



**Planning Committee Meeting
Minutes
Monday 28 September 2020**

Minutes of the Planning Committee meeting held remotely.

Councillors Participating: Mr J Buchanan, (Chairman), Mr W Black, Mr J Smith, Mrs C Thorne, Mr G Williamson..

Apologies For Absence: Mrs H Bicknell, Mrs S Bloomfield, Mr G. Inns, Mrs M Jenkins, Mr C Lloyd, Mrs M Timms.

P/75/20 Declaration of Interests: Cllr Black declared an interest in items P/78/20/a and P/78/20b.

P/76/20 Public Representations: None.

P/77/20 Previous Minutes: Minutes of the virtual meeting of the **21 September 2020**, were approved.

Proposed: Cllr Black, seconded Cllr Smith.

P/78/20 Planning Applications:

a.)

Case No:	SDNP/20/03566/HOUS		
Type:	Householder		
Date Valid:	3 September 2020	Decision due:	29 October 2020
Case Officer:	Louise Kent		

Applicant: Mr and Mrs Ellis

Proposal: Single storey rear extensions and internal alterations.

Location: **High Marley, Marley Heights**, Fernhurst, GU27 3LU

Decision: No objection.

Proposed: Cllr Thorne, seconded Cllr Williamson.

b.) Case No: SDNP/20/03704/HOUS
Case Officer: Louise Kent

Closing Date for comments: 19 October 2020
Letter Reference DC/TU/QFZ9YHTUIEM09

Location: **High Marley, Marley Heights**, Fernhurst GU27 3LU

Proposal: Construction of swimming pool and erection of adjacent leisure building.

Decision: The Council has no objection, subject to a condition that there be no lighting installed within the swimming pool allowing vertical transmission of artificial light after dark.

This is a sensitive location and Local Plan policy SD8 and Neighbourhood Plan Policy EE3 require proposals to demonstrate how light pollution is minimised and any other external lighting be dark skies compliant.

Proposed: Cllr Thorne, seconded Cllr Williamson.

c.) Case No: SDNP/20/03784/FUL
Case Officer: Jenna Shore

Closing Date for comments: 12 October 2020
Letter Reference DC/TU/QG4VEPTUIIP16

Location: **Copyhold, Copyhold Lane**, Fernhurst GU27 3DZ

Proposal: Construction of replacement dwelling following the partial demolition of detached dwelling (revision to SDNP/19/05392/FUL)

Decision: The Council objects, on the following grounds:

The existing building is considered to be an important unlisted heritage asset, worthy of preservation to a significantly greater extent than is proposed. The proposals do not retain enough of the existing historic structure to allow those who pass along the adjacent public right of way and others, to easily ‘read’ the history of the original building and thus it would effectively be erased from public visual memory.

The proposed design does not conform with Policy DE1 of Fernhurst Neighbourhood Plan.

The scale and massing of the new building would be likely to be much more visually assertive or dominant in the wider landscape.

Proposed: Cllr Buchanan, seconded Cllr Black

d.) Case No: SDNP/20/03437/HOUS
Case Officer: Louise Kent

Closing Date for comments: 5 October 2020
Letter Reference DC/TU/QF76NSTUI0108

Location: **Little Woodfold, Woodfold**, Fernhurst GU27 3ET

Proposal: Extensions and alterations, including replacement of roof.

Decision: The Council has received representations from the applicant as follows:

“The reason for the application is due to us having found ourselves in a position with the SDNP where they are trying to charge us £93,000 for the Community Infrastructure Levy. Unfortunately due to the timing of our previous application we fell into a planning loophole with the CIL whereby we were liable because we hadn’t submitted a commencement notice before commencing. As it was a retrospective application we couldn’t have submitted this notice and even more to the point, when we commenced building the SDNP had not adopted the CIL so the notice didn’t even exist to be able to submit.

As of 1st September 2019 the planning laws were changed so self-builders can apply at any time for their CIL exemption but because our previous application was approved in the period before this change then we were still liable.

..we are therefore hoping that by passing this new application through then we can build to this and let the other one lapse with the liability.”

The council considers that:

a) Given that the previous application SDNP/18/06198/HOUS was retrospective (i.e. work had already started) by definition it cannot lapse.

The only time constraint on SDNP/18/06198/HOUS was (Condition No.1) The development...shall be begun before the expiration of three years...and, of course, it was begun before it was consented.

b) Government guidance seems to agree with a) above, stating that: “A person who has undertaken unauthorised development has only one opportunity to obtain planning permission after the event...”

Ref.

<https://www.gov.uk/guidance/ensuringeffectivenforcement#Retrospectiveplanningapplication>

The council has no objection to the proposed additional work to the house (simply, blocking up one external doorway) which is embodied in the current application, given that all the other work is understood to be completed, and to have been regularised under SDNP/18/06198/HOUS.

Proposed: Cllr Black, seconded Cllr Thorne

P/79/20

Initial Consultation in Relation To Proposed Works on Common Land: GU27 3 DZ

Following discussion the committee agreed the following representations:

1) Fernhurst Parish Council (FPC) considers that the recommendations, made to the West Sussex County Council (WSSCC) Rights of Way Committee on 23 February 2010 by the ‘director of operations, infrastructure and divisional manager, transport’, have not been fully implemented, leaving a ‘missing link’ between the adopted part of Copyhold Lane and the southern end of Restricted Byway FER/2003/5.

<http://www2.westsussex.gov.uk/ds/cttee/row/row230210i9.pdf>

Since the existence of this historic byway pre-dates the adoption of part of Copyhold Lane, the designation of the rest of it as ‘restricted byway’, and the ‘stopping up’ of part of Copyhold Lane, FPC considers that the ‘missing link’ does indeed form part of the original byway.

2) FPC considers that, as soon as possible, this ‘missing link’ should be formally re-instated as a Restricted Byway, so that cyclists, pedestrians and equestrians can continue to freely access the historically and culturally important Fernhurst-Blackdown byway route from Copyhold Lane, without relying on any ‘permissive’ access-way across this section of Open Access land owned by Mr and Mrs Sellers.

3) Ideally, the routing of this re-instated part of the Restricted Byway should follow the historical, most direct, route. However, the landowners have legitimate privacy and security concerns, and FPC would have no objection, in principle, subject to a commitment

to fully re-instate the Restricted Byway status as in 2) above, to an alternative route, further east than the historical route, as envisaged by WSCC in 2010.

4) Any alternative route must be:

- a. a minimum of 3m wide;
- b. without gates, or with a single gate which is suitable for pedestrians and mounted or dis-mounted equestrians or cyclists;
- c. as close as possible to the historic route.

5) With reference to the proposed style of gate and fencing, FPC has no objection in principle, but would strongly resist any attempt to introduce more modern or 'suburbanising' alternatives (Ref. Fernhurst Village Design Statement 1999).

P/80/20 Planning Decisions & Appeals.

Those on the agenda were noted.

Date of Next Meeting: 5 October 2020

Signed..... Date: