

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

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Your Reg. Ref. AL/61/20/PL

7th October 2020

By Email

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.
Arun District Council Reg. Ref. AL/61/20/PL**

I refer to the above and enclose a revised site layout plan including parking arrangement and showing pick up and drop off arrangements for the workers to be accommodated on site. The parking plan enclosed is in response to a number of points made on parking by objectors. We also wish to avail of the opportunity to respond to a number of other concerns received from various individuals, groups and authorities on the application.

Submissions, in date order, have been received from the following parties:

Engineering Section, Drainage, Arun District Council;
Environmental Health Officer, Arun District Council;
Clare Smart;
West Sussex County Council;
Roger and Pam Homer of Norton Lane;
Kieran Naphine of Norton Lane;
Mrs J Wickland of Nyton Road;
South Downs National Park Authority; and
Aldingbourne Parish Council.

Our client's response to each of these submissions is as follows:

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Engineering Section, Drainage, Arun District Council

Comments from the Engineering Section of the District Council indicate that they accept that the proposal carries forward the surface conditions for the application site approved under AL/47/14. This section of the local authority accepts that there is no discernible difference in the hard surfaced areas now proposed to be retained and that approved. It is also noted that the applicant has satisfied the surface water drainage condition in permission AL/23/17/DOC. The existing landscaping is of a permeable construction and will, as approved, and in the Drainage Section's opinion, result in no permanent increase in impermeable area. It is recognised that the hardstanding is neither impermeable and the proposed structures are elevated off the ground and are temporary in any case.

Environmental Health Officer of Arun District Council

The Environmental Health Officer has no adverse comment in her report to the planning officer dated 14/8/20.

Clare Smart

This objector raises two concerns. The first is that the applicant's name differs from the registered landowners. The second is that there is a total of 40 caravans on site which exceeds the number stated in the application. On the objector's first concern, the applicant is the father of the landowner – note the shared surname (Cole). On this objector's second concern, there are certainly not 40 caravans on site. The number specified in the application reflect the number on site or to be on site.

West Sussex County Council

West Sussex County Council, as local highway authority, has requested additional information but acknowledged that the permission sought is consistent with AL/47/14 access width and gate set back which are both considered suitable. They acknowledge that there is no visibility issue at the point of access onto Nyton Road. The highway authority, having checked most recently available verified accident records, confirm that there have been no personal injury accidents in the vicinity of the existing point of access within the last 5 years.

WSSCC however has asked for confirmation on the following:

- The number of workers to be accommodated on site;
- The proportion of trips to and from the site by private car/vehicle;
- The number of daily private car/minibus movements on site; and,
- Will proposed car parking be located on hardstanding areas adjacent to each chalet?

The number of workers to be accommodated on site

There are 14 no chalets proposed of which two are to be occupied by showpeople. These showpeople will have responsibility for the maintenance and management of the site and are not classified as agricultural workers. Please bear in mind that this same application site has the benefit of a planning permission (AL/47/14) for a showpersons plot. There is in essence an showpersons additional plot proposed in this instance for management purposes. There are therefore an additional 12 no. agricultural workers' chalets proposed in this instance. We do not envisage any more than 3 no. workers per chalet and in a substantial number of the 12 chalets proposed there may be no more than 2 no. workers. We suggest a maximum yield of 30 no. workers in practice accruing from 6 no. chalets occupied by 2 no workers and 6 no. chalets occupied by 3 no. workers as a maximum estimate. It is not anticipated that the chalets will be occupied by families or by children.

The proportion of trips to and from the site by private car/vehicle

We estimate that none of the workers residing on site will have access to, or will use, a car. The main premise is that if workers have their own access to a car they will not require

accommodation in this location and they will likely drive themselves to their place of work from wherever else they reside. It is likely that residents within the site will not have their own car and that this is in part an attraction for living within the premises proposed where rural employers can access large numbers of staff efficiently. There are likely to be no private work based car trips into and out of the site. It is anticipated that travel to places of work will be by minibus. We had indicated coaches would be used previously but minibus will be the source of travel to and from work for residents. There may be occasional visitors and therefore some 4 visitor car parking spaces are proposed to be provided. We will not be providing the 18 no. spaces mentioned in the cover letter submitted with the application as these are not required.

