

Our ref. EMP/CS/96601/NytonRest/PS

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*Suite 4, Oriel House, 26, The Quadrant,
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29th July 2020

Dear Sir/Madam,

Retrospective planning application for continued use of land for agricultural workers accommodation for a temporary period of 2 no. years comprising 14 no. chalets, low level lighting, retention of existing hardstanding, utilisation of existing individual foul treatment plants and existing permitted access, and associated works at Nyton Rest, Nyton Stables, Nyton Road, Aldingbourne, Chichester, PO20 3TU.

I refer to the above and have pleasure in enclosing this planning application for your consideration.

This cover letter comprises the following sections:

- Introduction;
- The Planning Application;
- The Subject Development;
- Application Site;
- Location and Surrounding Area;
- Planning History;
- Compliance with Planning Policy;
- Planning Merits; and,
- Conclusions.

Introduction

This cover letter lists the documents submitted with the planning application, identifies the planning issues and should be considered as the planning, design and access statement to accompany the planning application.

The lodgement of this application follows informal consultation with Arun District Council and the acceptance of the substantial and urgent need for agricultural workers accommodation within the district and within the southern part of England in what are accepted as challenging times for the economy.

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The Planning Application

The planning application comprises the following documents:

- Completed planning application forms;
- This cover letter (including planning, design and access statement);
- Location plan;
- Existing Site Plan Drawing No 1483-01;
- Proposed Site Plan Drawing No. 1483-02;
- Part Proposed Site Plan Drawings Existing and Proposed Plots Drawing 1483-03;
- Proposed Cross Section 1483-04; and,
- The Prescribed Change of Use Fee.

The Application Development

The development the subject of this application is the provision of 14 no chalets of which 12no are for agricultural workers and the remaining 2 no. to be used by showpersons who will effectively be 'on site managers' for the development. This application is for retrospective planning permission for these 14 no. chalets that have been located on site initially since April to where the current number of chalets were reached in May of this year. We would ask therefore that permission be granted for a period of 2 years from 1st April 2020. Retrospective permission is also sought for retention of the existing hardstanding area, the provision of 3 no. fire evacuation points, and the provision of a washroom/laundry room. It is anticipated that chalets 3 to 14 will be occupied by workers only and that the remaining 2 no. chalets will be occupied by showpeople families.

Please note that vehicular access into the site will be via Nyton Road and the existing access permitted at this point. That permitted access will be able to accommodate the considerably smaller vehicles that would now be required to access the site, most likely cars or potentially minibuses, as opposed to the large vehicles and showpersons equipment that are permitted to enter the application site under planning permission AL/47/14/PL.

The existing chalets on site as reasonably spread throughout the site and are at least 6m apart. The chalets are indistinguishable from the chalets that would be used by showpeople on site already and on the adjoining site the subject of planning permission under Reg. Ref. AL/107/18/PL.

Each chalet is less than a traditional single storey bricks and mortar dwelling. All units on site are capable of being removed and are clearly not permanent notwithstanding the temporary period of planning permission sought. The widths and lengths of the chalets on site are less in footprint than traditional bricks and mortar homes. The heights of the chalets are never more than 3m and are usually raised in a plinth of 15cm to 60cm above ground to ensure that homes are not damaged by surface water. The chalets will have either flat or very slightly pitched roofs. The chalets are usually less in height than the surrounding boundary trees and hedging including Field Maple which grows to approximately 6m.

There is no fixing or maintenance of machinery to be undertaken on site and therefore no requirement for any hours of business or hours of working conditions required. There is no storage of equipment required.

Adequate lighting is sought to be provided for health and safety reasons. Low level 'dwarf lighting' will be proposed which will reduce any potential for light spill, light glare and sky glow. It is anticipated that this type of lighting will have lesser impact on the lighting regime of the area than that approved elsewhere on the farm shop site, on the adjoining showpersons site immediately to the west and indeed in the context of the lighting provided within the adjoining

nursery business. The lighting requirements in this instance are less than those for showpeople who would need to maintain equipment and vehicles and would need a higher positioning and higher level of illumination to do so. Such circumstances do not arise in this instance for purely accommodation purposes.

