



Appeal Decision

Site visit made on 4 November 2025

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2025

Appeal Ref: APP/L3815/W/25/3358691

Chichester City Arts Centre, St. Bartholomew's Church, Mount Lane, Chichester PO19 3DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Ian Jackson of Chichester City Arts Centre LLP against the decision of Chichester District Council.
 - The application Ref CC/24/01317/FUL was approved on 7 November 2024 and planning permission was granted subject to conditions.
 - The development permitted is the change of use to a flexible commercial, educational, cultural and community use including dance studio and ancillary office, use class E(d), class F1(a-f) and F2(b) and associated works including 2 no. additional circular windows on east elevation – variation of conditions 6 and 9 of planning permission CC/21/02511/FUL – amendment to dance school hours of operation to allow for this between 0800 – 2200, amendment to condition 9 to remove requirement that “all doors must be closed” and replace with “one set of doors in the lobby and one set in the main entrance should be closed when music is being played”.
 - The condition in dispute is No 8 which states that: When music is being played, one set of doors in the reception lobby and one set in the western entrance must be closed for ingress and egress, except for after 8pm when the external door on the west elevation of the reception lobby, the internal door between the reception lobby and the main hall, the external doors on the west elevation of the building, and the 2 pairs of inner lobby doors between the western entrance and the main hall must all be closed, except for ingress and egress. The lobby door set up at the entrance/reception area shall be maintained so that one door can always be pulled shut.
 - The reason given for the condition is: In the interests of neighbouring amenity.
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Decision

1. The appeal is allowed and the planning permission Ref CC/24/01317/FUL for a change of use to a flexible commercial, educational, cultural and community use including dance studio and ancillary office, use class E(d), class F1(a-f) and F2(b) and associated works including 2 no. additional circular windows on east elevation at Chichester City Arts Centre, St Bartholomew's Church, Mount Lane, Chichester PO19 3DQ granted on 7 November 2024 by Chichester District Council is varied by deleting condition 8 and substituting it with the following condition:
 8. When music is being played, the external door to the entrance reception in the northeast corner of the building (former vestry), and at least one pair of doors in the lobby at the western end of the building shall be closed except for ingress and egress or emergency fire escape purposes.

Preliminary Matters

2. The permission granted under CC/24/01317/FUL was itself a proposal to vary 2 conditions attached to a previous permission for the same substantive use granted under CC/21/02511/FUL. The 2 conditions related to the permitted hours of

operation of a dance school which uses the premises, and a requirement that all doors must be shut when music is being played.

3. The appellant sought to modify the latter condition to remove the requirement that all doors must be shut to one where one set of doors in the entrance reception and one set in the lobby at the western end of the building should be shut when music is being played, except for ingress and egress. The Council granted planning permission for the variation of the 2 conditions but imposed an alternative condition relating to the closure of doors when music is being played. That condition (no.8) is set out above in the banner heading. In effect it requires that after 2000 hours (8.00pm) all internal and external access doors to the hall be closed, except for ingress and egress. It is this condition that is the subject of the appeal, and which I consider in more detail below.
4. The application originally proposed to vary another condition to allow use of the premises until 2330 hours. This proposal was withdrawn during the course of the application. It did not form part of the proposal on which the Council made its decision, nor does it form part of the current appeal.
5. I have simplified the description used in my decision to avoid confusion with the numbering of the conditions as they appear on the Council's decision notice for CC/24/01317/FUL. For the avoidance of doubt, that decision permits the use of the premises for a ballet school between 0800 and 2200 hours as set out in condition 5.

Main Issue

6. The main issue is the effect of modifying condition 8 on the living conditions of neighbouring occupants in respect of noise.

Reasons

7. The permitted use of the building allows a range of activities to be carried on, including ones that may include amplified music. However, there are residential properties in close proximity to the building, and it is necessary to impose conditions that minimise noise disturbance to the occupants of those neighbouring properties. Condition 8 is one such condition.
8. The hall in which activities are carried out can be accessed from two directions. There is a set of doors from the reception consisting of an internal door to the hall and a separate external entrance door. There is also a set of doors in the western end of the building consisting of 3 pairs of doors (1 external, 2 internal). The Council's Environmental Protection team has no objection to a variation of the condition so long as at least one door or pairs of doors in each of these sets of doors are kept closed when music is being played.
9. It is apparent that there have been instances of noise disturbance when the premises have been hired out for parties or receptions. Having regard to the observations made by local residents, it appears that instances when noise has emanated from the hall is because all the doors at one or other end of the building have been propped open, contrary to the terms of the condition. The noise disturbance therefore results from a failure to comply with the condition rather than a need to have more than one door in a set of doors closed at any one time. The responsibility for ensuring doors are closed is a matter for the operators of the

property. If breaches of the condition were to continue, then it would be open to the Council to consider whether it was expedient to use its enforcement powers.

10. Paragraph 57 of the National Planning Policy Framework requires that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, enforceable, precise and reasonable in all other respects.
11. In this case I consider that a condition requiring the closure of doors is necessary and relevant to planning in the interests of minimising noise disturbance to neighbouring occupants. However, as drafted condition 8 goes beyond the minimum control necessary in requiring all access doors to be closed when closing one in each set of doors is sufficient for noise suppression purposes. I therefore consider it should be reworded to require the latter rather than the former level of control.
12. I have considered whether for enforceability the external doors should be required to be closed when music is playing. However, there are occasions when external access is needed to the toilets and kitchen from the western end of the building to avoid disturbance to activities in the hall. If the external doors in the western elevation are open, it will still be apparent to an observer on Mount Lane whether one of the internal pairs of doors are closed. I therefore consider that a form of words requiring only one of the pairs of doors in the western lobby to be closed is enforceable. However, the internal door between the entrance reception and the hall is not readily visible from outside. I therefore consider that for enforceability the condition should require the external door to the reception to be closed when music is playing, except for ingress and egress.
13. In terms of precision, there is some ambivalence between the wording used in condition 8 to describe the rooms and the labelling used on the accompanying plans. For conciseness, I consider that the condition wording needs to be consistent with the labels on the plans. I have therefore referred to the 'reception lobby' as the entrance reception in the northeast corner of the building (former vestry); and the 'western entrance' as the lobby at the western end of the building. Given my conclusion on enforceability, there is no need for the last sentence in condition 8. As well as allowing doors to be opened for ingress and egress, I have also added that they can be opened for fire escape purposes.

Other Matters

14. The building is grade II listed. Its architectural and historic interest lies in its previous use as a church, its classical design and unusual materials including the form of galletting around the coursed stonework. I have a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building and any features of architectural or historic importance that it possesses. A similar duty under Section 72 applies to preserving or enhancing the character or appearance of the Chichester Conservation Area. Modification of condition 8 in the manner proposed would not have any appreciable effect on the significance of the listed building. Similarly, it would not have any harmful effect on the character or appearance of the Chichester Conservation Area.
15. I am aware that disturbance has also been caused on occasion by rowdy behaviour and that sometimes use of the hall places additional demands on parking space in

the area. However, these are not matters that are relevant to condition 8 and therefore not material in this appeal.

Conclusion

16. I conclude that the appeal should be allowed and condition 8 varied in the form set out in my decision.

Guy Davies

INSPECTOR