

TANGMERE PARISH COUNCIL



Clerk to the Council
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MEMBERS OF THE ENVIRONMENT COMMITTEE
ARE HEREBY INVITED TO AN EXTRAORDINARY MEETING OF THE COMMITTEE TO
BE HELD REMOTELY USING ZOOM SOFTWARE AT
7.00PM ON WEDNESDAY 25 NOVEMBER 2020
Meeting ID: 886 6657 6023
Passcode: 523283

ALL MEMBERS OF THE PUBLIC HAVE A RIGHT, AND ARE WELCOME, TO ATTEND
REMOTELY (AND THE MEETING ID AND PASSCODE ARE GIVEN ABOVE TO
FACILITATE THIS).

20 November 2020



Louise Steele - Parish Clerk

AGENDA

- 1. Election of Chairman for the Meeting**
In the anticipated absence of the Committee Chairman to receive nominations and elect a Chairman for the meeting.
- 2. Apologies**
To receive apologies for absence
- 3. Declarations of Interest**
To receive from Members any declarations of discloseable pecuniary and non-pecuniary interests in relation to any items included on the agenda for this meeting required to be disclosed by the Localism Act 2011 and the Tangmere Members' Code of Conduct.
- 4. Public participation**
Members of the public present may make representations or raise questions on issues included on the agenda. This session to be conducted in accordance with Standing Order 3 e to 3 k.
- 5. Minutes**
To approve as an accurate record the minutes of the meeting held on 1 September 2020 (draft minutes circulated with this agenda).
- 6. Allotments**
To receive the report of the Chairman of the Allotment Committee.
- 7. Action Points**
To note the action points from previous meetings and to hear updates on progress

against those action points (summary of Action Points to be shared at the meeting).

8. Correspondence

To note correspondence received and consider whether any of the correspondence should form an agenda item at a subsequent meeting. The list of correspondence to be tabled at the meeting.

9. Planning

To consider the Committee's observations on the planning application listed below:

20/02893/OUT

Outline planning application for a residential-led mixed use development comprising up to 1,300 dwellings (Use Class C3), an expanded village centre (comprising flexible units suited to Use Class E and pubs or drinking establishments and/or takeaways in Use Class Sui Generis), community uses, primary school, informal and formal open space, playing pitches, footpaths, cycleways, associated landscaping, utilities and drainage infrastructure, including on-site pumping station(s) with connection to the Strategic Foul network; associated infrastructure and groundworks; with all matters reserved except for the principal access junctions from the A27 grade-separated junction and Tangmere Road and the secondary access at Malcolm Road.

Land Adjacent To A27 Copse Farm Tangmere Road Tangmere West Sussex

20/02841/TPA

Fell 1 no. Pine tree (quoted on plan as T1). Crown reduce width by 2-3m (west sector) over hanging house on 1 no. Pine tree (quoted on plan as T2). Both trees within Group, G1 subject TG/95/01026/TPO.

18 Bishops Road Tangmere Chichester West Sussex PO20 2JB

Decisions

Further to note the delegated decisions made by Chichester District Council in the period 22 January to 18 November 2020 – list of decisions appended to this agenda

Appeals

To note formally the outcome of the enforcement appeal concerning 12A Nettleton Avenue, Tangmere, West Sussex PO20 2HZ. The appeal decision is appended to this agenda.

10. Dogs

To consider the impact of dog fouling within the village and any actions that the Parish Council is able to take to improve matters.

11. Trees

To consider an oral update on questions relating to the Council's trees and trees in the village outside the Council's ownership. To decide if any further action is required

12. One Stop Site

To consider what is known about the future of the One Stop site

13. Other Matters

To consider the latest position in relation to:

- a) Recreation Field Bund
- b) New Homes Bonus projects (accessible play equipment)
- c) Reinstatement of the daffodils on the bend opposite the Museum
- d) Ownership of land at Bishops Road
- e) Bus shelters
- f) Dukes Meadow
- g) Maintenance and landscaping at Lysander Way
- h) New bins

14. Date of next meeting

The next listed meeting of the Environment Committee is scheduled to be held on 23 March 2021.

TANGMERE PARISH COUNCIL



Minutes of the Environment Committee Meeting held at 7.30pm on 1 September 2020 in the Main Hall, Tangmere Village Centre and remotely using Zoom software

Present:

Councillors- Kirsten Lanchester, Kate Beach (remotely), Roger Birkett, Andrew Irwin, Simon Oakley (remotely), Paul Spencer-Ellis (remotely) and Trevor Ware

In attendance:

Cllr James Stanbridge
Dulcie Oliver – Chairman of the Allotment Committee
Louise Steele – Clerk to the Council

356	AGENDA ITEM 1 - APOLOGIES FOR ABSENCE No apologies for absence were received .	
357	AGENDA ITEM 2- DECLARATIONS OF INTEREST Cllr Oakley declared a non-pecuniary interest as a Member of Chichester District Council (CDC) and as a Member of West Sussex County Council (WSSCC) in matters on the agenda in general. Cllr Oakley further declared a disclosable pecuniary interest in Agenda Item 8 Application 20/02063/TCA on the grounds he is the applicant. Cllr Oakley remained in the meeting for the duration of the Committee's deliberations on most of the planning applications at Agenda Item 8 under consideration by Chichester District Council but was presumed to have entered the "public gallery" due to his Membership of that Council's Planning Committee. Any comments and observations from Chichester District Councillor Simon Oakley on planning applications were personal ones made at the invitation of the Chairman and related to matters of fact and clarification. During discussion of Application 20/02063/TCA the Clerk removed Cllr Oakley from the meeting and placed him in the virtual waiting room readmitting him to the meeting only after that item had been discussed and the Council's observations thereon agreed. Cllr Birkett declared a non-pecuniary interest in Agenda Item 8 Application number 20/01852/DOM on the grounds of proximity to his home. Cllr Birkett remained in the meeting while that application was discussed but took no part in the discussion.	
358	AGENDA ITEM 3 – PUBLIC PARTICIPATION There was no public participation.	
359	AGENDA ITEM 4 – MINUTES The minutes of the meeting held on 17 March 2020 were approved as an accurate record and signed as such by the Chairman.	
360	AGENDA ITEM 5 – ALLOTMENTS Mrs Oliver presented the following report: "It has been an interesting year so far with Covid deterring a couple of folk from taking on an allotment, but many more wishing to take one up. We are now full with a waiting list for the first time since I have had an allotment (18 years). We have been very lucky	

	<p>with the weather so far and work has progressed on nearly all allotments with many people using this as their exercise area during lockdown. Plot holders are now reaping the rewards of their efforts with good crops of many different vegetables and fruit. Due to lockdown we have not had any committee meetings, AGM, or work parties, but hope that with the opening of the community centre we might be able to arrange a meeting. A work party will depend very much of plot holders individual circumstances, but we will try and arrange something for the end of September so that we can tidy up the communal plot and sort out the compost area. We have had good advice from the National Allotment throughout the pandemic, and have been able to communicate this to most plot holders through our Facebook page. We have confirmed presence of hedgehogs on the plots, sadly with 2 occasions now of them getting trapped in soft netting. But it is clear that the hedgehogs find the allotments an attractive place to live and breed naturally. Again we are using the Facebook page to try and alert all plot holders to the necessity to keep their netting well staked and not allow loose netting to trail. All plot holders now are very keen to keep the allotments chemical free which is encouraging more wildlife than we have seen before on the plots. We have slow worms, frogs and hedgehogs, all of which have found their way onto our site naturally. We continue to work our plots with the natural environment strongly in mind, and look forward to a productive rest of 2020 communal plot and deal with the rubber from last year's manure."</p> <p>The following protocols were agreed in relationship to management of the allotment waiting list, first priority is new applicants from within the village (parish council area) in the order that their application was received; second priority applicants from outside the parish council area in the order that their application was received and third priority existing allotment holders wishing to apply for a second plot..</p>	
361	<p>AGENDA ITEM 6 – ACTION POINTS There was no summary of action points circulated and the Clerk indicated that she would take questions on any action points that were not elsewhere on the agenda.</p>	
362	<p>AGENDA ITEM 7 – CORRESPONDENCE There was no correspondence to be considered.</p>	
363	<p>AGENDA ITEM 8 – PLANNING Members considered the Committee's observations on the planning applications listed below and commented on them as shown:</p> <p><u>20/01458/FUL</u> Installation of parking spaces for 12 no. vehicles for a temporary period of 3 years. Land At Neville Duke Way Oakwood Close Tangmere West Sussex PO20 2WD</p> <p>Tangmere Parish Council has no objection to this application but ideally would like to see the opportunity taken to permit pedestrian and cycle access across the boundary between this site and the environs of Sage and York Houses in order to increase north to south accessibility of the village at this point.</p> <p><u>20/01852/DOM</u> Change of use of detached garage to habitable accommodation with alterations to fenestration and roof including addition of 1 no. dormer. Saxony House Easthampnett Lane East Hampnett Tangmere PO18 0JY</p> <p>Tangmere Parish Council objects to this application on the grounds that the change of use represents inappropriate development at this location and that the proposed modification to the garage results in windows that overlook the neighbouring property and compromise the privacy of the occupants of that neighbouring property.</p>	

