

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

Agent :

Mr Nikolas Antoniou
The Beehive
City Place
Gatwick RH6 0PA

Applicant Details :

Mr R Nicholls
c/o Agent

In pursuance of their powers under the abovementioned Act and Orders, the Council hereby notify you that they **REFUSE** the following development, that is to say:

**Demolition of five garage/storage buildings and erection of 4 no. dwellings and 1 no. commercial unit with associated parking.
Eldridge's Yard The Old Creamery Glasshouse Lane Kirdford Billingshurst West Sussex RH14 0LT**

as shown on plan and application no. KD/19/03111/FUL submitted to the Council on 21 February 2020.

The reason for the Council's decision to refuse to permit the above development are:

- 1) The site lies outside the designated Settlement Boundary and the proposal is consequently located in designated countryside, where the policies of the development plan state that development will only be permitted where it requires a countryside location and where it meets an essential, small scale and local need, which cannot be met within or immediately adjacent to the existing settlement. It has not been demonstrated that the proposed dwellings require a countryside location, nor that it is required to meet an essential, small and local need. In addition, the proposal would result in the loss of the employment site, which has been inadequately justified, in accordance with the evidence requirements set out within Appendix of the Local Plan. Therefore, the proposed development constitutes an unjustified form of development, located outside the settlement boundary that conflicts with Policies 1, 2, 26 and 45 of the Chichester Local Plan 2014-2029, Paragraph d) ii) of the NPPF 2021.
- 2) The proposal by reason of size, scale and layout of proposed dwellings, the dominance of hardstanding, its poor relationship with its neighbouring commercial uses, the poor detailed design and choice of materials, the lack of private amenity space and means of enclosure, would result in an over-development of the site and an unneighbourly and unsatisfactory living environment, which would be distinctly at odds with and fail to conserve or enhance the distinct character and appearance of the Kirdford Conservation Area. In addition, the proposed commercial unit, because of its size, scale, and detailed design result in an unduly prominent form of development which bears little similarity to scale of the existing commercial unit and would consequently inhibit views of the Old Creamery, which would be detrimental to

the character of the Kirdford Conservation Area. Therefore, the proposal would be contrary to Policies 25, 33, 47 and 48 of the Chichester Local Plan, Paragraph 130 of the NPPF (2021) and Policy EM.3, DS.1 and DS.2 of the Kirdford Neighbourhood Plan.

- 3) The Local Planning Authority considers that insufficient evidence has been submitted by the applicant to demonstrate, to the satisfaction of the LPA, that there are no sequentially preferable sites capable of accommodating the proposal and therefore the proposal has failed to pass the Sequential Test. The proposal is therefore contrary to Policy 42 of the Local Plan, Section 14 of the NPPF and National Planning Practice Guidance.
- 4) The application site falls within the Sussex North Water Resource Zone and comprises new development which would result in an increased demand for water. Natural England's advice is that such applications, without mitigation, would have a likely significant effect on the Arun Valley SAC, SPA and RAMSAR in combination with other developments in the Sussex North Water Supply Zone. In the absence of suitable mitigation to demonstrate water neutrality, the proposal is likely to have a significant effect on the Arun Valley SAC, SPA and RAMSAR and is therefore contrary to the aims and objectives of the National Planning Policy Framework (July 2021) and The Conservation of Habitats and Species Regulations (2017) (as amended).

INFORMATIVES

- 1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, it has not been possible to resolve them. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.
- 2) This decision relates to the following plans: LP-01 REV B, PR-03 REV C, PR-04 REV B, PR01 REV A, PR02 REV A, PR05 REV B and SP-01.

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

Date : 2 March 2023

Signed:



Andrew Frost
Director of Planning and the Environment
Chichester District Council

NOTES

Town and Country Planning Act 1990 Town and Country Planning (Control of Advertisements) Regulations 1992 Town and Country Planning (Trees) Regulations 1999

Your attention is directed to the following notes. They are for information only and do not pretend to set out the whole of the law on the subject. It would be well for you to consult your solicitor if you are in any doubt.

1. If the applicant is aggrieved by the decision of the District Planning Authority to refuse permission for the development, or is aggrieved by a condition imposed on a planning permission, he may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990 within six months* from the date of notice or determination giving rise to the appeal. (All appeals must be made on a form which is obtainable from The Planning Inspectorate, Room 3/04A Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. <https://www.gov.uk/planning-inspectorate>. Advertisements and ELD/PLD appeal forms are available from County House, Portland Square, Bristol; Tree Preservation Order appeals forms are available from Government Office from The Planning Inspectorate, The Environment Appeals Team, Trees and Hedges, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Email – environment.appeals@pins.gsi.gov.uk Telephone – 0303 444 5584. One copy of the appeal form must be submitted to the Director of Planning and the Environment, Chichester District Council, East Pallant House, Chichester, West Sussex PO19 1TY).

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the District Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.

*** APPLICANTS SHOULD NOTE THAT THE PERIOD FOR MAKING AN APPEAL IN RESPECT OF HOUSEHOLDER APPLICATIONS (SUFFIX /DOM) IS 12 WEEKS FROM THE DATE OF THIS NOTICE; FOR ADVERTISEMENT APPLICATIONS (SUFFIX /ADV) IT IS 8 WEEKS; AND FOR TREE APPLICATIONS (SUFFIX /TPA) IT IS 28 DAYS.**

2. If permission to develop land is refused or granted subject to conditions, whether by the District Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part V of the Town and Country Planning Act 1990.
3. In certain circumstances a claim may be made against the District Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in the Town and Country Planning Act 1990.

4. By Section 195 of the Town and Country Planning Act 1990 where an application is made to a District Planning Authority for a Certificate of Lawful Use or Development and is refused in part, the applicant may by notice under this sub-section appeal to the Secretary of State and on any such appeal the Secretary of State shall:
 - (a) if and so far as he is satisfied that the Authority's refusal is not well-founded, grant to the appellant a Certificate of Lawful Use or Development accordingly or, as the case may be, modify the certificate granted by the Authority on the application, and:
 - (b) if and so far as he is satisfied that the Authority's refusal is well-founded, dismiss the appeal.
5. Applicants are advised to consult Regulation (15) of the Advertisements Regulations 1992 regarding appeals in respect of advertisements.
6. Where this notice conveys approval or permission, conditional or unconditional please note that the decision given does not purport to convey any consent or approval which may be required under the Public Health Acts and Building Regulations. Additionally applicants are advised to check the need for notice to be given under the Party Wall etc. Act 1996.
7. Where this notice conveys approval or permission subject to conditions, applicants are reminded that the onus is on them to ensure the conditions have been complied with. Under some circumstances a failure to comply with a condition may result in the whole development being unauthorised.