

Recommendation Report for Planning Permission

REF NO: AL/86/18/PL

LOCATION: The Old Barn
Arundel Road
Fontwell
BN18 0SX

PROPOSAL: Application to vary condition No.4 of previously approved planning application AL/50/13 to increase the number of mobile homes for permanent residential units from 2 to 3No. units.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The additional mobile home will be located to the north of the existing two and on a concrete base. It will be connected to the existing foul treatment plant and soakaway.
SITE AREA	1.75 ha.
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/50/13/	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.	ApproveConditionally 12-08-13
AL/117/12/	Change of use of land for the siting of a second mobile home and storage of two caravan units for Travelling	ApproveConditionally 11-03-13

Show Persons. Departure from the Development Plan.

AL/22/94	Use of barn for the storage of a fairground ride and associated equipment	ApproveConditionally 15-06-94
AL/110/87	Construction of an earth bank on land adjoining the Northern edge of the A27	ApproveConditionally 17-02-88

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". AL/50/13 sought permission for the same but without the storage of the two caravans.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

"The Parish Council does not object providing adequate foul and surface drainage is approved by the Drainage Officer."

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

Environment Agency

WSCC Strategic Planning

Highways England

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND: "Having examined the above application, Highways England are satisfied that the proposals will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 para 10 and DCLG NPPF para 32). We therefore attach our formal response of no objection."

ENVIRONMENT AGENCY: No response received. Commented in respect of AL/50/13 that they had no objections to the proposal.

SOUTHERN WATER: No objections. State that their comments from 25/07/13 remain unchanged.

WEST SUSSEX HIGHWAYS: "WSCC in its role of Local Highway Authority (LHA) has been consulted on highway safety, capacity and accessibility. The A27 is maintained by the Highways Agency; therefore you will need to consult with them on the acceptability of the proposals and traffic generation on the highway network."

ADC DRAINAGE: Request that a SUDS condition is imposed and that, due to the location of the site within a groundwater source protection zone, water to ground will have to be held for a set duration before it is allowed to infiltrate, by passing water through various medium such as permeable paving. This will provide sufficient reduction in pollution concentrations before the water is allowed to infiltrate.

COMMENTS ON CONSULTATION RESPONSES:

It is accepted that there is a risk to the groundwater supplies from runoff at the site and hence, Engineers have requested a drainage condition. However, no drainage conditions were imposed previously and it would be difficult to justify a condition on the grounds of one new mobile home and the corresponding small area of hardstanding,

POLICY CONTEXT

Designations applicable to site:

Outside built-up area boundary;
Trunk Road;
Class A Road;
Special Control of Adverts;
Lidsey Drainage Area;
Groundwater Source Protection Zone;
WSCC Mineral Consultation Area (Sharp Sand & Gravel); and
No public sewer.

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HSP5	H SP5 Traveller and Travelling Showpeople accommodation
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Aldingbourne Neighbourhood Plan 2016 POLICY EH1](#) Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY Unlit village status

EH10

Aldingbourne Neighbourhood Plan 2016 POLICY
EH5Development in Flood risk areas will not be
supported unless...

Surface Water Management

Aldingbourne Neighbourhood Plan 2016 POLICY
GA3

Parking and new development

Aldingbourne Neighbourhood Plan 2016 POLICY
H6

Within built up area boundary

Windfall sites

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The relevant policies of the Aldingbourne Neighbourhood Development Plan have been considered within this report.

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 comply with the relevant development plan policies in that although it is located outside of the defined built up area boundaries within both the Arun Local Plan and the Aldingbourne Neighbourhood Development Plan, it is for a type of development that is appropriate in such areas.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to support a decision. These are as follows:

- (1) The site is an established Travelling Showpeople Site and benefits from an implemented planning permission;
- (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, to residential amenity or the safety of the A27.

CONCLUSIONS

PRINCIPLE:

The application site lies outside of the defined settlement boundary as shown within the Arun Local Plan (ALP) and therefore forms designated countryside. Policy C SP1 states that development in the countryside will only be permitted where it relates to certain criteria or is in accordance with a policy in the Plan which refers to a specific use or type of development. The proposal does not meet any of the stated criteria but there is a policy within the ALP (H SP5) that refers to the need for additional Traveller and Travelling Show-people accommodation within the district irrespective of whether located in the countryside or built up area. Provided that the proposal is in accordance with this policy, then it will be considered to be acceptable in principle in respect of the Arun Local Plan.

