No Objection	Permit	Yes
29- May- 23	APP/23/00322	Steve Lawrence	17 Seafarers Walk, Hayling Island, PO11 9TA	4No.White Poplar trees - Reduce to old pruning points, remove any dead,crossing or epicormic branches as necessary, subject to TPO 1358 within A1.	No Objection with Conditions	Permit	Yes

29-May-23	WI/23/00604/ DOM	Steve Lawrence	Swallows Return, Itchenor Road, West Itchenor, Chichester, West Sussex, PO20 7DA	Proposed new side extension, PV rooflights to extension & garage & additional velux rooflights to main house.	Objection	Withdrawn	
29-May-23	WI/23/00800/ DOM	Steve Lawrence	Harbour View, Itchenor Road, West Itchenor, Chichester, West Sussex, PO20 7DH	Erection of a new-build garage and pool house, ancillary to an existing dwelling (previously approved under application ref. WI/21/03545/FUL). Existing Poolhouse to be demolished - (Variation of Condition 2 of Planning Permission WI/22/01440/DOM for a p	Objection	Refuse	
30-May-23	WI/23/00802/ DOM	Steve Lawrence	Harbour View, Itchenor Road, West Itchenor, Chichester, West Sussex, PO20 7DH	Erection of a new-build garage and pool house, ancillary to an existing dwelling (previously approved under application WI/21/03545/FUL). Existing Poolhouse to be demolished - Variation of Condition 2 of householder permission WI/22/01440/DOM - Variation	Objection	Withdrawn	
31-May-23	FB/23/00912/ TCA	Linda Park	Roman Landing 69 Fishbourne Road West Fishbourne Chichester	Notification of intention to reduce all sectors by up to 8m (approx. 30%) on 1 no. Eucalyptus tree.	No Objection	No TPO	Yes
31-May-23	AP/23/00878/ FUL	Linda Park	THE APULDRAM CENTRE, COMMON FARM, APPLIEDRAM LANE SOUTH, APPLIEDRAM, CHICHESTER, WEST SUSSEX, PO20 7PE	Use of land for secure dog walking and exercise facilitated by the erection of 1.9m deer high fencing, provision of field shelter and associated vehicle parking.	No Objection with Conditions	Permit	Some
31-May-23	BI/23/00915/ NMA	Steve Lawrence	Bartons, Crooked Lane, Birdham, Chichester, West Sussex, PO20 7HA	Non material amendment to 22/02381/DOM. Removal of Velux on South Elevation. Reduce glazing in gable, change windows on rear, roof light added to rear and window removed in North elevation.	No Objection	Permit	Yes
31-May-23	APP/23/00319	Linda Park	51 High Street, Emsworth, PO10 7AN	Conversion of existing open garage space to office	No Objection with Conditions	Permit	Yes
07-Jun-23	SB/23/01024 /ADV 73	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.	Objection	Permit	

12- Jun-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	
13- Jun-23	SB/23/01101/ EIA	Steve Lawrence	Land At Hamcroft Main Road Nutbourne Chichester West Sussex PO18 8RN	Screening Opinion required to determine whether a proposed forthcoming full planning application for the development of the site with 140 dwellings with associated parking and landscaping should be subject of Environmental Impact Assessment (EIA), and the	EIA Screen - ES Sought	Pending	
14- Jun-23	APP/23/00296	Steve Lawrence	27 Queen Street, Emsworth, PO10 7BJ	Remodelling space to rear of kitchen to open wall out for a garden view, change position of garden wall between nos. 25 & 27 Queen Street and internal layout changes to rear of kitchen & attic floor.	No Objection with Conditions	Permit	Yes
14- Jun-23	APP/23/00297	Steve Lawrence	27 Queen Street, Emsworth, PO10 7BJ	Listed Building Consent for remodelling space to rear of kitchen to open wallout for a garden view, change position of garden wall between nos. 25 & 27 Queen Street and internallayout changes to rear of kitchen & attic floor.	No Objection with Conditions	Permit	Yes
19- Jun-23	BO/23/00934/ DOM	Linda Park	6 Harbour Court, Bosham, West Sussex, PO18 8PB	Side extension and loft conversion with associate dormers and roof lights, demolition of existing garage, remove existing fence and install a brick wall	No Objection with Conditions	Permit	Some
19- Jun-23	APP/23/00301	Steve Lawrence	25 Queen Street, Emsworth, PO10 7BJ	Erection of a screen to bins in front of property; refurbish existing railings; refurbishment of windows & change dormer to a lead type construction to tie in with adjacent property.	No Objection with Conditions	Permit	No
19- Jun-23	SB/23/00699/ DOM	Linda Park	Mountain Ash 106 Main Road Southbourne Emsworth	Two storey rear addition/alterations and new front porch	No Objection with Conditions	Permit	Yes

