

Our ref: PPS1372

20 Western Avenue
Milton Park
Abingdon, Oxfordshire
OX14 4SH

Date: 30 July 2019

Arun Civic Centre
Planning Department
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Dear Sir/Madam,

Retrospective planning application under Section 62 of the Town and Country Planning Act 1990 (as amended) for the change of use of the land from agriculture to travelling showpeople site with associated storage barn, maintenance area, landscaping and infrastructure at Arundel Yard, Land at Arundel Road/A27, Angmering, BN16 4EU.

This cover letter has been prepared by RPS on behalf of Nic & Ben's Entertainments to accompany an application for planning permission for the use of the land as travelling showpeople site with associated storage barn, maintenance area, landscaping and infrastructure.

A travelling showpeople site provides a mix of both residential (normally the siting of caravans for habitation) and storage/maintenance use associated with fair rides and other equipment required for the travelling showpeople's business. As such, it constitutes a specific type of use classed as 'Sui generis' for the purposes of The Town and Country Planning (Use Classes) Order 1987.

The application site is located at the south junction of the A27 and Arundel Road, with access from Arundel Road; the land is known as Arundel Acre. To the north is the A27 with South Downs National Park boundary beyond.

This cover letter assesses the proposal against key planning policy and other material considerations and demonstrates that the need to provide a showpeople's yard in this location outweighs any harm which could result from inadequate visibility to access the site and other material planning considerations.

The application comprises:

- Cover letter;
- Application Form;
- Site Location Plan (Figure 1);
- Proposed Block Plan (Figure 2);
- Planning application fee of £462.00 (to follow).

SITE CONTEXT

The site and surrounding area

The application site is located at the south junction of the A27 and Arundel Road, with access from Arundel Road. To the east is land covered by mature trees whilst to the south is a camp site ('Acorns Camp Site'), screened from the application site by mature trees. Further to the south is the built-up area of the village of Angmering.

To the west is Arundel Road with two detached residential dwellings on the opposite side of the road, and further beyond is a two-storey detached building (Hammerpot Garage, which is a used car sales business). To the north is the A27 with South Downs National Park boundary beyond. The site is currently used for the storage of fair rides.

Services such as schools, recreational spaces and retail areas can be accessed within Angmering village to the south, with the closest school to the site being less than 500m. Public bus services serve the village with bus stops along Arundel Road, less than 10 minutes' walk from the application site. There is a footpath alongside Arundel Road, which connects the site to the village and bus stops.

Site constraints

The site is to the south of the boundary of South Downs National Park, however is not within the National Park. No other relevant planning and environmental constraints apply to the site.

The village of Angmering is located to the south and is covered by a 'made' Neighbourhood Development Plan, the boundary of which includes the application site.

Site history

A review of the planning history of the site is included below:

- In 1992 (ref. A/49/92), planning permission was approved for the erection of animal shelter and feed store. No documents other than the decision notice can be identified online and therefore it is only possible to assume the animal shelter approved under this application related to the use of the land for agricultural purposes.
- In 1996, a wooden agricultural building was approved under permission ref. A/106/96.
- The land was acquired by the applicant in 2016 and in 2017 a retrospective application was made to change the use of land to storage (B8 Storage or Distribution); erection of barn and hardstanding (ref. A/111/17/PL). Due to highway visibility concerns, the application was withdrawn on November 2017.
- A further planning application followed on July 2018 (ref. A/3/18/PL) for the change of use of land to storage (Use Class B8), erection of barn and hardstanding. The application was refused on highway safety grounds as a result of inadequate visibility splays to the south. A subsequent appeal (ref. APP/C3810/W/3209225) was dismissed on the same ground. A copy of the appeal decision is included as **Appendix A** and reference to relevant extracts of this appeal decision are contained within the relevant sections of this letter.

DEVELOPMENT PROPOSAL

Nic and Ben's Entertainments is a travelling fairground business that operates at fairs, carnivals, music festivals and other events across the south of England. The business was formed in 2006, is operated by Nic and Ben Burrell who are members of the Association of Independent Showmen (AIS). Although still a small business, it is now becoming well established and owns a number of family rides, which it transports to various locations in the south of England, between London and the south coast, which it attends from anything from a day to several days. The fair goes to 20 to 30 events per year, and each of these events can involve several days (travel, build-up, operation and pull-down). The Great Dorset Steam Fair, for example, involves a week away from base. The business is now 'on the road' for a significant proportion of the year.

When the fair is on the road, Nic and Ben (and normally their families) live with the fair in touring caravans. When the fair is not on the road, the rides and caravans are stored at the Arundel Acres site. Nic and Ben both have temporary accommodation, but their arrangements are not able to continue long-term. One has a child and lives in a single room, and is losing his home, the other lives with his parents. As both Nic and Ben need to find a new home, and the business has grown to the level where they need to stay in caravans with the rides, they considered that the best, and indeed only realistic option for both their families and the business was for the business to operate like other travelling fairground businesses and acquire a travelling showpeople's site, where they can live and maintain rides when not out on the road and to allow them to travel with the business when the fair rides are operating.

