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Minutes of the of the Parish Council Meeting
held on Wednesday 13th March 2024
at 7pm

Present: Cllr Timothy Firmston (Chairman), Cllr Catherine Salamons (Vice-chair)
Cllr Elizabeth Hamilton, Cllr Gordon Churchill
WSCC Pieter Montyn CDC Elizabeth Hamilton CDC Iain Ballantyne
4 members of the public and Clerk (Zoom).

1. Apologies

Cllrs Taylor and Devos. The council accepted their reasons for absence.

2. Declarations of interest

- i. There were no declarations of interest for matters on the agenda
- ii. There were no dispensation requests

3. Minutes – to agree and sign the minutes of 14th February 2024 meeting

The minutes were proposed by Cllr Salamons, seconded by Cllr Hamilton and were unanimously **AGREED** to be a true and accurate record. They were duly signed by the Chairman.

4. Public Question time from residents of Birdham in accordance with Standing Orders 1d – 11

A resident asked about the build-up of water against his and several neighbours' walls at the bottom of Crooked Lane to Westlands. It was agreed to bring to the attention of Cllr Montyn later in the meeting.

5. Community Orchard – preliminary proposal (Appendix 1)

Mr Mark Hobson, a resident of Birdham and new trustee of Birdham Village Hall, put forward a proposal to the council to use the bequeathed land as a community orchard. Cllr Firmston said that the land had been bequeathed to the council about ten years ago, and since that time the council had worked on finding a good use for the land. Attempts to use the land for a housing trust or local affordable housing, or even to sell the land were blocked by the covenants on the land. (Six parties need to give consent).

Cllr Firmston said the land was currently covered in brambles and a soil test would need to be done. There are several large trees surrounding it. Cllr Salamons said that an orchard would be acceptable under the covenants. There is a right of access from Longmeadow Gardens covered by an easement.

Mr Hobson said that he was conscious of community resilience and that currently apples and fruits that come from across the other side of the world are often stored for up to a year before reaching the shops. There are community orchards in Bracklesham, Sidlesham, Chichester (Oaklands Park/Wick). He has been in touch with the Chair of Governors at the Primary School, and Jane Reeve, all of whom would be happy to help. He said that it was manageable and if someone wanted to grow vegetables that could be a possibility. He had been in touch with Peter May who is an apple specialist and gives good advice on the type of apples to have (varieties that don't all ripen at the same time), and which have a good storage rate. It could also grow pears, plums, cherries, quinces. He said that semi-dwarf trees would be used and that some of the bigger branches of the current trees would need to be pollarded.

Cllr Firmston said that there were DEFRA grants for this where the cost of the trees could be completely paid for. The person to contact at CDC was Michael Pierce of the Trees outside Woodland project. All trees need to be native woodland apart from fruit trees.

Mr Hobson asked the council if the project could be moved forward. Cllr Firmston said that access/soil type/water access needed to be considered but that if the council agreed that housing was not feasible, then a motion could be proposed at the next meeting.

6. To receive reports from CDC members for Birdham

Cllr Hamilton had received the agenda of the Council meeting next week. On the agenda were the following:

- budget had been covered last month
- street cleaning and replacement of vehicle with electric one (an issue is that there are not enough charging facilities for the electric vehicles)
- weekly food waste collection
- council tax on second homes to be doubled
- senior staff pay policy statement
- petition received from West Wittering classic cars who for 13 years have used the East beach car park every third Sunday to request they can continue to do so

Cllr Ballantyne had received two questions from Cllr Susan Taylor concerning Chichester Local Plan:

1. "At the February Parish Council meeting in response to my question, you said that the Local Plan had been submitted to the Examiner for examination in January of this year.

I have since been informed that the Local Plan has NOT been submitted for examination and a new timeline of April has been suggested .

This is extremely concerning as these constant delays in submission increase the risk of the evidence becoming out of date, necessitating new studies to be carried out, thus delaying the whole process further.

Indeed, I read from the minutes of another parish council that the Inspector has already suggested that a new S19 consultation may be required.

In view of the above and the importance of the Local Plan to the Peninsula, why were we told that the Local Plan had been submitted to the Examiner in January and please may we have clarity as to when it will be submitted?"

Cllr Ballantyne responded that he had been misinformed at the time, and he agreed with Cllr Taylor, that the longer the plan were delayed, the greater the chance that some things would have to be redone. The delay had been down to National Highways belated changing of their views on the A27 which would adversely affect the Manhood. Officers now say that it will be submitted in the Spring. He said that Section 19 had only just finished consultation so it was unlikely that it would have to be redone. But it was true that without a plan, developers would keep on applying. Everyone was confronting the issue of building houses, but the incentive was to get some control over it.

2. "We were advised that the Inspector's decision to the 150 dwellings at Birdham had been referred for Counsel's Opinion with a view to a possible Judicial Review.

