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for: 01243 534734  
E-mail  
planningappeals@chichester.  
gov.uk

Our Ref: PS/20/00414/CONHH

Date: 22nd June 2022

Dear Sir/Madam,

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

The Secretary of State for the Environment has asked me to notify you of a linked appeal against the Enforcement Notice:

**Appellant's Name:** Mr And Mrs Stephens

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

**Proposed Development:** Appeal against Enforcement Notice PS/71.

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

also linked to the following appeal case(s):

**Linked to:** APP/L3815/W/22/3295357

**DCLG Ref No(s):**

APP/L3815/C/22/3300280  
APP/L3815/W/22/3295357

**Start Date:** 16.06.2022

The enforcement notice that is the subject of appeal was issued on 15th February 2021 for the following reasons:

*It appears to the Council that the above breach of planning control has occurred within the last ten years. The forestry and agricultural activities being carried on*

*do not require the provision of on-site residential accommodation and so the stationing of a mobile home/caravan on the Land is considered to be tantamount to the creation of a new dwellinghouse in the countryside. Without any demonstrable need for the 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 where development is strictly controlled to that which requires a countryside location. 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. The use is also contrary to the objectives of the NPPF in respect of its overarching aim to achieve sustainable patterns of development and, in respect of new dwellings in the countryside, the requirement to only permit such homes where there is an essential need which cannot be met within or immediately adjacent to existing settlements. 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 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, 33, 39, 40, 45, 48 and 49 and sections 2, 4, 5, 12 and 15, paragraphs 8-11, 12, 55, 59, 78, 79, 122, 127, 130, 134, 174 and 180-182 of the National Planning Policy Framework (July 2021) and there are no material considerations that would outweigh the harm identified. 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 stationing of a mobile home/caravan(s) for the purpose of human habitation;*
- (ii) Remove the said mobile home/caravan(s) from the Land;*
- (iii) Remove the septic tank and re-instate the Land to its previous condition by levelling the land and re-seeding with grass;*
- (iv) Dismantle the outbuildings (in the approximate positions shown on the attached plan) and remove there resulting debris from the Land;*
- (v) Remove the earth banks (in the approximate position shown on the attached plan) from the Land; and*
- (vi) Demolish the brick pillars (in the approximate position shown on the attached plan), and remove the resultant debris and timber gates from the Land.*

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 Ministry for Housing, Communities and Local Government Planning Inspectorate that the appeal will be dealt with by way of an **Inquiry**. I will confirm the 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 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 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/>

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 28th July 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, PS/20/00414/CONHH.**

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:** Eleanor Morris Temple Quay House 2 The  
Square Bristol BS1 6PN

**Telephone:** 03034445312

**Or by email to:**

Teame1@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 /

**NOTE**

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