The Arundel Acre site was acquired in 2016, following a search for suitable sites. It was acquired because it was well-screened, had existing buildings that could be used for maintenance and storage and easy access to the strategic road network. It was also not in a location where it would cause residential amenity issues. Initially applications were made for storage of fairground rides, as it was at the time planned that Ben and Nic would continue living in their existing accommodation. When it became apparent that this was not going to be possible, due to the circumstances mentioned above, as well as the business requirements, the proposal is now to use the Arundel Acres site as a showpeople's site, which would meet the needs of the business, as well as the family's residential needs (which, being a fairground business are intertwined), for the foreseeable future. This need, particularly from a housing perspective, is now urgent. The proposal therefore seeks the change of use of the land from agriculture to travelling showpeople site with associated storage barn, maintenance area, landscaping and infrastructure.

The travelling showpeople's site will include an area for the storage of fair rides within the proposed barn, area for the occasional maintenance of the rides and an area for the siting of 3 no. caravans which will provide residential accommodation for the showpeople and their families. There will be an internal driveway, made of a loose surface such as MOT/road linking the caravans to the site entrance. This will not be visible from outside the site.

The provision of 3no. caravans will allow the members of the showpeople's family to remain on site year-round for the benefit of their children, who will attend the local school.

Layout of the Site

A proposed block plan has been submitted with the application showing the arrangement of residential, storage and maintenance elements and how these can co-exist without causing harm to visual amenity, and to ensure that there will be a good quality of residential amenity for occupiers and the residential amenity of nearby properties can be maintained.

The proposed barn to be used as storage in connection with the showpeople's business will measure 12m (width) x 10m (depth) x 4.5m (height with dual-pitched roof with eaves at 3.0m) and will be finished in timber frame and cladding to match the existing 2no. sheds on site. The barn will be sited close to the existing sheds, towards the south boundary of the site.

The area for maintenance of rides will make use of the existing MOT base towards the north-west.

The proposed 3no. caravans will be sited towards the eastern boundary of the site. This section of the site is screened from the A27 by mature trees which will be retained as part of the proposal. The applicant is willing to provide additional planting in this area if this is considered necessary, and this can be secured by condition.

PLANNING POLICY CONTEXT

Section 70(2) of the Town and Country Planning Act 1990 (1990 Act) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act) require planning applications to be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.

The Development Plan relevant to the site comprises: Arun District Local Plan 2011 – 2031 (Adopted July 2018); West Sussex Waste Local Plan (Adopted April 2014); West Sussex Joint Minerals Local Plan (Adopted July 2018) and Angmering Neighbourhood Development Plan ('Made' on March 2015).

Material considerations include the National Planning Policy Framework 2019 (NPPF), the outcomes of the Coastal West Sussex Gypsy and Traveller Accommodation Assessment (GTAA), adopted in October 2018 and the considerations contained within the Planning Policies for Travellers Sites (PPTS) adopted on 2015.

This section summarises key Development Plan policies as well as other material considerations relevant for this application.

Development Plan Policy

Arun District Local Plan 2011 – 2031 (July 2018)

Arun's Local Plan was adopted in July 2018 and sets out the future pattern of development for the District over the period until 2031.

Policy SD SP1a (Strategic Approach) sets the main development strategies for the District and indicates that the plan will make provision to cover the housing needs of Gypsy and Travellers and Travelling Showpeople, as well as other housing need, by delivering 20,000 homes of an appropriate scale and tenure within the District. The strategy also encourages the effective use of previously developed land, provided that it is not of high environmental value.

Policy H SP5 (Traveller and Travelling Showpeople accommodation) identifies there is a clear need for the provision of specific pitches for Travellers and Showpeople. Provision for at least 5 private pitches will be made on unallocated sites permitted in accordance with the following criteria:

- Planning applications for Gypsy and Traveller and Travelling Showpeople sites shall be of a scale appropriate to their setting, having regard to the scale and form of nearby residential development;
- be located in areas not prone to flooding and or near refuse sites, industrial sites or similar;
- be located in areas that are well located with respect to the highway network and enable easy and safe access to sustainable settlements with a range of local services including schools, shops and healthcare facilities either by foot, cycle, public transport or car;
- be located in areas that are not within an international, national or local nature conservation designation and be located so that sites, including any on-site business uses, shall not negatively impact on the safety, amenity and privacy of the occupants of the site and neighbouring residents and land uses.
- be located in a way that ensures there is no adverse impact on heritage assets and;
- adequate space for the storage of equipment for business uses shall be provided on site. Such areas shall be visually pleasing and not impinge on amenity areas. Development proposals should incorporate appropriate landscaping and boundary treatment.

Policy LAN DM1 (Protection of landscape character) indicates that development in the setting of the South Downs National Park must have special regard to its conservation, including views into and out of the Park, and will not be permitted where there would be harmful effects on these considerations.