Please advise us of the response?"

Cllr Ballantyne said that CDC had sought advice whether the issue of not applying the land supply housing numbers at the time of their issue (Dec 19th 2023) was defensible in court, but it seemed that the likeliness of success was low. The inspector had looked at the evidence and the tilted and non-tilted balance and had concluded that it was tilted in favour of admission. A key issue had been that it was screened behind a hedgerow and that the result would not affect the view of the village and that after 15 years the residents would get used to it. However, there was no mention of flooding at all.

Cllr Salamons asked a question about the doubling of second home council tax. She said that in reality most second home owners didn't pay any tax at all as their homes were registered as businesses but fell below any thresholds that required payment. She asked that Cllr Ballantyne should bring this up at the debate. It has already been shown that the second home issue destroys communities.

(Cllr Ballantyne left the meeting at 7.45pm)

7. Review of the Birdham Drop-In (October 2023) and actions to be undertaken.

Cllr Salamons reported that there had been useful input from the residents and that some of the issues were well on the way already and that some needed to be scheduled. She said that there needed to be a response to those residents who had attended.

Items achieved or in progress:

- The email list was up and running and it was hoped to be able to build it up;
- the website issue was being addressed;
- there was a speed reduction initiative going on in the village;
- an additional litter bin which would be the responsibility of the PC would be put in the vicinity of the new Teen shelter;
- village hall activities: groups need to be able to access the wifi (free of charge) and more access to the hall
- the all-weather path needs to be extended
- football pitch is appreciated but currently under water
- in the future the possibility of draining the field will be revisited. Cllr Hamilton said that in the past that idea was abandoned because draining the field just pushes the water further down the system and that causes flooding elsewhere. Currently the water is going down Court Barn Lane and eventually to the upper pool but as the ditch is not maintained it doesn't flow.

It was agreed that the council should write to the Church Commissioners and ask them to perform their riparian duties and clean out the ditches so that the water can drain freely.

Action

Clerk

- better communication within the village – a new website is being undertaken.

8. Traffic Calming – update and motion to pay for TWO extra SID poles.

A motion to pay for the two extra Speed Indicator Advice poles was unanimously **RESOLVED** by the council for the sum of £300.

Mr David Thompson had submitted the following update:

- All four SID posts have been installed. The 30mph repeater on Church Lane requires a different bracket because the SID post is a larger diameter. A new bracket has been ordered, meantime attached with cable ties.
- Many thanks to the clerk for providing all the STATS data, detailing the location of services at the four sites. No gas, water or electricity supplies were damaged.
- Mike Dare, WSCC Highways, has been in touch. The Birdham 20mph TRO application has been passed to the Traffic Engineer under enquiry 3078165, this should be quoted for future communications.
- Funding is limited and "allocation will prioritise safety critical works."

The proposed 20mph TRO includes the entrance for Birdham Primary School on Crooked Lane, which has no 20mph restriction, and Salterns Way along Westlands, Church and Martins Lanes. It might be helpful if this could be mentioned in any communication.

- Equally, we have emphasised no hard landscaping is required, so just changing four 30mph to 20mph signs to achieve two miles of 20mph TRO, has to score well on value for money.

Cars which are clocked at driving over the speed limit are reported to the police and further action is taken depending on the gravity of the offence.

It was agreed that the Parish Council should write to Highways to support the application of the TRO.

Action

Clerk

9. Planning matters including appeals, applications and CDC delegated decisions.

- Notifications of new Planning Enforcement Notices** – Following reports of illegal builders' waste being dumped on the former traveller site, Enforcement and the Environment agency are to investigate.
- Notifications of Planning Appeals** – Birdham Straight House has appealed against the refusal to allow planning permission. The Parish Council will continue its objection on the grounds of over-development and Section 21 of the NPPF.

Action

Cllr Firmston/clerk

iii. Updates on Planning Enforcements

22 Greenacres Enforcement. The Parish Council had written to Enforcement regarding the 19 amendments to the planning application which had been implemented without permission. The Parish Council had strongly objected to this application. The response from Enforcement is in **Appendix 2**.

iv. Planning applications to be decided:

