

Owner/Occupier

If Calling please ask for: Mr Michael Coates-Evans  
01243 534734  
E-mail  
planningappeals@chichester.gov.uk

Our Ref: CC/20/00040/CONENG

Date: 12th July 2022

Dear Sir/Madam,

**Town and Country Planning Act 1990  
Notification of Planning Appeal**

**DCLG Ref No:** APP/L3815/C/22/3300531

**Application No:** CC/20/00040/CONENG

**Appellant's Name:** Mr Adrian Thomas

**Site Location:** Land North West Of Newbridge Farm, Salthill Road, Fishbourne, West Sussex

**Proposed Development:** Appeal against CC/154

**Start Date:** 21.06.2022

An appeal has been lodged against the Enforcement Notice, details shown above.

The enforcement notice that is the subject of appeal was issued on 26th April 2022 for the following reasons:

*It appears to the Council that the above breach of planning control has occurred within the last ten years.*

*The site lies outside a designated Settlement Policy Area (SPA) where policies in the Development Plan seek to strictly control development within the countryside unless there is a proven need. The aims of these policies are supported by the Government's National Planning Policy Framework (NPPF) which emphasises a presumption in favour of sustainable development. However this is not an unconditional presumption and it makes it clear that any proposals for development within the countryside must be determined in accordance with the development plan, unless material considerations indicate otherwise.*

*In this case, there is no demonstrable need for the development to have taken place in the countryside contrary to Policies 2 and 45 of the Chichester Local Plan: Key Policies 2014-2029 [CLP] where development is strictly controlled to that which requires a countryside location. Also, due to its distance from the nearest serviced settlement, the development is considered to be unsustainable, promoting a reliance upon private motor vehicles contrary to transport policies 8 and 39 of the CLP paragraphs 78 and 79 of the Government's National Planning Policy Framework (NPPF).*

*The site lies adjacent to a public right of way from which views of the site are afforded undermining the visual amenities of the rural landscape and the tranquility of the area. The unauthorised use of the land for residential purposes and the collection and storage of goods and materials is considered to have a detrimental effect upon the natural environment with impacts upon visual amenity and the loss of openness contrary to Policy 48 of the CDCLP and paragraph 170 of the NPPF.*

*In addition, the site is located within the 5.6km 'zone of influence' of the Chichester and Langstone Harbour Special Protection Area where it has been identified that the net increase in residential development results in significant harm to those areas of nature conservation due to increased recreational disturbance contrary to Policy 50 of the Chichester Local Plan Key Policies 2014-2029. The development would therefore contravene the Conservation of Habitats and Species Regulations 2017 and the advice in the National Planning Policy Framework.*

*The development is considered contrary to the NPPF 2021 paragraphs: 7 - 12, 80, 174 and 179, and Chichester Local Plan: Key Policies 2014-2029 Policies: 1, 2, 37, 39, 45, 48, 49, 50 and 52.*

*The Council does not consider that planning permission should be granted, because planning conditions could not overcome these objections to the development.*

The enforcement notice requires the following steps to be taken:

- (i) Discontinue the use of the Land for the stationing of a mobile home for the purposes of human habitation;*
- (ii) Remove the mobile home and portable toilet from the Land;*
- (iii) Dismantle the lean-to porch, wooden deck and free-standing kitchen (adjacent to the mobile home) and remove the resultant debris from the Land;*
- (iv) Remove the two metal container buildings and portable cabins (used to store household items) from the Land;*
- (v) Remove the parked motor vehicles and lorry from the Land;*
- (vi) Discontinue the use of the Land as a waste collection business;*
- (vii) Remove from the Land all non-agricultural goods and items including but not limited to metal goods; and all wooden pallets, sawn wood, plant pots, car seats, tyres, shower tray, oil drums, log splitter, filing cabinets, oil drum barbeques, boat and trailer, chimney pots, trailers, touring caravan, cables,*

trailer plates, household items, armchairs, sofa, tables, washing machines, generator, awning roller blinds; hippo waste bags, uPVC doors, wooden glazed doors, fridge, pool table, building materials and cement mixer.

(viii) Break up and remove from the Land the earth bund and fencing [as identified in the approximate position on the attached plan]; and

ix) Following step (viii) above, level the Land to follow the natural gradient/slope of the land,

The appellant has appealed against the notice on the following grounds:

**Ground (b)** – that the breach of control alleged in the enforcement notice has not occurred as a matter of fact.

**Ground (d)** – that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

It has been agreed by the Ministry for Housing, Communities and Local Government Planning Inspectorate that the appeal will be dealt with by way of the **Written Representation** procedure. This means that the appeal will be decided on written statements of the parties concerned and that no public local inquiry will be held. Please note this may be subject to review at a later date.

The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002.

Your representations to the Council at the time the breach was being investigated have been copied to the Ministry for Housing, Communities and Local Government Planning Inspectorate. If you wish to elaborate, or modify/withdraw your previous comments, you can do so on the Inspectorate Website at <https://acp.planninginspectorate.gov.uk/>

The Planning Inspectorate is trialling a new appeals service to improve the digital services they offer. If you are looking for an appeal submitted after 7th August 2019, please use the beta service option. The unique seven-digit reference number will begin with '4' if it is on this service. For all other case types please use the current service.

If you do not have access to the internet, you can send your comments to the Planning Inspectorate at the address overleaf.

**All representations must be received by 9th August 2022.** Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference, APP/L3815/C/22/3300531**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal. If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

*Please also note that the Planning Inspectorate will not acknowledge receipt of your representations.*

*The appeal documents are available for inspection at Chichester District Council offices. The Council's statement should also be available but please check before coming to the office if you particularly wish to see any appeal documentation. Please do not delay sending your own representations if the statement is not available. A copy of the appellant's grounds of appeal is available during normal office hours or through the Council's website.*

*You can get a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge at: <https://www.gov.uk/appeal-enforcement-notice>.*

*When made, the decision will be published on both the Planning Inspectorate and the Council's website. If you wish to be advised of the outcome of the decision, you must write to the Planning Inspectorate and request that they notify you of the decision.*

*Yours faithfully*

**Andrew Frost**

*Director of Planning and the Environment  
Planning Services*

### **COMMUNICATING WITH THE INSPECTORATE**

*Communications should be sent to: The Planning Inspectorate  
FAO - Ben White Room 3B Temple Quay House 2 The Square Bristol BS1 6PN*

**Telephone:** 03034445589

**Or by email to:** [Teame3@planninginspectorate.gov.uk](mailto:Teame3@planninginspectorate.gov.uk)

**Or Via The Planning Inspectorate's website at:**

<https://acp.planninginspectorate.gov.uk/>

*NB: A copy of Chichester District Council's Decision Notice for this application can be found on our website at <http://www.chichester.gov.uk/viewplanningapplications> and searching using the planning application reference of CC/20/00040/CONENG.*