Policy D SP1 (Design) sets criteria regarding a proposed development's layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy T SP1 (Transport and Development) seeks proposals which reduce congestion and tackles climate change while ensuring support to the District's economic base. Development proposals must explain how the development has been designed to accommodate the efficient delivery of goods and supplies and give priority to pedestrian and cycle movements and have access to high quality public transport facilities.

Policy ENV DM4 (Protection of trees) indicates that where there are existing trees on or adjacent to a development site, developers shall be required to provide land and tree surveys; a tree constraints plan and an arboricultural impact assessment to include a tree protection plan and arboricultural method statement in

order to ensure that development is planned to take a comprehensive view of tree issues at an early stage in the design process and that development works do not have a negative impact on existing trees.

Angmering Neighbourhood Development Plan (NDP) (March 2015)

Angmering NDP was adopted on March 2015 and covers the Parish boundary of Angmering, except for the areas under the authority of South Downs National Park. The NDP includes policies regarding housing, design, transport, employment and environment which provide a local scope to the policies within Arun District Local Plan.

Policy HD1 (Built up area Boundary) identifies that most development should be diverted towards the built-up area boundary in order to avoid encroachment into open countryside. Proposals outside the defined built-up area must comply with other policies within the plan.

Policy HD4 (Materials) seeks development proposals to provide with materials which are harmonious in their context. Materials used for paved surfaces should be appropriate to the setting with a preference given to permeable surfaces.

Policy EH2 aims to protect the landscape setting of the South Downs National Park and indicates that new development within land adjoining the SDNP, or that contributes to the setting of the Park, will be supported. Development proposals should not affect views into and out of the Park as a result of their location or design.

Regarding highways, Policy TM1 (Local Highways) require development proposals to demonstrate that adequate and satisfactory provision has been made to mitigate the impact of the traffic generated both during development and on completion.

Material considerations

The National Planning Policy Framework (NPPF) (2019)

The National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied.

A presumption in favour of sustainable development remains at the heart of the NPPF, which should be considered within both plan-making and decision-making.

Paragraph 8 recognises that, in order to achieve sustainable development, the planning system has three overarching objectives and that opportunities should be sought to secure net gains on each of the three objectives, which are:

“An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and,

An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

A presumption in favour of sustainable development is at the heart of the NPPF and is to be seen as the golden thread running through both plan-making and decision-taking (paragraph 11).

Chapter 6 of the NPPF covers policies which seek to promote a strong and diversified economy. Paragraph 80 indicates that “planning policies and 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” whilst Paragraph 83(c) seeks to enable rural tourism and leisure developments which respect the character of the countryside.

Paragraph 59 reaffirms the Government’s objective of significantly boosting the supply of homes. It is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 61 relates to the need of identifying the size, type and tenure of housing needed for different groups in the community (including travellers). Footnote 25 indicates that the ‘Planning Policy for Traveller Sites’ sets out how travellers’ housing needs should be assessed.

Chapter 9 deals with promoting sustainable transport and covers guidelines to encourage walking and cycling, encouraging development in areas well-served by public transport and reduction in the reliance on fossil fuels.

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Paragraph 109).

Chapter 11 of the NPPF relates to ‘Making effective use of land’. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 124 sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraphs 170-172 relate to conserving and enhancing the natural environment.

Paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by:

“a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; ...

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans...”

Coastal West Sussex Gypsy and Traveller Accommodation Assessment (GTAA), 2018.

The GTAA provides the evidence base to be used on the preparation and implementation of local plan policies and the provision of new Gypsy and Traveller pitches and Travelling Showpeople plots for the 15-year period up to 2033, as required by the Planning Policy for Traveller Sites (PPTS) (August 2015), with additional forecasts to 2034, 2035 and 2036 to meet Local Plan Periods.

As resolved in Arun’s Planning Policy Sub-Committee on 27th February 2019, the GTAA forms part of the evidence base for the authority’s Gypsy and Traveller and Travelling Showpeople Site Allocations Development Plan Document (DPD) which is in the process of being prepared.

Regarding the need for Showperson yards, the GTAA concluded:

"There are 5 Travelling Showperson yards in Arun... The GTAA identifies a need for 14 additional plots for households..."

Regarding existing yard provision, Figure 24 of the GTAA provides a detailed list of the yards and number of plots available within ADC for travelling showpeople. 5no. pitches were identified. A summary is presented below:

Table 1: List of travelling showpeople sites based on Figure 24 of the GTAA, 2018

List of travelling showpeople sites in Arun, 2018	
Authorised Travelling Showpeople Yards	Authorised Pitches or Plots
Fairfield, Eastergate Lane	1
Land at Aldingbourne Farm Shop*	4
Nyton Stables, Nyton Road	8
The Drive, Eastergate Lane	5

*No longer a travelling showpeople site

Figure 24 of the GTAA (2018) shows that a total of 12no. interviews were carried out with current occupiers of the identified plots, with 4no. occupiers refusing to answer the interview. Based on this information it is therefore possible to conclude that all the existing pitches for travelling showpeople within ADC are occupied.

