

Recommendation Report for Planning Permission**REF NO:** AL/50/13/**LOCATION:** The Old Barn
Arundel Road
Fontwell**PROPOSAL:** Change of use of land for the siting of second mobile home for Travelling Show Persons (resubmission following AL/117/12/). This is a Departure from the Development Plan.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal is for a change of use of the land for the siting of a second mobile home on the site. Planning permission was previously given for this use by AL/117/12, the only difference this time around is that no touring caravan storage is proposed.
SITE AREA	1.75 ha.
RESIDENTIAL DEVELOPMENT DEN	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2 metre fence, brick wall and gates to front boundary (south). Timber post and rail fencing supplemented by hedging and mature trees in places. Rear boundary (north) is conifer trees and mature deciduous trees in places. East boundary is copse of mature trees and grass embankment with mature shrubs and trees.
SITE CHARACTERISTICS	Flat site laid to grass with vehicular access onto A27. Site contains detached mobile home, storage barns, three touring caravans and hardstanding towards rear and northeast corner of site.
CHARACTER OF LOCALITY	Rural. Sporadic agricultural land and residential development adjoining site to east and west.

RELEVANT SITE HISTORY

AL/110/87	Construction of an earth bank on land adjoining the Northern edge of the A27	ApproveConditionally 17-02-1988
AL/22/94	Use of barn for the storage of a fairground ride and associated equipment	ApproveConditionally 15-06-1994

AL/117/12/	Change of use of land for the siting of a second mobile home and storage of two caravan units for Travelling Show Persons. Departure from the Development Plan.	ApproveConditionally 11-03-2013
AL/15/65	Outline application for bungalow and garage in conjunction with small- holding	Refused 10-03-1966
AL/34/83	Proposed stables	ApproveConditionally 22-06-1983
AL/33/83	Alteration of east access to field using existing dropped kerbs	Approve 29-06-1983

Planning Permission AL/117/12/ gave permission for: "Change of use of land for the siting of a second mobile home and storage of two caravan units for Travelling Show Persons. Departure from the Development Plan".

This new application seeks the same but without the storage of the two caravans.

REPRESENTATIONS

Representations received:

Aldingbourne Parish Council

Aldingbourne Parish Council has no objection to this planning application but would request that the requirements of the following requirements: the location and siting of a second mobile home could be acceptable provided a suitable scheme for soft landscaping is forthcoming to reinforce visual screening and separation between the development site and the area open grassland to the south. A 5m wide native planted buffer of whips/transplants at 900mm centres to contain a minimum of 15% evergreen species such as holly or yew is recommended.

Comments on Representations received:

Comments noted. There is already soft landscaping comprising conifer hedging that screens the proposed site for the additional mobile caravan from the open grassland to the south fronting the A27. No landscaping condition was applied to the AL/117/12 permission.

CONSULTATIONS

Southern Water Planning
Engineers (Fluvial Flooding)
Highways Agency
WSCC Strategic Planning
Environment Agency

Consultations responses received:

West Sussex County Council (Strategic Planning) - The A27 is maintained by the Highways Agency; therefore you will need to consult with Paul Harwood, Regional Manager for South East on the acceptability of the proposals and traffic generation on the highway network.

Highways Agency - no objection.

Southern Water - The applicant is advised to consult the Environment Agency directly regarding the use of a package treatment plant which disposes effluent to sub-soil irrigation.

The owner of the premises will need to maintain the works to ensure its long term effectiveness.

Due to surface water inundation issues in the Lidsey Catchment, "the applicant is advised to adopt, where appropriate, measures in the table "Practical measures to reduce the potential impacts of development". The developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

Arun District Council Engineers - A SuDS system (Sustainable Urban Drainage System) must be investigated for surface water disposal, ie. soakage structures. Soakaways have been specified on the applicants proposals. Please apply standard conditions ENGD2A. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at

the location and depth of the proposed structures. The percolation tests and design must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information. The applicant may require consent from the Environment Agency in respect to the proposed sewage treatment plant.