It is not considered that any enhancement of boundary treatment is required on this occasion. Should the Council have a contrary view our client will accept a planning condition requiring boundary enhancement.

In our opinion there is no CIL due.

The Application Site

This application site is one of 4 no. plots within the larger Nyton Farm Shop site. The application area is identified as Plot A of Plots A, B, C and D granted planning permission for showpeople under AL/47/14/PL for change of use to 4 permanent plots and provision of pony paddock. This application site was used for that purpose and a hardstanding area that is in existence today is used by the existing agricultural workers on site. The intention is to retain two chalets on site, occupied by showpeople for management purposes.

The existing site already has the necessary water and service connections making it ideal for the retrospective use sought, in addition to the planning permission granted under AL/47/14/PL for showpeople.

The application site is not prone to flooding. It is level, is not prominent and is just below the level of Nyton Road.

Location and Surrounding Area

Location

This application site is located relatively centrally within the overall Nyton Farm Shop site which is a large landholding owned by the showpersons community. To the east, and beyond a relatively dense and mature boundary hedging, is Aldingbourne Nursery which is closely related in planning terms to the retrospective use sought. There are numerous agri or horticultural businesses in the area. This is a non-sensitive commercial activity in no way at odds with the retrospective use sought on what was formerly Plot A. To the south is a relatively large complex of industrial or agri-business structures which would effectively screen the retrospective activities and relatively low level structures on site. To the west are Plots B, C and D and beyond these, further to the west, is the showpersons site for which planning permission was granted for 11 no. plots in total and a total of 13 no. chalets under AL/107/18/PL. To the north west is a relatively large field with frontage onto Nyton Road. Due north is the entrance into the application site from Nyton Road. There is an existing access into the site from Nyton Road and the access to the site has the benefit of planning permission obtained under AL/47/14/PL.

It is not considered that the existing access is in dispute in planning terms and there are no proposals to vary that existing access. The gravel access through the Nyton Farm Shop site is eminently capable of accommodating any additional traffic likely to be generated by the grant of planning permission in this instance. The site therefore has excellent access onto the Nyton Road (B2233).

Access to Services and Amenities

The application site is ideally located on the road network for the existing and intended use. Nyton Road merges with the Arundel Road (A27) approximately 500m from the application site. The A27 is a major distributor road linking Chichester to the east and Arundel to the west.

It is intended that the agri-workers accommodated will work in the Chichester and Arundel area which is well served by the strategic road network.

The nearest settlements are Aldingbourne, about 1km to the south; Nyton, Westergate and Eastergate, approximately 2.5km to the east; and Norton approximately 1 km to the north east. In the wider context, Chichester and Tangmere are both located nearby. These settlements provide post offices, a variety of shops and supermarkets, garages and fuel stations, public houses, churches, village halls, GP surgeries and recreational grounds – all the necessary amenities for workers being based in the area.

The Prevailing Landscape

The landscape character assessment undertaken by this practice for AL/107/18/PL applies also to this 'next door' proposal. The key landscape characteristics and features of the area are as follows:

- Adjacent land uses including agriculture, horticulture nurseries, and horsiculture within expended villages;
- Fringes of villages including gardens, paddocks, light industry and a sewerage treatment plant;
- Extensive areas of horticultural activity including greenhouses, polymer and plastic poly tunnels, access routes to fields as well as retail areas and associated car parks;
- Adjacent caravan and travellers parks; and
- The settlements of Aldingbourne and the villages of East Hampton and Norton.

Our previous landscape characterisation of the area indicates that this is an area that would have been rural some time ago but with the provision of the A27 and more recent commercial and agricultural developments can now be considered 'urban fringe' as acknowledged in the West Sussex Landscape Character Assessment (2003) where it is stated that *'this area has frequent urban fringe influences'*.

Public Transport

The application site benefits from local public transport connections with bus stops located at the junction of Nyton Road and Marsh Lane within relatively easy walking distance of the application site. Further bus stops are located to the south west of Nyton Road serving Chichester, Barnham and Bognor Regis. There is a railway station at Barnham, some 4.5km away with regular and frequent services to London Victoria via Gatwick Airport, Brighton, Portsmouth, Southampton and various destinations in West Sussex.