The GTAA (2018) also identifies there is an unmet need to provide showpeople yards within the District.

Planning Policy for Traveller Sites (PPTS, 2015)

The Planning Policy for Traveller Sites (PPTS) was adopted in 2015 and sets out the direction of Government policy. As well as including the planning definition of a Traveller and Showpeople, the PPTS is closely linked to the NPPF with direct reference in Footnote 25 in Paragraph 61.

The Government's aim is to ensure fair and equal treatment for travellers, recognising their nomadic way of life while respecting that of the settled community (Paragraph 3).

To achieve this aim, among other things, the policy states in Paragraph 4:

"... (e) promote more private traveller site provisions recognising there will be travellers who cannot provide their own sites; ...

(h) increase the number of traveller sites in appropriate locations through planning permissions, and address under provision; ...

(j) to enable the provision of suitable accommodation which travellers can access education, health, welfare and employment infrastructure; and

(k) for local planning authorities to have due regard to the protection of local amenity and environments."

Paragraph 19 deals with travelling showpeople specifically and states that *"Local Planning Authorities should have regard to the need that travelling show people have for mixed-use yards to allow residential accommodation and space for storage of equipment."*

Paragraph 24 provides a list of issues which the LPA should consider relevant when determining planning applications for travellers:

- Criteria a: existing level of local provision and need for sites;

- Criteria b: Availability of alternative accommodation;
- Criteria c: Personal circumstances of the applicant;
- Criteria d: locally specific criteria which, among other things, forms the policy where there no identified need for pitches/plots;
- Criteria e: determine applications for sites for any travellers and not just those with local connections.

Paragraph 26 provides criteria against which a LPA should attach weight to when consider a planning application:

- Criteria a: Effective use of previously developed (brownfield) land;
- Criteria b: sites being well planned or soft landscaped in a way to enhance the environment and increase openness;
- Criteria c: promote opportunities for healthy lifestyles, including adequate landscaping and play areas for children; and
- Criteria d: not enclosing the site with hard landscaping, high walls or fences.

Annex 1 of the PPTS (2015) defines showpeople as: “*Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.*”.

PLANNING APPRAISAL & JUSTIFICATION

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission should be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The following constitute the relevant planning issues related to the proposed development:

- Principle of development (including demonstration of travelling showpeople needs);
- Visual amenity (including trees and landscape);
- Neighbouring amenity; and
- Transport and access.

Principle of Development

Paragraph 61 of the NPPF (2019) sets the policy requirement for Local Authorities to identify the size, type and tenure of housing needed for different groups in the community (including travellers). Footnote 25 indicates that the ‘Planning Policy for Traveller Sites’ sets out how travellers’ housing needs should be assessed.

Policy H SP5 of Arun District Local Plan (2018) directly relates to traveller and travelling showpeople accommodation within the District and set the criteria to assess development proposals for travelling showpeople which include among others, consideration of the location of development in areas at low risk of flooding, outside industrial sites and away from refuse sites; accessible from the highway network and close to existing settlements, without detriment to neighbouring amenity and on sites where no detrimental impact to nature or heritage conservation can result.

Policy H of the PPTS (2015) also indicates that proposals for new travelling showpeople sites should consider:

- i) The need for the development;
- ii) The availability of alternative accommodation and;
- iii) Local specific criteria.

These elements are assessed below.

Need for Travelling Showpeople site

As identified under Policy SD SP1a and H SP5 of Arun District Local Plan (2018) as well as under the Coastal West Sussex Gypsy and Traveller Accommodation Assessment (GTAA, 2018); the Council acknowledges there is an identified need for travelling showpeople sites within the District area with the GTAA concluding that a minimum of 14no. pitches for travelling showpeople are required within the District to meet existing and future demand up to 2036.

Policy H SP5 of Arun District Local Plan (2018) further acknowledges that during the plan period at least 5no. pitches for travelling showpeople must be provided with at least 5no. private pitches on unallocated sites according with the policy criteria.

The applicants form part of the Association of Independent Showmen (AIS), a copy of their membership is included as **Appendix B** to this Cover Letter. This demonstrates they form part of an organised group which holds fairs or shows, hence falling under the definition of showpeople under Annex 1 of the PPTS (2015). The applicants and their families (which include small children) currently live in shared accommodation and therefore require an appropriate site which can accommodate their residential and business needs as showpeople. As stated under 'Development Proposals' above, the business also now demands that the owners travel with the fair across an area from London to the south coast. This proposal would provide 3no. pitches for travelling showpeople, therefore helping to meet the need identified in the GTAA and Arun Local Plan.

Based on the evidence above, it is considered that there is clearly an unmet need for showpeople's accommodation within the District which can be partly met by the current proposal in line with the aims of the NPPF, Arun District Local Plan (2018), Coastal West Sussex GTAA (2018) and the PPTS (2015).