Environment Agency - Having screened the planning application with regard to the development type and location of the proposal, I can confirm that we have no objection to the proposal as submitted.

Planning Informative - We understand a private treatment system is proposed for foul drainage. This may require an Environmental Permit. The Environmental Permitting Regulations (England and Wales) 2010, cover water discharge activities, groundwater activities, radioactive substances, waste, mining waste and installations. Please see our website for further information: <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>.

Comments on Consultation responses:

As per the previous decision, no surface water condition has been imposed. This was because it was considered that the proposal only included two small hardstandings in the context of a very large plot of land.

POLICY CONTEXT

Designation applicable to site:

Outside built-up area boundary;
Trunk Road;
Class A Road;
Special Control of Adverts;
Drainage Area; and
No public sewer.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN3](#)
[GEN7](#)

Protection of the Countryside
The Form of New Development

[GEN9](#)

Foul and Surface Water Drainage

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 not considered to comply with relevant Development Plan policy that prevents development in the countryside for uses unrelated to agriculture.

OTHER MATERIAL CONSIDERATIONS

The previous report listed material planning considerations as the following:

- (1) The site is an established Travelling Showpeople Site;
- (2) The proposal would serve a further household and a growing need across the District;
- (3) There is considered to be no harm to the rural amenities of the area or to residential amenity; and,
- (4) Subject to conditions, the impact on highway safety may be mitigated.

However, of greater importance is the fact that planning permission was previously granted for the same development (by AL/117/12) and this proposal is for less development than that application.

CONCLUSIONS

This is a resubmission of AL/117/12 and now proposes less development than that application. There has been no change in planning policy since that application and also no material change to the site. On this basis, the proposal is considered to be acceptable subject to the same planning conditions as before.

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 respect to private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval 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 the following impacts (Neutral) have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

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: RLS/06/12 Rev. A "Block and Location Plans, Mobile Home (2nd)" as received on 25 June 2013.

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

- 3 The occupation of the mobile home hereby permitted approved shall be restricted to one

household only and be only for occupation of members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling as such). This includes such persons who on the grounds of their own or their family's or dependants's more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such, but excludes Gypsies and Travellers as defined in Planning policy for travellers sites (National Planning Policy Framework 2012).

Reason: To ensure that the land is maintained as a supply of accommodation only for those defined as belonging to the travelling showpeople community, in compliance with Annex 1 of Planning policy for travellers sites (National Planning Policy Framework 2012).

- 4 Notwithstanding the details hereby approved, no more than 2 mobile homes for the permanent residential use of 2 households shall be stationed on the site. No more than 3 touring caravans shall be stationed on the land and these shall not be used for residential use at any time whilst on the site.

Reason: To protect the amenities of the area and ensure that the residential use of the site is kept to a minimum in line with policies GEN3 and GEN7 of the Arun District Local Plan.

- 5 The development shall not commence until full details of the proposed foul treatment plant has been submitted to and approved in writing by the Local Planning Authority (including details of its routing, design, and subsequent management/maintenance).

No caravan shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 6 INFORMATIVE: The applicant is advised that the Highways Agency, in respect of the verge crossing arrangement, is minded to serve a notice on the occupier of the site under Section 184(1) of the Highways Act 1980 advising of their intention to construct, at the occupier's expense, works for the construction of a vehicle crossing over the verge outside the site. The purposes of the works would be to avoid further damage to the verge, which is being damaged to either side of the existing vehicle crossing by vehicles over running it and to ensure safe access and egress to the premises. In principle, the Highways Agency would be seeking an access/verge crossing to Layout 6 of TD 41/95 (Vehicular Access to All Purpose Trunk Roads) with a diverge taper in accordance with Layout 9. The applicant is advised to contact the Highways Agency for further details.

- 7 INFORMATIVE: It is understood that a private treatment system is proposed for foul drainage. This may require an Environmental Permit. The Environmental Permitting Regulations (England and Wales) 2010, cover water discharge activities, groundwater activities, radioactive substances, waste, mining waste and installations. Please see the Environment Agency's website for further information: <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>.

- 8 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation

tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests and design must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

- 9 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.