The number of daily private car/minibus movements on site

We estimate, as indicated above, that there will be a maximum of 30 workers on site. They will not use private cars to get to and from work. It is anticipated that there will be a minibus provided by their employer(s) with a typical capacity of 17 seats per minibus. This means that a single minibus may make a 'double run' to and from the site (round trips into and out of the site twice each day) or alternatively 2 no. minibuses will be used if pick ups or alternatively drop offs nearly coincide and demand warrants it. Irrespective of whether there is one minibus or two minibuses there will be a maximum of 2 no. minibus movements in and 2 no. maximum minibus movements out each working day which may in this case may be over a seven day working week. If there are fewer workers to be picked up on Saturdays or Sundays only one minibus and one trip in and one trip out will be required.

As regards visits to residents, it is likely that these will be undertaken by private car. It is anticipated that at any one time, especially in the evenings only one in three chalets of the 12 to be provided would have visitors hence the provision of 4 no. visitor car parking spaces.

It is anticipated that a typical working day will have 6 vehicle movements associated with agricultural workers inbound (2 no. by minibus for workers and 4 no. by private car for visitors) and the same figure of 6 outbound. On a Saturday or Sunday there may be more social visits into and out of the site for those that remain on site over the weekend. This may result in perhaps an additional 4-8 no. car movements in and 4-8 no. out on any Saturday or Sunday. It is likely that visitors to the site may also avail of public bus services.

It is anticipated that shopping will occur on trips back via minibus to the application site otherwise shopping trips will be made in workers free time and via local bus service or by residents walking to the nearest shops. Where other non-work related transport is required this is likely to be by public transport. As previously stated, 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.

Will proposed car parking be located on hardstanding areas adjacent to each chalet

There may be occasional car use to the site as indicated above. This is potentially for visitors to the site, those delivering food, take aways etc. To cover this requirement, it is now proposed to provide 4 no. visitor car parking spaces as shown on the attached revised site plan (Drawing No 1483-02 REV B). These spaces have been accommodated by realigning and relocating some of the chalets closest to the western boundary. These relocated chalets to accommodate the proposed visitor parking remain a reasonable distance from the site boundary but have been redrawn to be flush but a reasonable distance from the western boundary of the site. Please note that the western boundary is a shared boundary with Plot B shown on Revised Site Layout Plan 1483-02-REV B. Please note that we have slightly relocated the central column of chalets to also accommodate a swept path for arriving and departing minibuses and

to facilitate a pick up and drop off point for workers. This drop off area is likely to provide a shelter similar to that seen at bus stops. Please note that the eastern column of chalets has been brought closer to the eastern boundary to reflect the situation on the ground. This eastern boundary is mature and fully screens the proposed development from the adjoining Nursery outlet.

Please note that in addition to the above car parking and coach movements, the two showpersons' chalets that are also proposed to be retained are likely to require car parking. That parking will be undertaken in close proximity to each chalet and we have indicatively shown an area within the north eastern corner of the site where parking for showpersons chalets 1 and 2 can be accommodated. Please be aware that some showpersons may be absent from the site during times of fairs and festivals and so will their cars. On occasions that there are no fairs elsewhere cars at each of these 2 no. chalets are likely to be parked on site and will undertake daily traffic movements out of and into the site. For example, children will likely be driven to school in the morning and will be returned home in the afternoon on Mondays to Friday. Trips to the local shops will also be undertaken as well as trips in the evening to sports, leisure and social activities. These trips are modest in number and supplementary to the agricultural workers generated traffic movements identified above.