Availability of Alternative Accommodation

The Government's PPTS (2015) indicates that there should be strict limits to providing traveller sites in the open countryside away from existing settlements. Sites in rural areas should respect the scale of the nearest settled community and avoid placing an undue pressure on the local infrastructure. (Paragraph 25).

The Council is in the process of preparing its Gypsy & Traveller DPD (Development Plan Document) however this document has not been published for consultation to date and therefore carries no weight in the assessment of this application. However, since it has not been published, it is not possible to ascertain which sites, if any, have been identified as having the potential to accommodate showpeople and therefore the presumption under this application is that there are no sites available in the near vicinity which could provide similar accommodation for showpeople.

Appendix F contains correspondence between the applicant and ADC's enforcement officer which indicates that it is unlikely that the Council owns/control suitable land to address showpeople needs.

The above is substantiated by the most recent available evidence of sites contained within Figure 24 of the GTAA (2018) which identified there are 5no. travelling showpeople yards within ADC, none of which had capacity to accommodate additional showpeople and their families. Our clients have searched for a site and found no alternative options. Sites within or adjoining settlements are outside the price range for this type of accommodation, and sites in the countryside are often remote from services and facilities and not close to the strategic road network, unlike the application site. As such, RPS is of the view that there is no current alternative accommodation within existing travelling showpeople yards, nor are there any other available sites, and therefore this demand needs to be accommodated within another site that meets the criteria of Policy H SP5.

Local Criteria

As previously mentioned, Policy H SP5 (Traveller and Travelling Showpeople accommodation) of Arun District Local Plan (2018) indicates that provision for at least 5no. private pitches for gypsies and travellers will be made on unallocated sites in accordance with the following criteria, against which we have considered the proposal:

- a. **Planning applications for Gypsy and Traveller and Travelling Showpeople sites shall be of a scale appropriate to their setting, having regard to the scale and form of nearby residential development.**

A detailed assessment in this regard is included in the following subsection however, it can be mentioned that there is very limited existing residential development in the vicinity, which were identified in the 'Site and Surrounding Area' section above. A number of the neighbouring uses are commercial (car sales, camp site). The proposed development would be of a limited scale, being only one additional building for storage and three caravans, so would respect the form and landscape of the site, and all existing trees and vegetation will be retained. The proposed barn would not be significantly larger than the existing buildings on site, and would be agricultural in appearance, and a large area between the barn and caravans will be retained as private amenity space for the caravans. As such, it is considered that the proposal complies with criteria a).

- b. **be located in areas not prone to flooding and or near refuse sites, industrial sites or similar.**

The site is not located in an area identified at medium or high risk of flooding and it is not close to refuse sites or industrial sites.

- c. **be located in areas that are well located with respect to the highway network and enable easy and safe access to sustainable settlements with a range of local services including schools, shops and healthcare facilities either by foot, cycle, public transport or car**

The site is located immediately adjacent to the A27 so would be considered very well located to the highway network, allowing the rides to be moved without passing through residential areas or along narrow lanes. The site is also in close proximity to an existing settlement (Angmering) with the nearest bus stop being less than 10 minutes' walk away. There is a footway along Arundel Road, leading from the site to Angmering, meaning that services and facilities in the village can be accessed safely. Angmering has a range of services and facilities, including Primary School (less than 450m from the site), sports club, village hall, shops (including convenience store and pharmacy), GPs and dental practice. As such, the site is considered to be in an accessible and sustainable location which will allow future occupiers to benefit from the existing facilities nearby, and therefore fully complies with this criterion.

- d. **be located in areas that are not within an international, national or local nature conservation designation and be located so that sites, including any on-site business uses, shall not negatively impact on the safety, amenity and privacy of the occupants of the site and neighbouring residents and land uses.**

The site is not located within an international, national or local nature conservation designation hence complying with criterion d) of the policy. It is however acknowledged that the site sits at the boundary with South Downs National Park and therefore careful consideration must be given to the preservation of the National Park. This matter is addressed in the subsection below. We have already covered the likely impact on neighbouring residents and land uses as minimal.

- e. **be located in a way that ensures there is no adverse impact on heritage assets**

The site is not in close proximity to heritage assets. As such, the proposal complies with criteria e).

- f. **adequate space for the storage of equipment for business uses shall be provided on site. Such areas shall be visually pleasing and not impinge on amenity areas. Development proposals should incorporate appropriate landscaping and boundary treatment.**

In this respect, the storage of equipment will be in the barn building, so will not be seen from outside the site. The applicant is willing to accept a condition requiring a planting scheme to be agreed to improve the boundary screening if the Council considers it appropriate, albeit we consider that the site is already very well screened from the A27 and National Park.

Housing need

It is also put forward that substantial weight should be afforded to the provision of housing, as highlighted by recent case law (**Appendix E**) related to a planning application and listed building consent for a proposal at Hayes Street Farm, Bromley (Refs: APP/G5180/Y/18/3206947 & 3206949), which was determined on 25th June 2019.