It is also necessary to consider the policies of the Aldingbourne Neighbourhood Development Plan (ANDP) which was made (adopted) in October 2016 on the basis of the saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the Arun Local Plan. Map E of the ANDP includes a Built Up Area Boundary (BUAB) drawn around the settlement of Westergate and the site is clearly outside of this area.

ANDP Policy EH1 states that development will not be allowed on sites outside of the built up area boundary except where it is in accordance with development plan policies in respect of the countryside. In this case, the proposal is considered to be in accordance with policy H SP5 of the Arun Local Plan and therefore, there is no conflict with the ANDP.

RELEVANT POLICY:

Arun Local Plan policy H SP5 requires that applications for Gypsy, Traveller and Travelling Show people sites shall:

- Be appropriate in scale to their setting particularly having regard to the scale & form of nearby residential development;
- Be located in areas not prone to flooding or near sites which may be contaminated;
- Be located in areas that are well located with respect to the highway network and enable easy and safe access to sustainable settlements;
- Residential sites shall not be located immediately adjacent to major transport corridors unless noise, safety and air quality impacts can be mitigated;
- Be located in areas that are not within an international, national or local nature conservation

designation;

- Where possible, make effective use of previously developed or derelict land;
- Be located so that other the site does not negatively impact on the safety, amenity & privacy of the occupants of residential occupiers;
- Provide adequate space for the storage of equipment for business uses;
- Incorporate appropriate landscaping & boundary treatment, including existing natural landscape features such as trees;
- Be served by an adequate water supply & appropriate means of sewage disposal; and
- Be located to ensure there is no adverse impact on the historic environment or individual heritage assets therein or their setting.

The Government's Planning Policy for Traveller Sites (2015) (PPTS) is relevant and is referred to within the National Planning Policy Framework (2018). In terms of decision making, policy C 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."

Furthermore, policy H sets out that:

- The following issues should be considered:

- a) the existing level of local provision and need for sites;
- b) the availability (or lack) of alternative accommodation for the applicants;
- c) other personal circumstances of the applicant;
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; and
- e) that they should determine applications for sites from any travellers and not just those with local connections.

- When considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land;
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

- Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:

- a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise;
- b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events); and
- c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site.

ASSESSMENT OF AMENITY ISSUES:

The application concerns an additional pitch at an existing travelling show person site. The site is fully

enclosed and is located adjacent to a major road route through the area with its own existing access point. The site also benefits from existing landscaping and services including foul drainage via an existing foul treatment plant. It was previously considered (under ref AL/117/12/) that the site was in accordance with emerging development plan policy and with the then version of the PPTS. The proposal represents a small scale addition to the existing permitted use and is not considered to affect the amenity of nearby land users.

SUMMARY:

The proposal is considered to be in accordance with the relevant policies of the Arun Local Plan and with the guidance within the 2015 PPTS. It is therefore recommended that the 2013 permission be varied to increase the number of mobile homes for permanent residential units from 2 to 3.

As this application seeks to vary the previous permission, it is necessary to re-impose any of the previous conditions that remain relevant. All of the conditions save for no. 1 (time limit) remain relevant. In particular, the previous condition 5 required the approval of the foul drainage system prior to commencement of the permission. This condition had also been imposed on AL/117/12. However, it is clear that no such approval was sought but that the system is in place and the existing two units are occupied with no obvious issues regarding sewage. Therefore, it makes no sense to impose a further pre-commencement condition and the condition will instead be tied to the occupation of the additional unit.

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 private and family life) 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 the following impacts 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 approved shall be carried out in accordance with the following approved plan: 06/12/B (August 2018) "Mobile Home (3rd Unit)".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1 and D DM1 of the Arun Local Plan.

- 2 The occupation of the mobile homes 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 (August 2015).

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 policy H SP5 of the Arun Local Plan and Annex 1 of Planning Policy for Travellers Sites (August 2015).

- 3 Notwithstanding the details hereby approved, no more than 3 mobile homes for the permanent residential use of 3 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 C SP1, D DM1 and H SP5 of the Arun Local Plan.

- 4 Prior to the occupation of the new mobile home, details of the foul water drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority (to include details of its siting, design and subsequent management/maintenance) and the mobile home shall not be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To prevent pollution of water bodies and to ensure the satisfactory drainage of the site and to prevent flooding, in accordance with policies W SP1 & W DM1 of the Arun Local Plan.

- 5 INFORMATIVE: It may be necessary to apply for a variation to the environmental permit in respect of the private treatment system for foul drainage. Please see <https://www.gov.uk/guidance/change-transfer-or-cancel-your-environmental-permit>.

- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.