Nearest Residential Properties

Finally, in terms of location, we would point out that this application site is not close to any permanent dwellings. This retrospective development, is located approximately 500m, and several field boundaries away, and enhanced landscape boundary treatment along the western perimeter of the showpersons site, to the west, screens this development from existing residences on Marsh Lane. The nearest residential properties are located on the other (northern) side of Nyton Road.

Planning History

As indicated above the principle decision is the grant of planning permission for 4 no. showpersons plots under Reg. Ref. AL/47/14/PL, one of which is the subject of this planning application. Previous grants of permission related to agricultural development and refusal and withdrawal of planning applications for showpersons accommodation. Subsequent to the grant of planning permission approval of reserved matters have been granted under Reg. Ref. AL/23/17/DOC for landscaping (condition 6); plot boundary fences (condition 7); surface water drainage (condition 8); site access (condition 9); and finally, lighting (condition 10).

The application 'capitalises' on details already approved under conditions 6,7, 8, 9 and the lighting proposed to be retained on this occasion is less impactful than the lighting approved as compliance under condition 10 of AL/107/18/PL on the adjoining site.

An enforcement file ENF/128/20 is currently in force for the application site and this application addresses the Council's concerns in that file.

Please note that the adjoining site to the west, in the ownership of the applicant, benefits from landscape enhancements to boundaries under approval of reserved matters AL/60/19/DOC.

Compliance with Planning Policy

The proposal is compliant with national and local planning policy as set out below.

Arun Local Plan 2011-2031

The proposal is consistent with para **3.45** of the local plan which seeks to limit impacts on the environment and the countryside. In this case this is a site with an extant planning permission for showpersons accommodation and is being reused for the provision of temporary accommodation for agri-workers with which this area and its attendant nurseries are relatively well known. Operationally and visually there is little material difference from what has been permitted and what is now proposed on a temporary basis potentially allowing the site to revert back to its permitted use. No additional access, servicing or screening is required and it is considered that this is a sustainable and appropriate use of an existing brownfield site. There is to paraphrase para **3.45**, no further incursion into the open countryside. The proposal is also consistent with **Policy SD SP1** which seeks to facilitate sustainable development set out in the NPPF and para **6.25** where the site is already developed and is not in an area of high amenity value. The proposal will also not impact upon the district or the local area's built heritage. The proposal is also consistent with **Policy C SP1** in that the existing development footprint of the larger site is not extended and the proposed temporary use is fully subsumed within planning permission AL/47/14/PL. There is consequently no reduction in any existing gap between settlements consistent with **Policy SD SP3**. The proposal is also consistent with **Policy LAN DM1** as the site is already well screened and is located well within the confines of AL/14/74/PL.

The proposal is also consistent with **Policy SD SP2** which advocates that development should be focused within the boundaries of built up areas subject to consideration of other policies of the local plan. This is an existing showperson's site and the proposed temporary use meets a need for agricultural workers accommodation. A level of showpersons accommodation is retained on site consistent with Policy H SP5. The technical requirements of Policy SD SP2 for showpeople are met for the type of accommodation proposed in this instance. The proposed development complies with **item (a)** of Policy H SP5 as the proposal is of a scale and form of nearby residential development, in this instance the adjoining showpersons site which accommodates 13 plots. The proposal is also consistent with **item (b)** as the site is not prone to flooding nor is it near a refuse site, industrial site or similar. The proposal is also consistent with **item (c)** as it is very well located on the highway network with easy and safe access to sustainable settlements and a range of local services that would be needed by agricultural workers as indicated above under 'Site and Surroundings'. As indicated above the site is a very short distance to the A27 with direct access to Chichester and Portsmouth to the west and Worthing to the east. There are 2 convenience stores serving the area namely Aldingbourne Village Stores on Westergate Street and the Central Convenience Store on Nyton Road in Eastergate. Medical facilities are located at Nyton Road Aldingbourne and at Tangmere Medical Centre. The proposal is consistent with **item (d)** as the site is not located within any international, national or local nature conservation designation nor where the proposal, which is of a temporary nature, will have any significant effect upon any such designation. The proposal is consistent, as identified above, with the requirement of **item (e)**