We believe the above level of trips both by car and by coach are reasonable and are in no way problematic.

There is no requirement to park at each chalet therefore and we are happy to confirm this now.

Roger and Pam Homer of Norton Lane

This objection alleges that this is a greenfield site. The local authority will be aware that this is clearly not the case. It is, in fact, brownfield in planning terms and has the benefit of planning permission for showpersons accommodation. The site is located within a larger site where chalets are already well established. Other similarities from what was previously permitted include large areas of hardstanding, connection to services, and vehicles entering the site through a safe and well established entrance. The minibuses to be used would easily navigate the existing and permitted access which were originally permitted and constructed for much larger vehicles. For the avoidance of doubt, it will be minibuses rather than coaches that will be the predominant form of transport for workers.

Kieran Naphine of Norton Lane

The crux of this objection is that there is insufficient agricultural activity carried out on the application site to warrant a need for 14 plus chalets and associated works to accommodate workers. The consequences of the proposed development are alleged to be an increase in light pollution, sewerage, surface water drainage as well as having a negative impact on the nearby village and conservation area of Aldingbourne.

It is, of course, the case, that agricultural workers do not necessarily have to be located within or at their place of work. The application site is in many ways ideal for the purpose of accommodating agricultural workers. The site itself is in a semi-rural location, with ideal strategic road access (A27), and the landscape character assessment carried out 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.

As indicated above the principle of providing a chalet based form of accommodation with occasional vehicles entering the site safely is already well established. The level and type of lighting in this case will be significantly less than that already approved for this and adjoining sites. We say this because low level or dwarf lighting is required in this instance to safely find one's way around the site without the significantly taller lights required to be placed at chalet roof level to provide sufficient lighting for work to be conducted within maintenance service areas on rides, equipment, machinery, carousels etc as is the case within adjacent showpersons plots. There are two chalets to be retained in this proposal, and which will be occupied by showpeople but they will not be working on vehicles in this location and their primary responsibilities in this instance will be management of the proposed accommodation. There will be no light pollution and certainly less light impact than what has been permitted on this site previously and what is still extant. Lighting compliance conditions for considerably more than what is now proposed under your reg. ref. AL/23/17/DOC for lighting (condition 10) have been approved and we see no reason why a similar lighting condition cannot be imposed in this instance.

The site is fully serviced. Existing surface water drainage arrangements are to be retained, currently operate satisfactorily on site, and have the benefit of planning permission as accepted by the Drainage Department of the local planning authority (see above).

The proposed development will have no negative impact in terms of traffic, nor will it have any negative impact by way reason of landscape and visual impact, on the nearby village nor will it have any negative effect on the conservation area within Aldingbourne. Our position on these concerns are set out in further detail below.

Mrs J Wickland of Nyton Road

Mrs Wickland has several concerns. The first is a concern about pedestrian footpaths and public transport. The second is that the proposal is contrary to Policy SD SP2 Item (e) as the site is alleged to be neither previously developed or derelict. The third is that the proposal is contrary to SD SP2 Item (f) requiring that proposals provide no negative visual impact generally. The fourth is that the proposal is not promoted within the Aldingbourne Neighbourhood Development Plan and is inconsistent with Section 5.3 as it does not contribute to the provision of local infrastructure and facilities and does not compliment the current character and ultimately cultural heritage of Aldingbourne village. Our response is as follows.