Planning application number	Address	Details	Comment
BI/24/00382/PA6ABE	Hundredsteddle Farm Hundredsteddle Lane Birdham Chichester	Upgrading of existing farm track to enable farm vehicles to travel between the farm buildings	NO OBJECTION
BI/23/00067/FUL - Lge Scale Maj Dev - Dwellings	Russell's Garden centre	14 no. dwellings (4 x affordable 10 x market), replacement commercial (class E) building, new and altered access and associated works	OBJECTION

v. Delegated decisions to be noted

Planning Application number	Address	Details	Decision
BI/23/01557/FUL -	Land Adjacent To Cowdry Barn, Birdham Road	1 no. dwelling and detached garage.	REFUSE
BI/23/02878/DOM	Garden Corner, Church Lane	Demolition of garage and erection of 1 no. annexe outbuilding.	PERMIT
BI/22/03026/FUL	Chichester Marina, Birdham, Chichester, West Sussex, PO20 7EJ	Demolition of three workshops/sheds for the comprehensive redevelopment of the SouthWest area of the marina.	PERMIT (PARISH COUNCIL OBJECTED)
BI/23/01557/FUL -	Land Adjacent To Cowdry Barn, Birdham Road	1 no. dwelling and detached garage.	REFUSE

10. To receive a report from WSCC Pieter Montyn

- Cllr Montyn reported that Southern Water were continuing the installation of the pipe linings and only time would tell if this would be successful.
- as requested, Cllr Montyn had passed on information about the footpath running alongside Hundredsteddle Farm track application
- with regard to the village's TRO application Cllr Firmston said that the process had got bogged down and too complex and asked that Cllr Montyn support this application. The parish council will forward a copy of their letter to Cllr Montyn who will support.
- Cllr Montyn was told of the issue of the bank of water running alongside the residents' homes at the bottom of Crooked Lane . He said that he had already made representations to Highways about the water breaking up the road. He said that when they sorted the main drainage problem they had put in a pipe but now the water does not flow out from this pipe – perhaps too close to the wall. Cllr Montyn has already written in and asked the resident to write in as well.
- a member of the public asked Cllr Montyn if it were possible to put a double yellow line at the exit of Church Lane into Crooked Lane as during school pick up and drop off times the bend was completely blind with parked cars and very dangerous. Cllr Montyn said that it was a long and complicated process requiring a TRO and if successful could push the problem further up the road. He also said that yellow lines would make the traffic faster.

11. Electors' Meeting – to confirm date

It was agreed to hold the Electors' meeting prior to the Parish Council Annual Meeting on 8th May 2024 at 6pm. The Annual Meeting of the Council will follow on at 7pm.

(Cllr Montyn left the meeting at 8.44pm)

12. To confirm the appointment of the Internal Auditor

It was unanimously **AGREED** by the council to appoint Smithe and Co accountants of Havant.

13. New Banking arrangements – motion to decide whether to remain with current bank or move to new bank

The clerk said that she had received a call from the prospective new bank, Nat West, and they had said that the council would have to take a business account and not a community account, which would incur charges for every transaction. It was unanimously **AGREED** to remain with the current bank. Cllrs Firmston and Salamons to become signatories.

Action

Clerk/Cllrs Firmston and Salamons

14. Website – motion to approve new website provider

The clerk had circulated four options with prices. It was proposed by Cllr Churchill and seconded by Cllr Salamons to go with Parish Council Websites. This was unanimously **AGREED**.

15. Clerk's report

i) Correspondence

- The 3 Harbours Strategy consultation had been forwarded to Councillors. The closing date is 15th March. It was agreed to support the initiative and this much needed document as a strategy to address the improvement of the harbours.
- the clerk reminded all councillors that ONLY their .gov.uk email should be being used. Any issues should be reported to the clerk, and she will put you in touch with the IT consultants.
- the clerk had received a complaint from a resident (also representing other residents) about the flooding on the field "due to the bund". The clerk had spoken to her and reassured her that it was not due to the bund but that the council would be looking at it when the weather improved. It is possible that the drainage of the field may be considered at a much later date.

ii) Payments for consideration – the payments for consideration were proposed by Cllr Hamilton and seconded by Cllr Salamons. Unanimously **RESOLVED**.

iii) Bank reconciliation – circulated.

16. Councillor Reports:

- i. **Play area and playing field** – the flowers on the bund will be sown shortly. A dead hedge has been created at the side near the bequeathed land for wildlife (made from dead branches cut down recently and other debris).
- ii. **Village green and pond** - Cllr Firmston had circulated the design for the memory plaque to commemorate the life of Bertram F Francis. It was agreed that the plaque could be installed.
- iii. **Communication working group – No report**
- iv. **Community resilience – No report**

17. Reports of meetings attended by Councillors

Cllr Firmston had circulated his report of the All Parishes' Meeting on 19th March (**Appendix 3**). He had also attended the CDALC meeting.

18. Items for inclusion on the next agenda

- Motion to agree the creation of a Community Orchard on the Bequeathed land
- Review Electors' Meeting

19. Date of next meeting

The next meeting will be on Wednesday April 10th at 7pm.