	<p>20/02063/TCA Notification of intention to crown reduce by up to 1.5m on 1 no. Cherry tree. Remove 1 no. 4m limb on south west sector on 1 no. Alder tree (T2). Remove 2 no. 5m long stems on 1 no. Plum tree (T3). Reduce crown by up to 2m on 3 no. Apple trees (T4, T5, T6). Fell 1 no. Alder tree (T7). Recuce 1 no. limb by 2m, 2 no. limbs by 3m and 1 no. limb by 4m on east sector on 1 no. Plum tree (T8). 12 Nettleton Avenue Tangmere PO20 2HZ</p> <p>On this application Tangmere Parish Council defers to the views of the Chichester District Council Tree Officer.</p> <p>20/02113/TPA Crown thin by 20% on 1 no. Lime tree (T50) and fell 1 no. Lime tree (T77) subject to TG/79/01015/TPO. Rossmore Tangmere Road Tangmere Chichester West Sussex PO20 2HW</p> <p>On this application Tangmere Parish Council defers to the views of the Chichester District Council Tree Officer but notes that the Parish Council tends to object, in principle, to the felling of a healthy tree.</p> <p>Members also considered whether further response needs to be made regarding plans to alter the traffic lights and junction at the Shopwhyke junction of the A27. Responses are invited to the draft Traffic Regulation Order (TRO) by 10 Setember 2020. The Clerk agreed to contact the Clerk to Oving Parish Council to check what, if any, comments Oving Parish Council are making.</p>	
364	<p>AGENDA ITEM 9 – CONSULTATIONS ON REFORM OF THE PLANNING SYSTEM The Committee noted that in the first week of August the Ministry of Housing, Communities and Local Government (NHCLG) issued three consultations on reform of the planning system, The National Association of Local Councils (NALC) had asked for responses to the consultations by the deadline shown.</p> <p>Changes to the current planning system (NALC deadline for responses 17 September) Planning for the future - the planning white paper (NALC deadline for responses 15 October) Transparency and competition: a call for evidence on data on land control (NALC deadline for responses 16 October)</p> <p>Members considered whether the Parish Council should respond to consultation and concluded that it doesn't have the resources to make a sensible contribution to such a complex set of proposals. It was agreed that Cllr Lanchester, with Cllr Beach's support, would draft a letter to Gillian Keegan MP setting out the Council's concerns. That letter should be copied to NALC.</p>	
365	<p>AGENDA ITEM 10 – TREES Members considered four matters relating to trees:</p> <p>a) Tree Survey Members agreed that the Clerk should ask the contractor to quote for undertaking an annual update to the tree survey in January 202. The tree west of the MUGA should be specially assessedm</p> <p>b) Trees on Recreation Field Members considered the location and viability of two beech whips planted on the recreation field and agreed that it seems likely that only one of the two whips will survive and that being the case the location is suitable for one additional tree the Clerk to maintain contact with the young person concerned.</p>	