Firstly, this site is located in a semi rural area where pedestrian access and footpaths will not be provided as they would be in clearly more urban locations. As indicated by the highways authority, in this case West Sussex County Council, there are no records of accidents or injury involving pedestrians and as noted above, this site and others immediately adjoining, already provide accommodation for the showperson's community. Secondly, the proposal is entirely consistent with Policy SD SP2 Item (e) as a brownfield, previously developed site, under planning permission AL/47/14. Thirdly, The proposal is also consistent with item (f) of Policy SD SP2 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 any negative impact on the amenity of the area. The units proposed to be retained are well spaced in a safe and legible layout within a site that is well screened with existing mature hedging and trees. 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 site is so well located within a larger showpersons site that landscape, visual and residential amenity for

residents located further away will simply not materialise. The proposal is also compliant with all other requirements and items of Policy SD SP2. Fourthly, 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 may not be providing local services and facilities but will help ensure the sustainability of local shops and services including public transport. The proposal will have no negative impact on the conservation area within Aldingbourne as the application site is located sufficiently far away and the proposed would not be visible from Aldingbourne as a result of its built form nor from the low level of illumination proposed.

South Downs National Park Authority

The site is acknowledged in this submission by the Authority as being over 1km from the National Park. The Authority states, erroneously in our view, that the site and immediate area contribute to the undeveloped, rural and open character of the area, within the setting of the National Park. We certainly question whether the application site is within the immediate vicinity of the Park and whether its development would have any bearing on the Park or its setting. The Authority's position on this application is further diminished in our view by the fact that this is not an undeveloped or clearly rural area as alleged. It is relatively heavily developed with large scale, industrial in nature and appearance buildings, and summarised in landscape terms (in bullet points above) as semi-rural or semi-urban depending on one's perspective. The site itself has already been developed, is the subject of an extant permission, and is located within a larger area of showperson development. We note that the authority did not object to any of the previous planning applications for various developments within the showpersons complex of developments in this location. Our previous landscape characterisation of the area indicates that this is an area or location 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'*.

It is also asserted that the proposal should positively contribute to the ecosystem. This may be a highly desirable objective to ordinarily achieve but is wholly unrealistic in the context of a change of use application, a proposal for temporary accommodation, especially in the context of permission for a temporary period, and even more especially on an already developed site subject to previous planning permissions for similar type accommodation. The authority's references to 'new' hardstanding areas are entirely incorrect.

The Authority express a fundamental absence of any cogent understanding of the proposal and the existing state and condition of the application site and the planning context within which it must be considered. It is stated in this objection that the proposal includes large areas of hardstanding. This hardstanding is already permitted, is already instituted, in the context of a clearly retrospective application, and is located within a larger landscaped buffer of retained boundary hedging that the District Council will be aware has been retained and strengthened. The Council's landscape officer, Rachel Alderton, will attest to this we believe. We would not classify the immediately surrounding area as 'fields' and this is clearly not the case - being in showpersons use. The additional outbuildings referred to in this objection are incidental in nature and low in height, small in scale and in terms of general impact. Built development is absolutely minimised. This is not an entirely undeveloped landscape as erroneously alleged. The chalets are relatively low in height, much lower than the height of a single storey, permanent bricks and mortar housing unit. This has in no way been considered by this objector nor has the temporary nature of the housing units and temporary nature of the planning permission sought in this instance.

The Authority itself says that it does not entirely seek to 'close the door of the application' and indicate that if permission is to be granted landscape enhancement should be sought. In our view, however, landscape mitigation is not required, given the planning status of the site, the robust nature of the existing landscape boundaries and the fact that hardstanding on site for which retrospective permission is sought already exists and which is sought to be retained within existing extensive landscape boundary screening.

The Authority acknowledge that a planning condition can be imposed limiting the impact of any necessary lighting. The relatively benign nature of the lighting proposed is set out above. The provision of dwarf lighting is certainly, in our view, not going to impact upon a National Park over a kilometre away. The proposal will have minimal impact on wildlife given the nature of the existing site and the extant permission on this site for showpersons accommodation. We would also seriously question whether there will be any impact on the Singleton and Cocking Tunnels SAC where the proposed hardstanding is basically as permitted, where there is minimal change to the existing drainage regime, and where development is of essentially a limited number of temporary chalets. There will be no impact of any consequence for that SAC some 12km away. The opportunity for Green Infrastructure in this case (agricultural workers' temporary accommodation) is severely limited and is clearly impractical and unjustified in our view.