There being no further business to discuss the meeting closed at 9.10pm

Signed: _____
Tim Firmston - Chairman

Date: _____

**Birdham Parish Council Payments for Consideration
Meeting March 13th 2024**

Balances on accounts:

Current account	£ 51,029.06
Deposit account	£ 71,398.42
NS&I	£ 7,099.85
	£ 129,527.33

Received since last meeting

interest	£ 338.49
	£ 338.49

Paid since last meeting

Scout Hut	legal fees	£2,340.00
betty geary	Litter picking	£70.00
I whitaker	salary	£877.59
nest	pension	£64.00
zoom	annual sub	£129.55
screwfix	traffic calming	£20.00
screwfix	traffic calming	£39.00
wsc	mobile waste facility	£5,007.65
		£8,547.79

Payments for consideration

betty geary	litter picking	70
I whitaker	salary	877.59
nest	pension	64
sse	street lighting feb	185.87
sse	street lighting jan	185.87
		£1,383.33

Birdham Parish Council Recon 13th March 2024

Bank accounts as of March 10th 2024

Current Account	£51,029.06
Deposit Account	£71,398.42
National Savings	£7,099.85
Total	£129,527.33

Opening balance 1st April 2023 £201,592.77

add receipts in the year	£80,813.32
less expenditure to date	£152,878.76
Balance	£129,527.33

Less

Reserve @ 50% of Precept	£32,458.50
Total	£32,458.50

Ringfenced Funds

Op Watershed	£2,400.00
Culvert Ditch Maintenance	£14,000.00
Adams bequest	£6,500.00
CIL Payments	£68,710.20
NHB	£6,404.46
NP Grant Parish Land	£600.00
Car charging points	£1,500.00
Trees	£4,000.00
Ponds improvement long term	£2,000.00
Total	£106,114.66

Available Funds

Total	-£9,045.83
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Outstanding PWLB

Total	£108,150.80
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Signed:

*IXWhitaker - Clerk 10th March
2024*

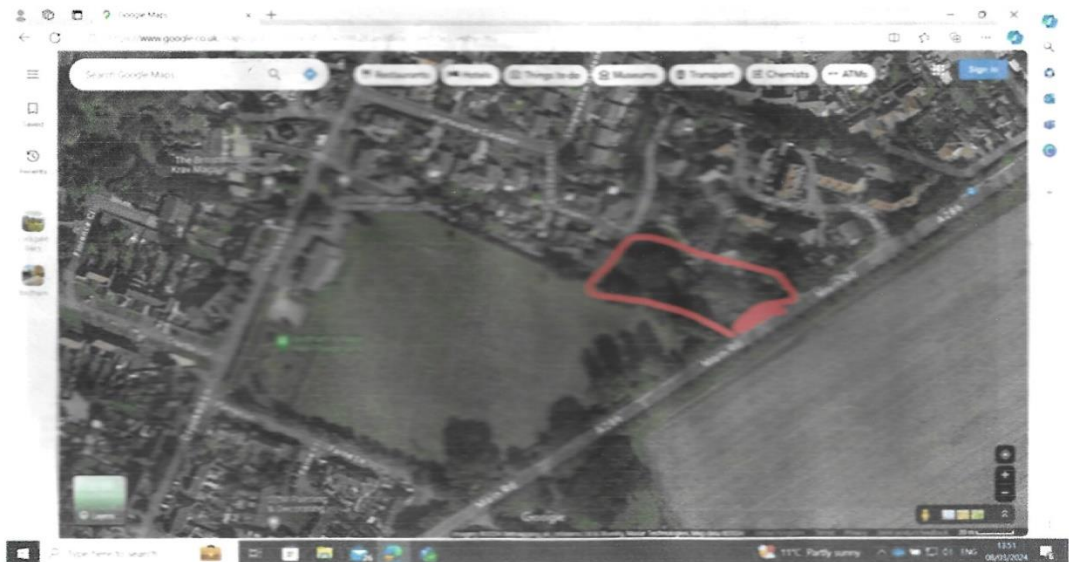
Appendix 1

Proposal: to use a piece of land, approximate ½ acre, which has been donated to Birdham Parish Council to establish a community growing space.