In this particular case and in line with Paragraph 41 of the NPPF, housing provision was seen as a public benefit even when there is a 5-year housing supply in the area, in particular, the Inspector highlighted:

"This means that any provision of new housing in the Borough should be treated as a significant or substantial benefit or be given significant or substantial weight as a benefit. I give short shrift to the Council's argument that because only nine new houses would be provided, such a benefit would be less than substantial. That is because the NPPF seeks to book significantly the supply of housing, which signals that any new houses must command substantial weight as a benefit. It would be nonsensical to consider otherwise, because if only a large amount of housing would be considered substantially beneficial then equal cumulative benefit arising from a number of smaller sites would not have been afforded the same weight as a benefit."

Therefore, RPS is of the view that the provision of residential accommodation for showpeople should bear significant weight on the assessment of the current application.

Conclusion on Principle

This application is supported by evidence which demonstrates the applicants are registered as showpeople. The applicants and their families currently live in unsuitable accommodation, and the business now requires the owners to live in caravans and travel with the rides to event locations, hence the current application seeks to address this need. As demonstrated above, housing need and provision of housing should bear significant positive weight on the assessment of any planning application, in line with the aims of the NPPF (2019).

Policies SD SP1a and H SP5 of Arun District Local Plan (ADLP, 2018) and the Coastal West Sussex Gypsy and Traveller Accommodation Assessment (GTAA, 2018) acknowledge a need within the District of at least 14no. pitches to accommodate travelling showpeople and it further recognises the need for private sites, such as the proposed, to come forward for development.

It has been demonstrated that the site is in a sustainable location with easy access to facilities from Angmering to the south, capable of being accessed by foot or public transport. Existing travelling showpeople sites have no capacity to accommodate the applicants and their families, and the applicant is unaware of any other sites available, especially sites that meet the Policy criteria in Policy H SP5 of the Arundel Local Plan (proximity to strategic road network, accessible to services and facilities, outside designations). As the site complies with all the requirements under Policy H SP5 of the ADLP (2018), the proposal is considered to be acceptable in principle.

Visual amenity

Policy D SP1 of ADLP (2018) and Policy HD4 of Angmering Neighbourhood Development Plan (ANDP, 2015) relate to design and materials and indicate development proposals should provide with appropriate layout, scale, density, massing, character, materials and landscaping to preserve or enhance the character and appearance of the area.

The proposal involves the change of use of the land to travelling showpeople site with associated storage barn, maintenance area, landscaping and infrastructure.

The site is gradually sloping but is screened by mature trees and vegetation on all sides with the majority of the site being covered by grass. Trees and a fence create two separate internal areas with the western part

containing two existing sheds, access road and hard surfaced area, the latter does not benefit from planning permission and therefore this is sought retrospectively with the current application. The eastern part of the site is currently covered in grass with some fruit trees. This section of the site is completely screened from neighbouring sites and the A27 by mature trees and greenery.

The proposed use as showpeople's site requires the erection of a detached barn which would cover an area of circa 120sqm. It will have a dual-pitched roof with ridge at 4.5m and eaves at 3.0m and would be sited circa 1.0m from the south boundary of the site. The barn will be used to store fair rides and associated machinery to the applicant's business and will be finished in timber cladding to replicate the appearance of the two existing sheds on site and will overall be agricultural in appearance.

The small hardstanding area to the front of the site and the proposed barn are of the same design, height and siting as those applied for planning permission ref. A/3/18/PL.

Under the assessment of this application regarding visual amenity the case officer concluded in the Officer's report (**Appendix C**):

"...given their set back from the road (over 20m), the considerable level of tree screening and the fact that the higher barn is also largely screened by the sheds makes the development acceptable in visual terms. The hardstanding applied for is in the north west corner of the site where the appearance of the site is hardened by the fact that it is abutting a slip road onto the busy A27. On this basis the character of the area is not unacceptably harmed from the existing MOT base"

In line with the above conclusion, it is therefore put forward that the proposed retention of a hardstanding area and construction of a barn which will be screened from the east, west and south by mature trees and greenery will not detract from the character and appearance of the area. The barn will be afforded limited and short-lived views from the A27 to the north and since the barn will be seen in the context of existing sheds on the site along with the built form of the general area, it will not detract from the character and appearance of the area of long views from South Down National Park.

The proposed caravans to the east of the site will be completely screened from views by existing trees and greenery and given their mobile nature, size and siting are not considered to constitute an element which will significantly detract from the appearance of the area. At certain times of the year, one or more of the caravans will not be on-site as they will be at events.

As such, the proposal complies with the aims of the NPPF, Policy D SP1 of Arun District Local Plan (2018) and Policy HD4 of Angmering Neighbourhood Development Plan (2015).

Landscape and trees

No trees will be removed as a result of the proposal.