We note in conclusion to this objection that the Authority does not recommend refusal. However, their recommended improvements to the proposed scheme, are unwarranted and suggestions to mitigate erroneously considered impacts on landscape and natural and scenic quality, as well as improve Green Infrastructure, are patently unjustified.

Please note that the proposed development is some distance away from, and already screened visually from the nearest public right of way or footpath to the south west. Intervening field boundaries have been the subject of relatively recent and carefully managed field boundary enhancement and been monitored by the local authority landscape officer under AL/107/18/PL .

Aldingbourne Parish Council

This objection acknowledges, crucially in our view, from a planning perspective, that this application site is Plot A in extant permission AL/ 47/14/PL and AL/107/18/PL which was for permanent consent and in established use for travelling showpeople. It is however alleged that this proposal is a departure from the current use but mildly so.

The proposal is not contrary to 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 the area of planning permission AL/47/14/PL.

It is alleged that the proposal is contrary to Policy H DM3 which relates to temporary rural workers dwellings. This policy however relates to new farming activity and we believe relates to provision of rural dwellings, in situ with agricultural activities or operations, and requires demonstration that new agricultural activities are viable etc. This clearly does not apply in this instance. The accommodation proposed is for *established* agricultural activities in the district and not new rural activities or business in or near the application site. The thrust of that policy requires the promotion of temporary accommodation and the curtailment of planning permission through the limitation of planning permission to a temporary period. It is suggested by the Parish Council that there is a lack of evidence that there is alternative accommodation either on the site for the agricultural activity in question and that there will be no agricultural work carried out on site or nearby. That local need is not required to be provided in this instance where there is no agricultural activity in situ. This accommodation proposed is not in the countryside nor is it tied to any particular rural activity. There is an acceptance that there

is a need for rural workers and that agricultural workers are now 'key workers' as previously stated.

The proposal is also consistent with Policy T DM 1 which seeks to encourage sustainable transport and preservation of rights of way. Both are achieved in this instance. It is anticipated that the nature of employment provided will mean that private car use will be minimised (largely confined to visitors) and extensive use will be made of minibuses to transport workers to and from their place of work. The proposal is not car reliant therefore as alleged. Use of minibuses and shared transport is a sustainable form of transport. Existing public rights of way will be protected. There are local services and amenities within walking distance of the site. There is also a local bus service that can be used. This is also a safe pedestrian environment as acknowledged by West Sussex County Council as the local highways authority.

It is suggested that the proposal is contrary to Policy EH 1 which resists development outside the built up area. In this instance the proposal is on a brownfield site already benefitting from planning permission for a broadly similar form of accommodation – in this instance chalets for key rural workers as opposed to chalets for travelling showpeople for which permission has been granted on this particular site and within the broader development. The Parish Council are correct however in stating that new dwellings in the countryside where permitted will be strictly limited – in this case temporary accommodation and a temporary permission are both sought.

The Parish Council are correct when stating that Para 79(a) of the NPPF identifies permission should be favourably considered for rural workers in the countryside where there is an essential need. In this case our cover letter identified agricultural workers as key workers and we now restate that this proposal is not located within the countryside but this location is only semi-rural and the proposal is located on a brownfield site benefitting from an extant permission for development.

The proposal is also consistent with **Policy EH1** which seeks to focus development within existing settlements (as this is a pre-developed site and in this instance there is clearly no further encroachment into the countryside and it should additionally be noted that the proposal is in accordance with **Policy EH3** which seeks to prevent development on agricultural land.

We would agree with the Parish Council that *'the impact on the character and appearance of the countryside may not be considered sufficient to substantiate an objection.'* All remaining concerns expressed by the Parish Council are addressed earlier in this submission.

We believe that planning permission as sought should be granted in this instance.

Yours Faithfully



Eamonn Prenter
Partner
CUNNANE TOWN PLANNING LLP