	<p>Members are also considered whether the matter creates any precedent and agreed that policy about tree planting as a form of memorialisation was required – the Clerk to draft one. Memorial trees to be planted in the memorial woodland – a planting plan to be developed and individuals encouraged to plant in fulfilment of the agreed plan.</p> <p>c) Requests for work to reduce Parish Council owned trees Members considered two recent requests received asking the Council to undertake work on its trees and asked the Clerk to take advice from the contractor who undertook the tree survey about the long term impact of the work requested on the trees concerned and what the contractor would recommend.</p> <p>d) Trees at Churchwood Drive/Blenheim Park. Trees at this location are badly maintained and may be unsafe. Cllr Irwin agreed to take the matter up with Seawards (the landowner).</p>	
366	<p>AGENDA ITEM 11 – NEW HOMES BONUS Members received an update on the Council’s NHB projects for 2018 and 2019 and noted the applications for NHB 2020 recently submitted.</p>	
367	<p>AGENDA ITEM 12 – RECREATION FIELD BUND Cllr Birkett gave an oral update on progress on the recreation field bund which was complete. The horticultural fleece will be removed on 2 September and the Bund carefully weeded – some of the seeds planted have germinated and hand weeding will be the most effective way of removing the weeds and preserving the seed mix desired. Additional seeding will take place.</p> <p>A quote for the provision of an improved gate was considered and the Clerk was asked to find alternative quotes.</p> <p>Some discussion followed about the process followed to achieve the Bund. While the outcome is satisfactory the costs are significantly higher than anticipated. The Committee accepted that the Covid-19 crisis had thrown things into disarray; but that the construction needed to be completed this summer to avert the danger of unauthorised access to and encampment on the Recreation Field. It was agreed that the Finance Committee would examine procurement processes.</p>	
368	<p>AGENDA ITEM 13 – COMMUNITY LITTERPICK Members considered the possibility of a community litter pick for the autumn of 2020 and it was agreed that a community litter pick would be inappropriate at this time and that the matter should be considered again for the spring of 2021.</p>	
369	<p>AGENDA ITEM 14 – SALT BINS In response to a recent salt bin survey from West Sussex County Council it was noted that there are no salt bins for which the Parish Council has responsibility. Members considered whether there should be any additional provision of salt bins and agreed to leave things as they are at present.</p> <p>At this point the meeting agreed to suspend Standing Orders and allow the meeting to continue beyond 9.30pm.</p>	
370	<p>AGENDA ITEM 15 – ONE STOP SITE Members considered what is known about the future of the One Stop site – indications are that the site is not let and therefore its future use is currently uncertain.</p>	
371	<p>AGENDA ITEM 16 – POST OFFICE PROVISION IN TANGMERE Members considered what is known about Post Office provision in Tangmere and it was indicated that provision was dependant on the refurbishment of the Co-op store. It was</p>	

	agreed that the Clerk should write to the Post Office asking for mobile Post Office provision and offering the Village Centre car park as a venue.	
372	<p>AGENDA ITEM 17 – OTHER MATTERS</p> <p>The matters below were discussed as shown:</p> <ul style="list-style-type: none"> a) Reinstatement of the daffodils on the bend opposite Museum – Clerk in process of applying for a license to plant b) Ownership of land at Bishops Road – no further action since the last meeting Clerk to report back to the next Environment Committee meeting or November Full Council c) Bus shelters – the bus shelters have not been cleaned recently and the cleaner will be chased. A broken pan will on the Meadow Way shelter will be replaced d) Dukes Meadow – no update e) Maintenance and landscaping at Lysander Way – the wild flowers have been a failure (conditions were against them) the area should be grassed. f) New bins – CDC have not been able to install new bins because of Covid-19. The Clerk to chase. An additional bin to be requested for the Lysander Way cut through to Hangar Drive and the Recreation Field bin by the MUGA to be replaced as a matter of urgency. 	

Date of next meeting: – 24 November 2020

Chairman:

Date:

DRAFT

Summary of Chichester District Council Planning Decisions (Delegated) since the meeting of the Environment Committee held on 21 January 2021

1. TG/19/02798/DOM

81 Churchwood Drive Tangmere PO20 2GY
Single storey extension to replace existing conservatory.
PERMIT

2. TG/19/03136/TPA

Gate House Chestnut Walk Tangmere Chichester West Sussex PO20 2HH
Crown reduce back to previous wound/pruning points and thin by 10% on 2 no. Horse Chestnut trees (T2 and T5), subject to TG/78/01012/TPO.
PERMIT

3. TG/19/02896/DOM

Willowdene 1 Tangmere Road Tangmere PO20 2HW
Conversion and extension of existing detached garage as annex (ancillary accommodation to the main dwelling)
PERMIT

