

Recommendation Report for Planning Permission**REF NO:** AL/25/13/**LOCATION:** The Paddocks
Northfields Lane
Aldingbourne**PROPOSAL:** Application for the variation of condition 4 (residential units) following the grant of planning permission AL/94/11 to replace the word 'four' with the word 'five'.
Departure from the Development Plan.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application seeks to add one further mobile home for Gypsy occupation for the applicant's mother to live on site as she currently lives near Chichester and she requires close medical attention and she has been recently widowed and needs a family member to supervise her care.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Leylandi hedging along Northfields Lane. Fencing at Level Mare Lane end.
SITE CHARACTERISTICS	The site has four mobile homes one with an extension and playhouse and one with a conservatory. To the rear of the site is a timber structure used for storage.
CHARACTER OF LOCALITY	Rural location with some housing, at this end of Northfields Lane predominately Gypsy accommodation. Some grazing horses and some stabling.

RELEVANT SITE HISTORY

AL/15/04/	Siting of 2 no. residential mobile homes for settled accommodation and including a single storey extension	Refused 08-07-2004
AL/5/07/	Change of use of land for the stationing of 2 no. mobile homes for gypsy and traveller family.	Refused 05-09-2007

**Appeal: Withdrawn
05 03 2008**

AL/23/08/	Use of land as a private gypsy caravan site for a single family group.	Approve Conditionally 11-06-2008
AL/67/10/	Change of use of land to a private gypsy and traveller caravan site consisting of 3 no. mobile homes (2 of which have extensions), and associated works - This application is a departure from the development plan	Approve Conditionally 19-08-2010
AL/32/11/	Use of land as a private gypsy and traveller caravan site consisting of 4No. mobile homes (2 of which have extensions) and associated works. This application is a departure from the Development Plan	Refused 08-09-2011
AL/94/11/	Use of land as a private gypsy and traveller caravan site consisting of 4 no. mobile homes (2 of which have extensions) and associated works - Resubmission of AL/32/11 - This application is a Departure from the Development Plan	Approve Conditionally 05-01-2012
AL/4/12/	Single storey extension	Approve Conditionally 20-03-2012
AL/85/12/	Application for variation of conditions 6 & 7 of planning approval AL/94/11/ relating to position of mobile home & tree planting	Approve Conditionally 11-02-2013

REPRESENTATIONS**Representations received:**

Aldingbourne Parish Council

No objection.

Others:

None

Comments on Representations received:

Noted.

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

West Sussex Primary Care Trust

Engineering Services Manager

Consultations responses received:

County Highways:

West Sussex was not consulted on application AL/94/11, however, from the information submitted, there would be no concerns with this additional mobile home from a highway point of view.

District Environmental Health:

From the information submitted the current site licence issued and dated 13th December 2010 is permitted for 3 Permanent Residential Homes (Licence No 10150). From a caravan licensing point of view compliance with the Standard Conditions of the Residential Site Licence Conditions is required.

District Drainage Engineers:

No comment.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:

Outside the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)

[GEN3](#)

[GEN9](#)

[GEN12](#)

Built-up Area Boundary

Protection of the Countryside

Foul and Surface Water Drainage

Parking in New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX7

Planning Policy for Traveller's Sites

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and neighbour amenity and the need to provide accommodation for people of recognised Gypsy status.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that the site lies outside the built up area boundary and within a countryside location. The proposal is contrary to GEN3 of the Arun District Local Plan and the principle of development outside the built up areas as it is unrelated to agriculture, forestry or other acceptable countryside uses.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background in that it is accepted from the information submitted that the applicant is a member of the gypsy/traveller community where there is a proven and policy need for the Council to provide sites for Gypsy accommodation.

The site has permission for four Gypsy pitches. The additional pitch is required for extenuating circumstances because an elderly family member is required to live with her daughter for medical reasons.

CONCLUSIONS

PRINCIPLE:

The site lies outside the built up area boundary where residential development is not permitted unless it is in connection with an agricultural or forestry need. The site is an existing Gypsy site with permission for four pitches. The proposal is for one additional pitch to house the mother of the applicant for extenuating health reasons.

PLANNING POLICY FOR TRAVELLER SITES MARCH 2012.