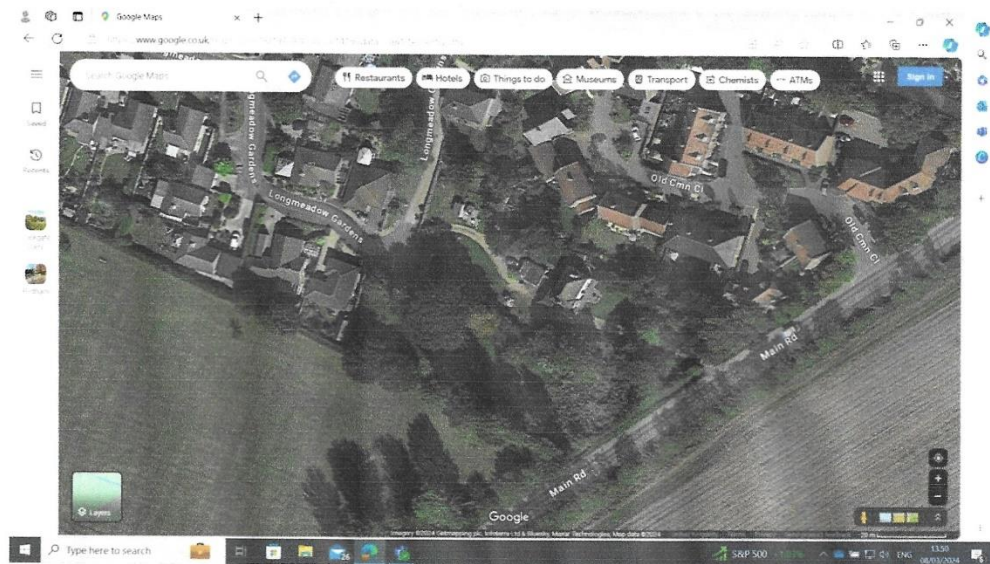
Lead: Mark Hobson

Background:

The land is adjacent to the village hall and playing fields, which provides multiple benefits. The village hall has toilet facilities, water, waste collection, kitchen facilities and parking. The playing field and the village hall are central to the parish and easy walking distance from most of the homes. There is a pedestrian access from the main road, which makes it accessible by bus. The 1st Birdham and Wittering Scout Troop is also on site. There is a proposal for 150 new homes to be build approximately across the road from the playing fields, which will contain affordable homes and will probably appeal to families with children. [Plans to build 150 new Birdham homes submitted \(sussexexpress.co.uk\)](https://www.sussexexpress.co.uk/news/150-new-homes-for-birdham-1121188) - these houses are unlikely to have substantial gardens for food growing, but families with children are very interested in community growing according to our local survey.



The site is bordered by the playing fields on one side, the road on one, a private property on one and another (single) private property on the last. There are tall hedges with a gap on the side facing the playing field, which would be a natural place to put an entrance while providing some security and sense of separation from the main playing fields. From this point, there is a solid fence to the left and partially to the left rear of the property, along Longmeadow Gardens. The private property which extends from Main Road to Longmeadow Gardens (the main entry is on Main Road, there is a rear access to Longmeadow Garden) has a temporary, makeshift set of fencing along it to the piece of land. The details of this boundary will need to be defined, as well as responsibility for creating and maintaining a fence or border on this boundary. There is also currently a water hose which goes over the fence at the corner of Longmeadow Gardens – it is not clear where this goes to and which way the water feeds, but it appears to go into the property which is at the rear of the site.



Why would a community orchard or community growing space be desirable and beneficial?

There is great interest in community growing, locally and nationally. As a nation, about 85% of fruit which is purchased in the UK is imported. With climate change, concern about food miles, changing international regimes regarding import and increased competition for fresh food in the future, it makes sense to secure a place where fresh fruit could be grown and freely available for the health and wellbeing of local residents.

There are multiple other benefits, including:

- Saving money on food bills. Increased freshness, variety, flavour of home-grown produce
- A place to socialise
- Gentle exercise suitable for most (if adapted to accommodate health issues)
- A step toward a horticultural qualification
- Experience and skills toward employment
- A sense of accomplishment and enjoyment

- Improved mental and physical health from outdoor exercise
- Low food miles / carbon footprint
- Better understanding of where food comes from (especially for children)
- Likely higher intake of fruit and vegetables and decreased food waste
- Increased community cohesion and integration
- Improved air quality

Why an orchard?

The land locally is fertile for orchards. Once established, orchards require minimal regular activity and yield generous quantities of fruit. If planted wisely, the fruit could have long seasons between early, mid and late yields. Orchards are superb for air quality and providing a home for nature, as well as a pleasant place to be. It is proposed that much of the site be developed as an orchard, with some space for seating and potential future raised beds.

Are there any good examples locally?

- Transition Chichester has orchards - [Grow Chichester – Transition Chichester](#)
- Loxwood has a similar site (adjacent to a village hall and playing fields) - [Loxwood Community Gardens Initiative | for all the village community \(wordpress.com\)](#)
- Petersfield has a Physic Garden – which shows nicely how integrating some structure and seating makes it a lovely place to be. [Petersfield Physic Garden](#)

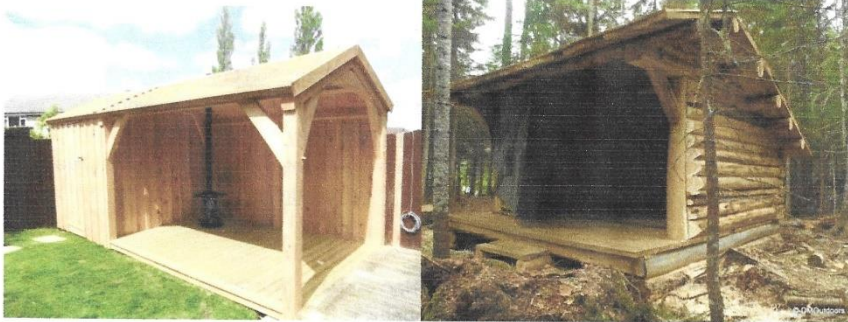
How else can this benefit the community?

- We can have community days (ie Apple Days, Harvest Days, Wassailing, other special events), helping to strengthen our local community.
- We can use the produce to create community meals at the village hall.
- We can donate surplus produce to local charities and the school to provide to local people.
- We can create a beautiful, peaceful place to be.
- We can teach people how to cook with the food and how to preserve it to be used throughout the year, leading possibly to other cookery projects and food-related skills.

What needs to be considered?

1. Access. It appears natural that the point of access would be through the current gap in the hedging. It could remain as an open space, or a low unlocked gate could be considered (to allow people more security with children or dogs within the growing space. If necessary in the future, this could be enclosed. Vehicles could potentially be brought along the path from the parking area, this is closed off by a fence with a gate.
2. Water. While the details of the hosepipe are unclear, there does not appear to be a water source on site. While water could be brought from the village hall, this would be laborious. If the intention is for it to be solely an orchard, it would be hoped in time that the trees would not require watering. However, if it is used for other growing, water would be highly beneficial. Any structure erected on site could have water butts, but this may not be sufficient during the hot, dry summers.
3. Toilets. There are toilets at the village hall. During any group sessions, these would need to be available.
4. Shelter. It would be ideal to have some form of shelter on site. This could be a willow structure, pop-up gazebo or pergola or more permanent shelter such as a bushcraft shelter or other structure including storage.

5. Storage. If any tools or equipment are to be left on site, storage will need to be considered on site or at the village hall. This could include gardening equipment (ie, pruners, wheelbarrows etc) but also any portable chairs.
6. Seating. In creating a comfortable place to work and relax, seating should be considered. This could be as picnic tables and benches, free-standing benches, portable chairs or built into any beds (for example, space on brick-built raised beds).
7. Raised beds. This may be a longer-term action, but it would be good to consider leaving some space for raised beds. These could then be used for community growing of herbs and small fruit plants, accessible to people who have mobility difficulties.
8. Overhanging trees and tree surgery. Agreement needs to be made about any pruning of overhanging trees and the cost of tree surgery for the taller trees already on site.
9. Signage. It would be beneficial to have one or more signs about the orchard – explaining what it is, how it came to be, how people can be involved, guidelines about picking.



Local organisations which may be interested in helping:

- Manhood Wildlife and Heritage Group
- Sidlesham Community Orchard
- Transition Chichester
- [Donnington Horticultural Society gardening club West Sussex England United Kingdom](#)
- Selsey Horticultural Society
- The Hidden Garden, Selsey
- West Wittering Horticultural Society

Ongoing management

It would be good to have a “core group” or “management team” or “friends of the orchard” to ensure that the regular items are taken care of, events are planned, any insurance includes the orchard, and to conduct any fundraising etc. It may be beneficial to have a person designated as the project manager. If any advice is required on constituting such a group, Voluntary Action Arun & Chichester is able to help. [Voluntary Action Arun & Chichester - support for charities \(vaac.org.uk\)](#)

Funding and Fundraising

In the last year, there have been a number of grants available for the creation of community orchards or the planting of trees. Chichester District Council is currently running one: [Chichester District tree scheme - Chichester District Council](#)

Further grant funding could be available through multiple different sources

In addition, this could make a great project for crowdfunding. People or organisations could be invited to sponsor a tree, bench or other structure or item, and it could include the possibility of a plaque (ie "In memory of") - a popular way to remember people or show appreciation locally.

How can Arun & Chichester Food Partnership help?

- We can look out for funding opportunities and connect you.
- We can help with community consultation, creating a Microsoft Forms survey for you, publicising this and collating the responses. This will help with showing desire for this locally (which helps with fundraising), finding volunteers and increasing local involvement.
- Publicity
- Help in arranging events such as open days / Apple Days
- We can connect you with other local community growing spaces through our Community Growing Network.