4. TG/19/02386/OUT

Cassons Restaurant Arundel Road Tangmere Chichester West Sussex PO18 0DU
Outline application with all matters except Access reserved. - Demolition of existing building and construction of 1 no. office building (use class B1) and 6 no. dwellings.
REFUSE

5. TG/19/02846/DOM

87A Cheshire Crescent Tangmere PO20 2HT
Erection of two storey and single storey rear extension and porch to the front. Installation of ground floor windows to the front and side and second storey window to the side.
REFUSE

6. TG/19/02941/DOM

Spinney Cottage Tangmere Road Tangmere PO20 2HW
Installation of a wooden gate into existing chain-link fence to rear boundary.
PERMIT

7. TG/20/00339/TPA

12 Merlin Close Tangmere Chichester West Sussex PO20 2WA
Reduce height by up to 5m (back to old wound points), reduce widths by 2m (all round) and thin by 15% on 2 no. Lime trees (T8 and T9). Reduce height by 4m, reduce north sector by 2m, east, south and west sectors by 1m and crown thin by 10% on 1 no. Whitebeam tree (T7). All 3 no. trees subject to TG/91/01022/TPO.
PERMIT

8. TG/20/00195/DOM

1 Caedwalla Drive Tangmere PO20 2HJ
Two storey side extension with the addition of a dormer to rear roof face, internal alterations to create a family annexe. New car port to rear garden.
WITHDRAWN

9. TG/20/00370/TPA

26 Middleton Gardens Tangmere Chichester West Sussex PO20 2JD
Reduce height and widths by 2m (all round) and crown thin by 10% on 1 no.
London Plane tree (T47) subject to TG/91/01021/TPO.

PERMIT

10. TG/20/00483/DOM

Nampara Jerrard Road Tangmere PO20 2FD
Single storey extension

PERMIT

11. TG/20/00554/DOM

3 Copse Farm Cottages Tangmere Road Tangmere PO20 2EU
Single storey extension to rear and new porch to front elevation.

PERMIT

12. TG/20/00233/DOM

Oldbury Barns Marsh Lane Easthampnett Tangmere PO18 0JW
Installation of woodburning stove and flue.

PERMIT

13. TG/20/00515/TCA

One Stop Community Stores Tangmere Road Tangmere PO20 2HW
Notification of intention to fell 1 no. Ash tree.

NOT TO PREPARE A TREE PRESERVATION ORDER

14. TG/20/00408/TPA

Beech Cottage Meadow Way Tangmere Chichester West Sussex PO20 2AX
Crown reduce by 2m (all round) and crown thin by 10% on 1 no. Oak tree (T6)
subject to TG/95/01027/TPO.

PERMIT

15. TG/20/00955/FUL

Rosedale Cottage Arundel Road Tangmere PO18 0DU
Removal of existing building (and builder's yard). Change of use from B8 to B1(C)
(Light Industrial) to include 3 proposed commercial units within a single building.

WITHDRAWN

16. TG/20/01054/DOM

24 Edwards Avenue Tangmere PO20 2HP
Single storey rear extension.

PERMIT

17. TG/20/01226/TPA

2 Wyvern Close Tangmere PO20 2GQ
Crown reduce (back to the old wound points), crown thin by 15-20% and crown lift
by up to 4-5m (above ground level) on 1 no. Lime tree (quoted as 3, TPO'd nos. T4)
subject to TG/91/01022/TPO.

PERMIT

18. TG/20/01116/DOM

Oldbury Marsh Lane Easthampnett Tangmere Chichester West Sussex PO18 0JW
Single storey garage extension.

PERMIT

19. TG/20/01251/TCA

St Andrews Church Church Lane Tangmere Chichester West Sussex PO20 2EZ
Notification of intention to fell 1 no. Hornbeam hedge, reduce height to 1m and widths by 1m on 1 no. Laurel hedge (Southern sector). Remove 2 no. Yew trees (Western sector). Fell 1 no Pine tree (Northern sector).

NOT TO PREPARE A TREE PRESERVATION ORDER

20. TG/20/00838/DOM

16 Haleybridge Walk Tangmere PO20 2HG
Proposed single storey side and rear (annex) extension.

PERMIT

21. TG/20/01585/TCA

10 Nettleton Avenue Tangmere Chichester West Sussex PO20 2HZ
Notification of intention to crown reduce down 2m on 1 no. Whitebeam tree.

NOT TO PREPARE A TREE PRESERVATION ORDER

22. TG/20/01458/FUL

Land At Neville Duke Way Oakwood Close Tangmere West Sussex PO20 2WD
Installation of parking spaces for 12 no. vehicles for a temporary period of 3 years.

PERMIT

23. TG/20/01099/DOM

1 Caedwalla Drive Tangmere PO20 2HJ
Two storey side extension with the addition of dormer to rear roof face, internal alterations to create a family annexe. New car port to rear garden accessed from existing dropped kerb and cross over.

REFUSE

24. TG/20/01852/DOM

Saxony House Easthampnett Lane East Hampnett Tangmere PO18 0JY
Change of use of detached garage to habitable accommodation with alterations to fenestration and roof including addition of 1 no. dormer.

PERMIT

25. TG/20/02063/TCA

12 Nettleton Avenue Tangmere PO20 2HZ
Notification of intention to crown reduce by up to 1.5m on 1 no. Cherry tree (T1). Remove 1 no. 4m long limb on south-west sector on 1 no. Elder tree (T2). Remove 2 no. 5m long stems (1 no. dead and 1 no. split) on 1 no. Plum tree (T3). Reduce crown by up to 2m on 3 no. Apple trees (T4-T6). Fell 1 no. Alder tree (T7). Reduce 1 no. limb by 2m, 2 no. limbs by 3m and 1 no. limb by 4m on east sector on 1 no. Plum tree (T8).

NOT TO PREPARE A TREE PRESERVATION ORDER

26. TG/20/02117/TCA

Tangmere Cottage Tangmere Road Tangmere PO20 2HW
Notification of intention to fell 1 no. Cherry tree.

NOT TO PREPARE A TREE PRESERVATION ORDER

27. TG/20/02092/TPA

3 Meadowside Walk Tangmere PO20 2WR

Crown reduce by 30% (all round) and remove lowest 4 no. limbs on south sector on 1 no. Oak tree (T2, quoted as T1 on plan) subject to TG/95/01027/TPO.

PERMIT

28. TG/20/02160/DOM

47 Middleton Gardens Tangmere PO20 2JD

Demolition of existing conservatory and erection of single storey rear extension.

PERMIT

29. TG/20/02290/TCA

10 Nettleton Avenue Tangmere Chichester West Sussex PO20 2HZ

Notification of intention to crown reduce by 3m (all round) on 2 no. Lime trees.

NOT TO PREPARE A TREE PRESERVATION ORDER

30. TG/20/02301/TCA

1 Church Farm House Church Lane Tangmere PO20 2HA

Notification of intention to reduce height by 50% on 1 no. Lombardy Poplar tree (T1).

NOT TO PREPARE A TREE PRESERVATION ORDER

31. TG/20/02334/TCA

11 Nettleton Avenue Tangmere PO20 2HZ

Notification of intention to remove 5 no. branches on 1 no. Birch tree (1), fell 1 no.

Variegated Acer tree (2) and pollard to previous pollarding level, reducing height by 3m and width by 5m on 1 no. Lime (3).

NOT TO PREPARE A TREE PRESERVATION ORDER

32. TG/20/02146/ADV

Bader Arms Malcolm Road Tangmere PO20 2HS

Installation of 1 no. non-illuminated hanging sign, 2 no. internally illuminated wall mounted signs and 13 no. non-illuminated wall mounted signs.

PERMIT

33. TG/20/02221/TPA

19 Middleton Gardens Tangmere PO20 2JD

Crown reduce by 35% (back to previous pollard points) on 2 no. Lime trees (quoted as T1 and T2, TPO'd nos. T28 and T29). Both trees subject TG/91/01021/TPO.