This document sets out the Government's planning policy for traveller sites and should be read in conjunction with the National Planning Policy Framework. This policy revokes Circulars 01/2006 and 04/2007 which previously concerned traveller sites. The policy objective is that local planning authorities make their own assessment of the need for the purposes of planning; to ensure that local planning authorities work collaboratively, develop fair and effective strategies to meet the need through the identification of land for sites; to encourage the plan for sites over a reasonable timescale, that plan making and decision taking should protect Green Belt from inappropriate development; to promote private traveller site provision whilst recognising that there will always be those travellers who cannot provide their own sites; that the aim should be to reduce the number of unauthorised developments and encampments and make enforcement more effective; to ensure that local plans are fair, realistic and inclusive; to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply; to reduce tensions between settled and traveller communities; to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure and for the local planning authority to have due regard to the protection of local amenity and environment; the existing level of local provision and need for sites; the availability or lack of alternative accommodation for the applicants and other personal circumstances of the applicant.

The policy also states that local planning authorities will be required to plan for a five year supply of deliverable sites, as well as broad locations for growth for years six to ten, based on locally derived evidence based targets for the provision of traveller pitches and plots. There is a requirement to assess the level of need for further pitches for the periods 2013-2018 and 2018-2023. If after 12 months of this policy coming into force if Authorities cannot demonstrate a 5

year supply of deliverable sites, this would represent significant weight for approving sites on a temporary basis.

Collaboration has taken place between Arun, Adur, Worthing, Chichester and the South Downs National Park to identify future accommodation needs for Gypsy's and Travellers and have completed an agreed report which has yet to be ratified by Full Council. However the final report dated May 2013 identifies the site as capable of accommodating 1 additional pitch.

MAIN ISSUES:

The main issue to be considered is whether there is a justification to allow development of this site contrary to the local plan policy. Material considerations include, the Gypsy status of the applicant, the personal circumstances of the applicant, other material considerations include, impact on residential amenity, landscaping or visual amenity.

GYPSY STATUS:

A Gypsy is defined as "persons of nomadic habit of life whatever their race or origin, including such persons who on grounds of their own or their family's dependants educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such."

The site currently has permission for 4 mobile homes which are occupied by the applicant's family, who are Gypsies.

UNMET GYPSY ACCOMMODATION NEED:

In accordance with the policy requirements in force at the time, the Council conducted a Gypsy and Traveller Accommodation Assessment (GTAA). It was undertaken by David Couttie Associates. The final document dated 2006 indicated a requirement for an additional 9 permanent pitches within Arun to meet the measured need for the period 2006 to 2011.

The identified Gypsy and Travelling Showpeople accommodation need for all the Authorities comprising the south east of England area was intended to be fed into the 2009 South East Plan. However, the review of the South East Plan to specifically address the provision of pitches for Gypsies, Travellers and Travelling Showpeople ceased before adoption. Draft Policy H7 of this review indicated a need for an additional 18 pitches for the period 2006-2016 in Arun. Although this was abandoned the requirement was based on a projected audit of the Gypsy and Traveller Accommodation Assessment (GTAA) and therefore this evidence is applicable to assist with the determination of this application.

The unfinished draft Inspectors panel report on the Review concluded that the figure of 18 pitches should be increased to 23. However, appeal Inspectors have not attached any weight to the increased figure because the draft Inspectors panel report does not form any formal part of the planning system. However, the 18 pitches figure is based on quantifiable evidence and given the lack of any up to date information to the contrary significant weight should be afforded to it. During the period running from April 2006 to now some 14 permanent pitches have been provided. It is also the case that the new up to date work on need is likely to require a need for pitches from 2013 onwards.

There are no current plans in Arun to designate any sites for specific G & T provision and the revised Local Plan is yet to be adopted. There is no evidence currently available to suggest that

any additional sites will come forward before 2016 to meet this extant need for a further 4 sites within the next four years. It is also worth noting that the study currently in process for the period between 2013 - 2018 is likely to exceed this outstanding figure of 3 pitches. The April 2013 GTAA has identified a need for Arun to provide a total of 18 pitches for gypsies and travellers and 7 plots for travelling show people for the period 2012 -2027 divided as follows:

2012-2017	2018-2022	2023-2027
10 Public	1 Public	1 Public
2 Private/New Traveller	2 Private/New Traveller	2 Private/New Traveller

Paragraph 25 of the planning policy for traveller sites that if local planning authorities cannot demonstrate an up to date five year supply of deliverable sites, this should be a significant material consideration when considering applications for the grant of temporary planning permission. Arun does not have an up to date five year supply of deliverable sites.

