

Via Email

If Calling please ask Sue Payne  
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gov.uk

Our Ref: PS/20/00414/CONHH

Date: 2nd July 2024

Dear Sir/Madam,

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

**DCLG Ref No:** APP/L3815/C/24/3346062

**Application No:** PS/20/00414/CONHH

**Appellant's Name:** Mr Stephens

**Site Location:** Oxencroft, Ifold Bridge Lane, Ifold, Loxwood Billingshurst West  
Sussex

**Proposed Development:** Appeal against PS/72

**Start Date:** 01.07.2024

An appeal has been lodged against Enforcement Notice, as detailed above.

The enforcement notice that is the subject of appeal was issued on 01<sup>st</sup> May 2024 for the following reasons:

*Without planning permission the material change of use of the Land to a mixed use comprising the stationing of a mobile home for the purposes of human habitation, agriculture and the operation of a forestry contractors business.*

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

*The Council considers that the lawful use of the Land is for agriculture. The introduction of a residential mobile home and the operations and storage elements of a forestry contractors business constitute a material change of use. There is no adequate justification for either of the new primary uses within this countryside location.*

*First, there is no locational requirement for the forestry contractors business to operate here. The business appears to have other headquarters and so it is not reliant on this Land.. Also, the Council considers that there are other locations in the area that would be more appropriate for the activities carried on. The business operates vehicles from the site which results in increased movement of commercial traffic in a quiet residential area in the countryside. In addition, the business undertakes bio-security measures on site including the washing down of commercial vehicles with chemical solutions in an open area without appropriate containment and disposal of wastewater. Clothing worn by employees is also washed and dried on Site. These operations have an adverse impact on the natural environment including water courses. These activities do not require a countryside location and so represents an unjustified form of development in the rural area. Vehicular movements to and from the Site are detrimental to the quiet enjoyment of the locality and the residential amenity of nearby residential occupiers.*

*It is acknowledged that both the Local Plan and NPPF support the diversification of the rural economy and the sustainable growth of all types of business in rural areas, through conversion of existing and new buildings, and the development and diversification of agricultural and other land based businesses. However, policies stress that this should not take place at the expense of the defining characteristics or appearance of the area in which the proposed development is to take place.*

*Second, neither the forestry contractors business nor the agricultural activities being carried out require the provision of on-site residential accommodation. The mobile home appears to be in full time residential use (supported by ancillary structures including the new brick and timber outbuilding shown marked on the Inset Plan) and is considered to be tantamount to the creation of a new dwellinghouse in the countryside.*

*The storage containers, earth banks, Drying Room, Staff Room, patio, dog kennels, artificial grass, brick pillars and entrance gates, Laundry Room, mobile home, brick and timber outbuilding and hardstanding have all been added as part and parcel of the change of use. In addition, the clearance of the Site to provide level ground for the development of the site and the stationing of chattels has resulted in the creation of the earth banks from the movement of soil.*

*Without any demonstrable need for the residential development to have taken place in the countryside it is considered to be contrary to Policies 2 and 45 of the Chichester Local Plan: Key Policies 2014-2029 which strictly limit development to that which requires a countryside location. It is also contrary to the development plan as a whole. The aims of these policies are supported by the Government's National Planning Policy Framework (NPPF) and there are no material considerations which justify that permission should be granted in departure from the development plan.*

*In addition, the site is located within the Sussex North Water Resource Zone. Natural England has published a statement regarding water supply issues which are likely to impact the Arun Valley SAC, SPA and Ramsar site. As a result development which will give rise to increased demand for water within the zone needs to be*

*subject to Habitats Regulation Assessment and can only proceed if water neutrality can be achieved. Consideration of measures to avoid or reduce the harmful effects upon the Arun Valley and achieve water neutrality can only be taken into account at the Appropriate Assessment stage of Habitats Regulation Assessment. As sufficient mitigation has not been made against such an impact the development is considered to be contrary to Policy 49 of the CLP; the Conservation of Habitats and Species Regulations 2017 and the Environment Act 2021.*

*As such the development fails to comply with Chichester Local Plan: Key Policies 2014-2029 Policies 1, 2, 5, 25, 33, 39, 40, 45, 48 and 49 and sections 2, 4, 5, 12 and 15, and paragraphs 8-11, 12, 55, 59, 84, 135, 139, 180, 186 and 188 of the National Planning Policy Framework (December 2023) and there are no material considerations that would outweigh the harm identified.*

The enforcement notice requires the following steps to be taken:

- (i) Cease using the Land for the stationing of a mobile home for the purposes of human habitation;*
- (ii) Remove the said mobile home from the Land;*
- (iii) Cease using the Land for the operation of a forestry contractors business;*
- (iv) Remove the 4no. storage containers (shown in their approximate position on the attached Inset Plan) from the Land;*
- (v) Remove the 1no. portacabin, used as a biosecurity drying room (shown in the approximate position on the attached Inset Plan), and break up and remove the resultant debris from the Land;*
- (vi) Dismantle the building used as a laundry room (shown in the approximate position on the attached Inset Plan) and remove the resultant debris from the Land;*
- (vii) Dismantle the timber building used as a staff room/kitchen/toilet and shower room (shown in the approximate position on the attached Inset Plan) and remove the resultant debris from the Land.*
- (viii) Dismantle the brick and timber outbuilding (shown in the approximate position on the attached Inset Plan) and remove the resultant debris from the Land;*
- (ix) Dismantle the dog kennel (shown in the approximate position on the attached Inset Plan) and remove the resultant debris from the Land;*
- (x) Break up the concrete bases, hardstanding, brick path, edging stones, patio, artificial lawn and paving (shown in the approximate positions in orange on the attached Inset Plan) and remove the resultant debris from the Land;*
- (xi) Break up the earth banks (shown in the approximate position with a brown line on the attached Inset Plan) and remove the resultant debris from the Land;*
- (xii) Demolish the brick pillars (in the approximate position shown on the attached Notice Plan) and remove the resultant debris and timber gates from the Land; and*
- (xiii) Following compliance with steps (ii) – (xi) above, level the land with top soil and reseed with grass.*

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

**Ground (a)** – *that planning permission should be granted for what is alleged in the notice.*

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

**Ground (c)** – *that there has not been a breach of planning control.*

**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.*

**Ground (f)** – *the steps required to comply with the requirements of the notice are excessive and lesser steps would overcome the objections.*

**Ground (g)** – *that the time given to comply with the notice is too short.*

It has been agreed between the Department for Levelling Up, Housing and Communities and the Planning Inspectorate that the appeal will be dealt with by way of an **Public Inquiry**. I will confirm the Public Inquiry date in due course. 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) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002.

Interested parties may attend the Public Inquiry (personally or through an accredited representative) and at the Inspector's discretion present any evidence they consider should be put before him, or give their views on the possible grant of planning permission. If they cannot or do not wish to attend the Inquiry, they may present or give their views in writing, but copies of any letters received will be sent to the Appellants and may be read out at the Public Inquiry.

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/>. 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 12th August 2024.** 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/24/3346062.**

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. The Planning Inspectorate will not acknowledge receipt of your representations.

Please do not delay sending your own representations if the statement is not available. A copy of the Appellant's grounds of appeal and The Council's statement are available through the Council's website :

<http://www.chichester.gov.uk/viewplanningapplications>, using the Enforcement reference number (20/00414/CONHH) or you may view them at East Pallant House.

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 - Faiza Kanwal  
Temple Quay House 2 The Square Bristol BS1 6PN

**Telephone:** 0303 444 5595

**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 20/00414/CONHH.