Policy LAN DM1 requires development proposals to respect the particular characteristics and natural features of the landscape. Under the assessment of planning permission ref. A/3/18/PL the case officer considered that since the proposed barn was largely shielded from view and that the tarmacked area is in close proximity to the A27 there would be no detrimental impact from the proposal on the appearance of the landscape.

3no. caravans are proposed to accommodate the applicants and their families. These will be sited on the eastern corner of the site behind existing trees and greenery. The existing trees and greenery will ensure the caravans are largely inconspicuous in its context. Bamboo screening surrounding the caravans is proposed however the applicant is willing to consider other more suitable screening alternatives and such details can be controlled through an appropriately worded planning condition. Subject to this condition it is considered that the proposed development will not detract from the landscape features of the site and will be wholly in line with the requirement of Policy LAN DM1 of Arun District Local Plan (2018).

Neighbouring amenity

Policies H SP5, D DM1 and D SP1 of Arun District Local Plan (2018) require development proposals to result in minimal impact upon neighbouring amenity.

There are a small number of residential properties on the opposite side of Arundel Road, close to the junction with the A27. It is not considered that the amenity of these properties would be affected by this use, which is a quasi-residential use and can take place within residential areas, and in any event these dwellings would be affected by road noise from the A27.

The proposed change of use to showpeople site with associated storage, infrastructure and landscaping will result in a potential increase in comings and goings to and from the site when the applicants move the required fair rides and equipment. However, given the location of the site away from residential receptors and given the existence of the A27 which results in ambient noise, and enables the rides to avoid residential areas and narrow roads, the proposed development is not considered to result in detrimental impact upon neighbouring amenity, in compliance with the requirements of Policies H SP5, D DM1 and D SP1 of Arun District Local Plan (2018). This is considered a significant positive reason why this site performs well against policy, as few alternative sites could offer this direct access onto the A27, which minimises the potential for any harm to residential amenity.

Transport and access

Accessibility

The site is less than 500m north of the built-up area of the village of Angmering which provides a range of services such as schools, shops, parks and grocers. The village is accessible via a roadside footway, meaning that these services are available for the occupants of the showperson's site without the need to travel by private car. The nearest public bus stop is less than 10 minutes' walk to the application site with buses running every hour, which provides access to larger settlements. Therefore, the site is considered to be a sustainable location, which constitutes a positive element to the proposal to which significant weight should be attached given criterion c of Policy H SP5.

Vehicular access – visibility and vehicular movements

The site is located at the junction of the A27 with Arundel Road with vehicular access from Arundel Road.

A previous application on the site for the erection of a barn and change of use of the site for storage purposes (ref. A/3/18/PL – **Appendix C**) was refused on the following basis:

"The increased use of the access to the public highway would add to the hazards of highway users to an unacceptable degree in conflict with policies TSP1, TDM1 & EMPDM1 of the Arun District Local Plan, policy TM1 of the Angmering Neighbourhood Plan and paragraph 109 of the July 2018 National Planning Policy Framework."

The application was later dismissed under appeal ref. APP/C3810/W/18/3209225 (**Appendix A**) with the Planning Inspector concluding that:

"...I accept that the increase in traffic would be small based on the appellant's modus operandi. However, any planning permission would run with the land and so it is quite possible that another user might use the site more intensively than the appellant. It is also realistic that the appellant's business needs and hence use of the land might evolve over time...Accordingly, I intend to take a precautionary approach to this matter and conclude that the use of land for a B8 storage and distribution use would result in a material increase in traffic movements to/from the site." (Para. 7, underlined our own)

"Whilst I accept that it might well be possible to turn vehicles within the site, the lack of visibility would mean slow-moving commercial vehicles, exiting the site with little knowledge of cars approaching from the south. This would pose an unacceptable risk to existing highway users" (Para. 10)

As seen, the main issues with the previous proposal relate to: i) the increase of comings and goings to the site resulting from the change of use to B8 and ii) the inadequate vehicular visibility from the south. Cumulatively, these were considered to amount to severe impact to the highway and therefore planning permission was refused.

The current proposal will make use of the existing access to the site and it will not be possible to address the vehicular visibility issue from the south due to site constraints, as such, issue ii) will still be present weighing

negatively against the proposal. However, in contrast with the previous scheme, planning permission is currently being sought for the change of use of the land to Sui Generis (Showpeople yard) which therefore raises the question of whether the proposed change of use will result in a material increase in vehicular movements to/from the site (issue i)).

It is the case that under appeal ref. APP/C3810/W/18/3209225, the Planning Inspector took a precautionary approach since the permission sought the use of the land for storage purposes which could lead to a more intensive use and hence increased movements to/from the site, presumably because he considered that the site could change to a more intensive B8 use.

The Statement of Case prepared by Motion to support the abovementioned appeal is attached as **Appendix D** to this submission. Paragraph 4.13 of this document provides a monthly record of the vehicular activity of the site during 2017 and identified that a maximum of one trailer per week entered/left the site with no vehicular movements between December - April.