PERMIT



Appeal Decision

Site visit made on 10 August 2020

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 2 September 2020

Appeal Ref: APP/L3815/C/20/3248792

12A Nettleton Avenue, Tangmere, West Sussex PO20 2HZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr S Smith against an enforcement notice issued by Chichester District Council.
 - The enforcement notice was issued on 30 January 2020.
 - The breach of planning control as alleged in the notice is the erection of a wooden close boarded fence.
 - The requirements of the notice are 1) dismantle the wooden fence panels, posts and boards and 2) remove the resulting materials from the land.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) & (g) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is allowed on ground (g), and it is directed that the enforcement notice be varied by the deletion of 2 months and the substitution of 3 months as the period for compliance. Subject to this variation the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons

Ground (a)

2. The development plan includes the Chichester Local Plan [LP] and the adopted Tangmere Neighbourhood Plan [NP]. LP Policy 1 has a presumption in favour of sustainable development and that there will be a positive approach, noting that development that accords with the local plan policies will be approved, unless material considerations indicate otherwise. LP Policy 2 sets out the development strategy and settlement hierarchy and has little relevance to this appeal. LP Policy 33 relates to new residential development, which again has little relevance to this appeal, but it sets out the principal for high quality and notes that design should be in keeping with the surrounding environment. LP Policy 47 relates to historic heritage and notes that the authority will continue to conserve and enhance the historic environment through preparation of conservation area and character appraisals etc.
3. NP Policy 1 relates to development proposals within the settlement boundary, which are supported if they are consistent with policies in the development plan. NP Policy 10 refers to design and again notes that development proposals

- will be supported provide the design reflects the local character of the village in its scale, massing, height, landscape design and materials.
4. The development is also within the Tangmere Conservation Area. Within this area there is an article 4 direction removing certain permitted development rights, including 'All alterations (and demolition) within the classes of permitted development affecting a front or public elevation. These will require planning permission: including viii) the erection or demolition of a gate, fence, wall or other means of enclosure'.
 5. The main issue is the effect on the character and appearance of the area.
 6. The surrounding area is characterised by a mix of boundary treatments, including some timber panel fences. There is an open area opposite bounded by a low bank. However, the overall character of the area is generally relatively open, with boundaries formed of low structures and/or vegetation. There are one or two other similar fences in Gibson Road and Edwards Avenue.
 7. There was a timber fence in part of the position of the fence now subject to this appeal and that fence appears to continue further along the boundary to Gibson Road. However, photographs suggest it was materially different from that now constructed. The fence was much lower and generally had accompanying vegetation forming the boundary treatment. At the appeal site the length of original fencing has been completely removed and replaced with a much higher timber structure which, even if of high quality, forms an alien and obtrusive feature in the streetscene and conservation area and does not accord with LP Policy 47.
 8. The presence of the other timber fences does not alter the overall character of the area or justify the construction of this fence. It does not conserve or enhance the conservation area and contradicts Policy 1 of the Local Plan and is not sustainable development. It also is not in accordance with NP Policy 1 or 10.
 9. For the purposes of the National Policy Framework the harm caused would be classed as 'less than substantial' harm, where public benefits need to be considered.
 10. The appellant identifies the need to provide a safe inclusive environment for his family and that there is a freedom for homeowners to alter their properties as addressed by article 8 of the Human Rights Act. I have taken into consideration the Human Rights Act 1998 and the European Convention on Human Rights and I recognise that dismissal of the appeal could potentially interfere with rights under Article 8. However, given the harm identified, the action is in accordance with the law and pursues legitimate aims of protecting the environment and is proportionate to the situation and the Council's Policies.
 11. The appeal on ground (a) fails.

Ground (f)

12. The appellant effectively argues that a number of panels are much older and should be retained. However there is no ground (b) or ground (d) to examine this matter in detail. The appellant appears to rely on a Google photograph which shows three panels that were formerly in the position of a section of the new fence. However, from this photograph it is clear that the old panels that

were there were much lower and have been removed, so not the same as what has replaced them. The entire fence is a new construction and not repair and is unacceptable. A boundary in this position requires planning permission because of the presence of the article 4 direction. For reasons explained in the ground (a), the presence of the former fence does not justify retention of any panels in the present fence.

13. The appeal on ground (f) fails.

Ground (g)

14. I have considered the time period of two months. It is adequate to actually remove the fence, but formulating a specification and obtaining tenders can take some time, so I shall extend the period for compliance to 3 months as requested.

The appeal on ground (g) succeeds.

Graham Dudley

Planning Inspector