Appendix 2

Planning Enforcement: No Further Action Report
Written Record of Delegated Decision in accordance with The Openness of Local Government Bodies Regulations 2014

Enf Notice	BCN	Stop Notice	215 Notice	NFA
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Case Officer: Michael Coates-Evans

Case Reference: 21/00135/CONHH

Site Address: Harbour House, 22 Greenacres, Birdham, PO20 7HL

Owner/Occupiers: Mr and Mrs Fitzgerald

Breach of Planning Control: Development not built in accordance with the approved plans [BI/20/00223/FUL]

Background

The Site is a large plot that fronts the road, Greenacres, and backs onto Chichester Harbour. It is within the Chichester Harbour AONB and within the countryside, due north-east of the Birdham Settlement Boundary. There are residential properties in proximity of varied form, style and materials. The rear garden slopes steeply downward to the water's edge. Construction commenced on implementing planning permissions 19/01408/FUL and 20/00223/FUL for the demolition of existing dwelling and construction of a new dwelling, detached garage with annexe accommodation, swimming pool, boat house and workshop.

The site is predominantly within Flood Zone 1, although a small section of the northern part of the site is within Flood Zones 2 and 3. Immediately to the north is the designated Chichester and Langstone Harbours Special Protection Area (SPA) and SSSI. There are no constraints with regards to heritage or protected trees.

Constraints

Countryside
Grade 2 agricultural land
Flood zones 2 and 3 (small section of the northern part of the site)
Special Area of Advertisement Control
AONB
Chichester Harbour SPA Buffer Zone

Planning History

16/04009/FUL - Renewal of permission BI/13/03967/FUL. Replacement dwelling and garage and associated landscaping.
STATUS: PER 15th February 2017

19/01408/FUL - Demolition of existing dwelling and construction of a new dwelling, detached garage with annex accommodation, swimming pool, boat house and workshop.
STATUS: PER 10th December 2019

20/00223/FUL - Demolition of existing dwelling and construction of a new dwelling, detached garage with annexe accommodation, swimming pool, boat house and workshop - (variation of condition 2 of planning permission 19/01408/FUL - Variation to the house, boat house and garage / annexe.)
STATUS: PER 19th March 2020

Development Plan

Chichester District LP

Policies 1 and 2 of the Local Plan (LP) promote the desire for sustainable development and the need for to develop strategically chosen locations within the district.

Plan Policy 33 refers to new residential development and sets out that proposals must meet the highest standards of design and a high quality living environment in keeping with the character to the surrounding area and its setting in the landscape.

Policy 39 refers to transport.

Policy 42 – flood risk

Policy 49 and 50 - protected species, habitats, and biodiversity

National Policy and Guidance

NPPF - sections: 2, 4, 11, 12, 14 & 15.

Neighbourhood Plan

The following policies are relevant from the Birdham Neighbourhood Plan 2014-2029:

Policy 3 - Habitat Sites

Policy 4 - Landscape Character and Important Views

Policy 5 - Light Pollution

Policy 6 - Biodiversity

Policy 10 - Footpaths & Cycle Paths

Policy 13 - Settlement Boundary

Policy 15 - Rural Area Policy

Policy 20 - Surface Water Run-off

Other Local Policy and Guidance

CDC Design Guidelines for Alterations to Dwellings and Extensions 2009

The Chichester Harbour AONB Joint SPD 2017 The Chichester Harbour Management Plan 2019-2024

The Chichester Harbour Planning Principles 2019

Surface Water and Foul Drainage SPD 2016

Assessment of Development

The site is located outside of a defined settlement boundary as set out in Policy 2 of the Local Plan Key Policies. The planning history is a material consideration, and the Site benefits from extant permissions for a replacement dwelling [Ref: 19/01408/FUL and 20/00223/FUL].

During the construction process departures from the approved plans took place:

- the building of a retaining wall,
- the addition of a second row of solar panels,

- obscure glazing incorporated into the glazed link,
- Corner window formed in kitchen elevation,
- Change to bedroom window profile,
- Increased chimney height [west elevation],
- Replacement of central chimney breast with steel flue,
- Architectural sail removed from the build,
- Increased height over master bedroom by some 165mm,
- Wider windows in kitchen elevation,
- Window in lobby removed; and
- Use of a glass door to utility room.

In addition to the amendment of the dwellinghouse design, the following changes were made to the Annexe building.

- A high level window inserted on north elevation,
- Garage windows changed from horizontal to vertical design; and
- It was proposed to erect a lean to covered area and to change the door design in the north elevation.

Regarding the Boat House and Foreshore development, the following changes have taken place.

- Siting of the boat house 1.2m to the west
- Change of door design; and
- Sleepers inset to provide stability and steps into the bank,

The above amendments are numerous and varied to that permitted but the overall scheme remains broadly consistent with that approved including the materials of construction. In addition, the Site has been landscaped with additional planting included to provide privacy screening for the site owners and their neighbours. Concern has been expressed about possible adverse environmental impacts that may have occurred during construction but evidence of this has not been advanced. As such, there is no recorded harm.

Birdham PC strongly objects to the development noting harm to the harbour waterfront by reason of the relocation of the boat house and expresses “material harm” to the reputation of the planning system from persons ignoring the planning regime.