which encourages the use of previously developed or derelict land. The proposal is also consistent with **item (f)** which seeks to ensure that there will be no negative impact on the safety, amenity and privacy of the occupants of the site, neighbouring residents or indeed other land uses. There is no negative visual impact generally nor on any amenity area. The units proposed to be retained are well spaces in a safe and legible layout. The amenity of proposed residents is protected as will be the amenity of existing residents on adjoining plots within the Farm Shop site and on the adjoining (AL/107/18/PL) showpersons site. The proposal is also consistent with **item (g)** which seeks to ensure that adequate landscaping and natural screening is provided. There are no loss of trees or hedgerows in this instance. The proposal is also consistent with **item (h)** where there is adequate water supply and appropriate means of sewage disposal, as already established on site through AL/47/14 and existing connections on this farm shop site. There is no impact on any historic environment or individual heritage assets or their settings consistent with **item (i)** of this policy.

The proposal is clearly also consistent with **Policy D SP1** which seeks to make efficient use of land and seeks to ensure that proposed development reflects the characteristics of the site and the local area. This proposal is entirely compatible on both fronts namely a use consistent with the nature of the site and a compatibility with uses and activities in the area especially the many agri-businesses and commercial nurseries in the area. The proposal is similarly consistent with **Policy D DM1**.

The proposal is also consistent with **Policy W DM1** in that (a) sufficient water supply is already available to the application site to serve the proposed development and (b) the provision of water supply is not considered detrimental to existing abstraction, river flows, water quality, fisheries amenity and nature conservation. The proposal is consistent with Policy W DM2 as the site is not prone to flooding.

The proposed lighting is consistent with **Policy QE DM2** (Light Pollution) as well as being consistent with appropriate health and safety regulations. The scheme of lighting proposed on this plot is less impactful as dwarf lighting than the lighting arrangements already permitted on the adjoining 3 no. showpersons plots within the larger farm shop site. There will be no adverse effects on neighbouring uses or the wider landscape and the lighting proposed will generate no light spill, glare or skyglow from being only knee height level and is the minimum provision required for security and safety. The level of lighting required does not justify the use for lighting purposes of on site renewable energy.

The economic and employment policies contained in **Chapter 8** of the Local Plan seek to meet the strategic employment needs of the district. **Section 8.11.1** prophetically seeks to plan for uncertainty and flexibility and these are exactly the circumstances within which we fervently believe planning permission should be granted in this instance.

Aldingbourne Neighbourhood Development Plan (ANDP)

The ANDP recognises the presumption in favour of sustainable development as in this case. There is no further encroachment into the countryside as the existing envelope of development is not extended.

The proposal being located within the existing footprint of development will conserve the natural environment consistent with **para 7.25** of the ANDP. The proposal is also consistent with **Section 5.3** of the ANDP which seeks to meet local needs in a manner that compliments the current character and cultural heritage of the village whilst at the same time contributing to the provision of local infrastructure and facilities.

The proposal is also consistent with **Policy H1** in that an appropriate layout is presented appropriate to the nature of development proposed and given that the mobile homes or chalets to be retained on site have come onto site as completed and already assembled structures.

There is little housing mix capable of being provided on site given the nature of residential required in this location. **Policy H2** should therefore be set aside in this instance. We believe that the development to be retained is of a reasonable density consistent with Policy H3.

The proposal is also consistent with **Policy EH1** which seeks to focus development within existing settlements and whereby in this instance there is no further encroachment into the countryside. The proposal is not contrary to **Policy EH3** which seeks to prevent development on agricultural land.

The proposal is consistent with **Policy EH5** as the site is at low risk of flooding. There are no trees to be removed and the proposal cannot be considered as contrary therefore to Policy EH6. The proposal is also consistent with **Policy GA1** which seeks to assist in the sustainability of local services and amenities and the proposal would be well served in each regard.