In a recent appeal decision at a gypsy site at Limmer Pond AL/29/12 the Inspector commented that Arun has yet to resolve the supply in Arun and that there is a lack of suitable, available and alternative sites, therefore he allowed the appeal for 1 mobile home.

It is therefore considered that the above reasons are a justification for granting consent in this case.

JUSTIFICATION - PERSONAL CIRCUMSTANCES:

It is proposed to site one additional mobile home on the site to accommodate the applicants recently widowed mother, Mrs Sarah Keet, who is elderly with health issues, particularly she has a tremor which causes her to shake uncontrollably and has diabetes which causes hypoglycaemic episodes which result in her fitting. She therefore needs to be supervised by her daughter as it is not safe for her to live alone. Currently she lives alone in Easthampnett and the applicant wishes to have her in a unit adjacent to her own so that she can look after her mother. A doctors letter supports this application. Whilst the personal circumstances of the applicant should be given some weight as a material consideration, however, it should be a balancing act between planning policy and other considerations. In this case, it is considered that there is a clear and immediate need to occupy the site as the applicant's mother requires constant care and is currently staying with the applicant.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE LOCALITY:

The site is outside the built up area boundary which is screened from Northfields Lane by high leylandi hedging. It currently has four mobile homes on the site and therefore it is not considered that an additional unit would adversely affect the visual appearance or character of the area.

RESIDENTIAL AMENITY:

The policy in Planning for Traveller Sites states that when assessing the suitability of sites in rural or semi rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Given that the proposal is for one additional mobile home and the site is sited sufficiently away that it would not dominate the nearest residential community, it is considered that the proposal is in accordance with this policy.

The proposed location for the additional unit is in the south west of the site which is adjacent to a paddock and not to any other permanent residential dwelling therefore it is considered that the

proposal would not result in any significant loss of residential amenity.

DRAINAGE ISSUES:

The Council's drainage engineers have raised no objections.

HIGHWAY ISSUES:

County Highways have raised no objections.

SUMMARY;

The site is an existing gypsy site and it is considered that the proposal is in accordance with the Planning for Traveller Sites policy and the most recently available Gypsy & Traveller Accommodation Assessment and Gypsy and Traveller and Travelling Showpeople Sites Study have been taken into account. The applicants mother is currently on a site within Chichester District, therefore this additional unit will make a contribution to the meeting the need for Gypsy and Traveller accommodation up to 2016 it is recommended that the application is approved subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article (8 right to a home) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal a positive impact has been identified upon those people with the following protected characteristics; race.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans: Drawing number 1011/100

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN3 and GEN7 of the Arun District Local Plan.

- 3 No more than five residential mobile homes, including therein any vehicle designed or adapted to residential use, shall be stationed on the land at any one time, together with one touring caravan per each mobile home which shall not be used for independent residential occupation.

Reason: In the interest of the amenities of the area and in accordance with policy GEN7 of the Arun District Local Plan.

- 4 This permission for the fifth unit shown as unit G on drawing 1011/100 shall only enure for the benefit of Mrs Sarah Keet who is regarded to be a gypsy and shall not benefit anybody else. It shall be removed from the site and the land restored within 3 months of Mrs Sarah Keet no longer being required to live on this site.

Reason: The development is contrary to the provisions of the development plan in that the site lies within the rural area and is unrelated to the needs of agriculture or forestry. Planning permission has only been granted in this instance because of the specific circumstances of the applicant namely the status as a member of the Gypsy and Traveller Community and the extenuating health reasons.

- 5 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because although the proposed development does not comply with the policies in the Development Plan listed below in that the proposal does not comply with policy GEN3 (i) - does not meet the operational needs of agriculture, forestry, the extraction of minerals or the deposit of waste, (ii) is not for quiet, informal recreation (iii) is not for the diversification of the rural economy, (iv) is not for an essential road scheme; or (v) is not in accordance with a policy in section 2 or 3 of the local plan referring to a specific type of development, there are material considerations which indicate that it can be granted. The material consideration is that for personal medical reasons an elderly mother needs to be located close to her daughter in order that she can be properly cared for.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN3, GEN7, GEN9, GEN12

NATIONAL PLANNING POLICY FRAMEWORK: NPPF, "Planning Policy for Traveller Sites".

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

- 6 INFORMATIVE: All mobile homes are required to obtain a Site Licence under the

provisions of the Caravan Site and Control of Development Act 1960. The application is advised to contact Arun District Council on 01903-737755 for further information prior to the occupation of the mobile home.

- 7 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.