This concern is fully appreciated but when considering the need to enforce, Government guidance states that enforcement action should be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. Where the balance of public interest lies will vary from case to case and, where there is a breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area, a Local Planning Authority can decide not to take enforcement action. It does not follow therefore that a breach of planning control should be enforced.


A decision not to enforce does not condone a wilful breach of planning law, but Local planning authorities have discretion to take enforcement action and can decide not to when, having regard to the development plan and any other material considerations, including national planning guidance, when it concludes that it is not expedient to do so.

Conclusion:

The NPPF states that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the LP include requirements to protect the amenities of

neighbouring properties. It is considered that the changes incorporated into the design of the house and its settings do not compromise on these objectives.

Recommendation: Based on the above it is recommended that no further action be taken.

Signed 

Date 15 February 2024

Case officer and Planning Enforcement Manager

**The Recommended Action is:
Agreed/Not Agreed**



.....Date:15/2/24.....

Shona Archer
Enforcement Manager

Appendix 3

CDC All Parishes Meeting

Monday 19th March 2024 commencing at 5.30 p.m. on Zoom. There were 78 participants.

Hyde Housing

Andy Hulme CEO, Guy Slocombe Chief Investment Officer, Neil Ackcral Chief Operations Officer

Hyde Housing is a social landlord operating as a charity across the country in 51 local authority areas and predominantly in London and the South-east with 44,000 homes. In Chichester district Hyde operate 6127 homes across 21 council wards. Generally the properties are at a 50% discount of market rents. For 2025 they will follow four objectives one of which is to 'Deliver value for Money'.

Three recent developments;

1. How tenants have been able to contact Hyde. There is now one contact service centre instead of six previously.
2. Direct Labour Organisation based in Havant.
3. Being visible to customers with smaller 'patches' of about 300 homes

Disrepair, Damp and Mould. There are currently 19 disrepair cases often with difficult background and social circumstances involved. 808 properties have damp and mould issues.

The Five Year Plan for Hyde – Rich Evans

1. Non-development projects 950 homes retrofitted
2. Estate regeneration 296 new homes to be built
3. Small site development / sale / improvement often involving in-fill homes
4. Land-led development 339 new homes purchased off the land market

Sussex Police with three presentations.

Fly Tipping – Dave Hyland West Sussex Councils

Prevention involves several agencies working together including running road side stop and inspect sessions usually one or two each month.

Sussex Police for stopping the vehicles, Environment Agency for waste carriers, local authority for duty of care, Driver and Vehicle Standards Agency for vehicle road worthiness and HMRC for fuel checks. Initial trials were held in February, March and April 2023 followed by a rolling programme over succeeding month.

There is now a 'SCRAP' national initiative to reduce fly tipping;

Suspect all waste carriers

- Check the carriers are licenced
- Refuse unexpected offers of waste disposal
- Ask how the waste will be disposed of
- Paperwork, obtain some paperwork on the waste disposal who, where to and how.
- Report any fly-tips to CDC in order to have it removed

Rural Crime Team – Sgt Tom Carter i/c the Team

The team comprises; Inspector, 2 Sergeants, 12 PCs and 6 PCSOs. Their bases are in Midhurst for W. Sussex and Heathfield for E. Sussex. They have 2 drones, off-road motor bikes and 4x4 motors.

Their responsibilities include heritage crime both on land and under the sea, wild life crime, dog theft and puppy farming.

Current issues; burglary and theft of high value items, poaching and hare coursing, sheep worrying, wild life persecution, tree felling, heritage crime including metal detecting, thefts from underwear, church thefts of lead and stained-glass windows

Unauthorised Encampments, Travellers – Pam Busby, CDC Divisional Manager

An encampment is defined as trespassers who occupy land belonging to private landowners or public authorities without permission.

There is a Multi-Agency Protocol for West Sussex involving various organisations. To follow the protocol then direction to leave the site has been given by the landowner, need to have damage or disruption or there are more than six vehicles on the site.

When giving the direction to leave have a witness, approach the group politely and try to establish their intentions to stay or to leave to where. Report the trespass to the Police and to CDC. Residents can report the trespass, any crime or anti-social behaviour to the Police. For improved communications a parish council should nominate a single point of contact person.

Support available to P.C.s

1. CDC can identify vulnerable sites and preventative measures
2. The WSCC team will support parishes
3. Printed guide available on taking action regarding the eviction process
4. Communication and liaison

CDC Regeneration Strategy – Cllr. Adrian Moss, Leader CDC

The strategy is being prepared for Chichester City and among several sections the potential key sites for development and improvement are identified. These are;

The North Street gyratory – by the fire station

The former House of Fraser building, West Street

Crane Street, off North Street

Bus station and bus garage

East Pallant House and car park

The meeting closed at 7.15 p.m.