The proposed lighting is consistent with **Policy EH10**. The level of illumination is low and the positioning of the lights are also very low above ground. This is not an unlit site nor are the immediate surroundings unlit. The immediately adjacent nursery is a relatively well lit environment and a level of illumination has already been granted on the site. We believe there will be no appreciable lighting impact from the development already on site and we are aware of no complaints on lighting specifically. The dwarf lighting proposed in our view is not impactful.

The reuse of this site for a temporary period for accommodation for farm and agricultural workers is consistent with Policy **EE7 and EE7.1** which although it relates to reuse of existing buildings could just as easily refer to sites. The provision of accommodation for agricultural workers will also help sustain local services and shops which is a key objective for the ANDP.

Arun Design Guide SPD Draft (April 2020)

The proposed development meets the overarching principles of this document in so far as it can for the physical and temporary nature of residential proposed. It is considered that the development is ideally located and integrated to its surroundings in the context of the practical requirements of **Section D** of this SPD.

Section G and Figure 75 in particular identifies the ideal catchments that support development in rural locations such as this. We believe that these requirements are met, in particular buses and proximity to local services. The layout proposed is also consistent with G.03. The site is defined and enclosed as per the principles in **H.01**.

Please note that the parking arrangement will incorporate the shared surface concept although it should be acknowledged that not each chalet is likely to have a requirement for a car space. There will likely be at most one space per chalet nos 3-14 with the two existing showpersons chalet providing 2 spaces.

National Planning Policy Framework (NPPF) 2019

The updated National Planning Policy Framework (NPPF) was published by the Communities and Local Government Department in February 2019. It incorporates a presumption in favour of sustainable development, and such proposals should be approved without delay.

The NPPF is clear in its intention that the purpose of the planning system is to contribute to the achievement of sustainable development. As set out within paragraph 8 of the NPPF there are three dimensions to sustainable development: economic, social and environmental.

Paragraph 11 of the NPPF defines the presumption in favour of sustainable development as approving developments that accord with the development plan without delay and, where the

development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless: 'inter alia' any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. We believe there are no adverse impacts in this case.

Paragraph 127 of the NPPF states that planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified. The proposed additional unit meets the relevant internal space standards.

According to the NPPF planning decisions should ensure that developments: will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history; and establish a strong sense of place. The proposal is in keeping with the character of the area.

In relation to accommodation for agri workers **para 80** of the NPPF states that:

'decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.'

It is also stated in **para 83 Item (b)** that planning decisions should facilitate development and diversification of agricultural and other land-based rural businesses.

Para 84 states that 'the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.

Planning Merits in Favour of the Proposed Development

The Demand for Agricultural Workers

There is a requirement for some 80,000 agricultural workers in the UK (<https://www.fwi.co.uk/business/business-management/staff/coronavirus-uk-eases-restrictions-on-foreign-seasonal-workers>). The majority of these are likely to be required in the south of England.

Agricultural Workers as Key Workers

The Government in response to the need for additional farm workers has identified this employment sector as key workers with those travelling into the country to work on farms being able to start immediately because of the importance of the work to safeguard the UK's food supply.

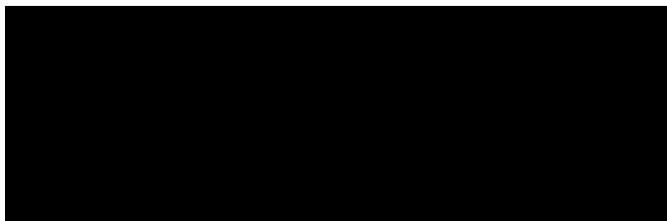
Management of the Proposed Development

Finally, please note that there is permission for a showpersons plot on this site and that management of the site would be undertaken on site on a 24 hour seven days a week basis by the showmen in the proposed to be retained two persons chalets shown on the attached site layout plan.

We very much hope that you will consider this application favourably.

Please note that the applicant has paid the requisite fee of £462 directly to the Finance Section of the local authority.

Yours Faithfully



Eamonn Prenter
Partner

CUNNANE TOWN PLANNING LLP