20- Jun-23	BO/23/00902/ DOM	Steve Lawrence	Broadbridge Farm House, Delling Lane, Bosham, Chichester, West Sussex, PO18 8NN	Erection of a single storey timber framed garden gym/studio building and an adjacent below ground swimming pool.	No Objection with Conditions	Permit	Some
21- Jun-23	APP/23/00217	Linda Park	17 King Street, Emsworth, PO10 7AX	Replacement of the existing mix of UPVC and timber windows with new set of solely timber windows and the addition of a small garden structure.	No Objection	Permit	Yes
21- Jun-23	BO/23/01049/ FUL	Linda Park	Longshore , Bosham Hoe, Bosham, West Sussex, PO18 8EU	Demolition of existing 1 no. dwelling and 1 no. detached garage with ancillary accommodation above, replaced with the construction of 1 no. dwelling with detached store and pergola. Installation of photovoltaic panel array on roof of existing boat house.	No Objection with Conditions	Permit	Some
21- Jun-23	APP/23/00349	Steve Lawrence	71 LANGSTONE ROAD, HAVANT, PO9 1RD	Loft conversion and roof alterations.	No Objection	Permit	Yes
21- Jun-23	APP/23/00349	Steve Lawrence	71 Langstone Road, Havant, PO9 1RD	Loft conversion and roof alterations. Reconsultation	No Objection	Permit	Yes
21- Jun-23	FB/23/01108/ DOM	Linda Park	2 Mill Close, Fishbourne, Chichester, West Sussex, PO19 3JW	Demolition of existing utility room and removal of pitched roof of front extension, replaced with erection of single storey side and front extensions with replacement front porch and various alterations including changes to fenestration. Proposed rear con	No Objection with Conditions	Permit	
22- Jun-23	SB/23/01103/ DOM	Linda Park	KIMLAS SCHOOL LANE NUTBOURNE CHICHESTER WEST SUSSEX PO18 8RZ	New garage and replacement shed	No Objection with Conditions	Permit	Yes
26- Jun-23	APP/23/00303	Linda Park	Central Buildings, West Street, Emsworth	Removal of existing dangerous parapet wall on southern elevation roof and installation of replacement flat roof fascia board.	No Objection with Conditions	Withdrawn	
26- Jun-23	APP/23/00418	Linda Park	Woodgaston Cottage, Woodgaston Lane, Hayling Island, PO11 ORL	3No. Oak Trees (T1, T2 & T3 on plan) reduce lower canopy encroaching over garden by 1.5m, crown raise to 3m, gain suitable clearance from Utility cable, remove epicormic growth on trunk no height to be affected and overall spread will have minimal change	No Objection	Permit	Yes

26- Jun-23	BO/23/01249/ DOM	Linda Park	Inner Randells, Bosham Hoe, Bosham, Chichester, West Sussex, PO18 8ET	Installation of solar panels to south facing roof. Instalation of air source heat pumps to theside of the garage.	No Objection with Conditions	Permit	Yes
27- Jun-23	WI/23/01144/ FUL	Linda Park	Walnut Tree Cottage, Itchenor Road, West Itchenor, Chichester, West Sussex, PO20 7AB	External stairs on west elevation.	No Objection	Permit	Yes
27- Jun-23	WI/23/01345/ TCA	Steve Lawrence	Land North West Of Pucks Acre Itchenor Road West Itchenor Chichester	Notification of intention to reduce crown by up to 5m (approx. 30%) on 4 no. Alder trees (T1, T2, T3 & T4) and reduce crown by up to 4m (approx. 20%) on 1 no. Oak tree (T5).	No Objection with Conditions	No TPO	Some
28- Jun-23	BO/23/01193/ DOM	Steve Lawrence	30 Brooks Lane Bosham Chichester West Sussex PO18 8LA	Single storey rear extension and 2nd storey dormer	No Comment Made	Permit	
28- Jun-23	BO/23/01399/ TCA	Steve Lawrence	REDFERN HOUSE, BOSHAM LANE, BOSHAM, CHICHESTER, WEST SUSSEX. PO18 8HP.	Notification of intention to fell 1 no. Apple tree (quoted as T1).	No Objection	No TPO	Some
28- Jun-23	SB/23/01261/ ELD	Linda Park	Land adjacent to Sallyport, 11 Frarydene, Prinsted, Emsworth, West Sussex, PO10 8HU	Existing lawful development certificate for use of adjacent land as private amenity space.	Further Information Required	Refuse	
29- Jun-23	SB/23/00769/ DOM	Steve Lawrence	270 Main Road, Southbourne, Emsworth, West Sussex, PO10 8JL	Single storey side and rear extensions. Alterations to fenestration and new roofs to front bay windows.	Objection	Refuse	
29- Jun-23	BI/23/00909/ DOM	Steve Lawrence	11 Greenacres, Birdham, Chichester, West Sussex, PO20 7HL	First floor extensions to the east and west side elevations providing home office an gymnasium.	Objection	Permit	
29- Jun-23	BI/23/01051/ UL	Steve Lawrence	Court Barn, Court Barn Road, Birdham, Chichester, West Sussex, PO20 7BQ	Replacement dwelling, outbuilding and associated works (approved under BI/21/02858/FULand varied by BI/22/01621/FUL) - Variation of Condition 2 of planning BI/22/01621/FUL - To reference changes to increased height and depth of chimney, addition of a ne	No Objection with Conditions	Permit	