From the site location plan, it is possible to ascertain that, given the site's area, it will be possible to accommodate a maximum of 6 trailers with rides within the site and therefore the number of comings/goings will be limited to this maximum capacity. Due to the itinerant nature of the showpeople business, it is possible to reach the conclusion that given the site's constraints, nature of the business and number of showpeople (2no. families) to be accommodated on site, the vehicular activity associated with the storage of fair rides within the site will not be materially different from the levels which took place in 2017, with a maximum of one trailer per week entering/leaving the site.

There would, however, be additional movements associated with the residential use associated with two families. This would, however, not result in additional slow-moving commercial vehicles towing trailers entering or leaving the site. These movements would be car movements, which would not be considered particularly dangerous in this location.

In addition, the issue raised by the Inspector, that the storage use may intensify over time, can now be controlled because the proposed use is a showpeople's site, which can be limited by use of a condition limiting the number of households that can reside on the site. This can be limited to two, which would prevent the use from intensifying.

As such, it is our view that the proposed change of use to showpeople yard will not result in a material increase in commercial vehicular movements to/from the site when compared to the existing situation, specifically movements with vehicles pulling trailers, which was the main area of concern for the Inspector. Although the visibility issues from the south will remain for commercial vehicles, cumulatively, this issue is not considered to lead to severe impacts upon the highway, and the intensity of the use can be more easily controlled by condition, and therefore the proposal would largely comply with the aims of Paragraph 109 of the NPPF (2019).

Balance and summary

The assessment of any planning application is based on a balanced assessment of the negative and positive elements of the proposal. In this particular case, the following can be concluded:

- **In terms of the principle of development** – it has been demonstrated that there is a clear need for additional private showpeople sites within the District as ascertained within the wording and reasoned justification of Policy H SP5 of Arun District Local Plan (2018) and the Coastal West Sussex Gypsy and Traveller Accommodation Assessment (GTAA, 2018). The proposed development complies with the criteria within Policy H SP5 of Arun District Local Plan (2018) as well as the requirements of the Planning Policy for Traveller Sites (PPTS, 2015). The provision of a showpeople's yard in this location is therefore given significant weight in the assessment and provides a positive balance for the proposal.
- **Regarding visual amenity impacts** – the proposed development will be largely screened from public views and given its limited scale, density, materials and siting, it will not detract from the character and appearance of the area nor from the visual amenity of South Downs National Park. A suitable condition can be imposed, if considered appropriate, to increase the screening of the site from the National Park. This is therefore a neutral point for the proposal.

- **Impact on neighbouring amenity** - The proposed development will not lead to any material harm to neighbouring amenities because there are very few dwellings close to the site and these dwellings are located close to the A27, where ambient noise levels are high, as well as its proposed scale and nature of the proposed use. This is therefore a neutral point for the proposal.
- **Regarding highway impacts and accessibility** – it has been demonstrated that the site is in a sustainable location with future occupiers being able to access services and public transport less than 10-20 minutes' walk away. The sustainable location of the site is a significant positive point in support of the proposal. It has been further demonstrated that the proposed change of use to showpeople yard will not lead to a substantial increase on the number of commercial vehicular movements to/from the site compared to the previous proposal. It has been identified that visibility issues from the south when the access is being used by slow-moving commercial vehicles, which were identified by the Inspector in the previous appeal, will remain, but the intensity of the use can be controlled by condition limiting the number of households that can remain at the site, which was not possible with the previous application, which proposed a storage use. This therefore weighs against the proposal, albeit not to the extent of the storage use.

When taking all findings into consideration it is possible to conclude that the significant benefit of providing a traveller showpeople's yard, meeting an unmet housing need with the District, in a sustainable location that meets the criteria of Local Plan Policy H SP5, where no detrimental visual or amenity impacts can be identified significantly outweighs the potential harm to the highway by reason of inadequate visibility, which will not lead to severe impacts upon the highway. This balance is very different to the previous application, which was dismissed on appeal, because there were no positive impacts against which to balance the identified negative impact. As such, on balance, the proposal is considered to be acceptable and the Local Planning Authority is respectfully requested to issue planning permission (subject to appropriately worded conditions) for the change of use of the land to travelling showpeople site with associated storage barn, MOT area, landscaping and infrastructure.

CONCLUSION

RPS has prepared this statement in support of a full planning application for:

“Change of use of the land from agriculture to travelling showpeople site with associated storage barn, maintenance area, landscaping and infrastructure”

The proposed development comprises areas for storage and maintenance of fairground rides, equipment and other items associated with their activities, to be located on hardstanding currently used for storage. The yard will primarily be used in the winter months (from end of October to early April), although there will be some occupation of the site throughout the year from the showpeople's family.

The proposed development is acceptable in principle in line with the requirements of the Development Plan, the National Planning Policy Framework, the Government's Planning Policy for Traveller Sites and other material considerations. It was demonstrated that there is a clear need for the provision of private showpeople's sites within Arun District Council boundary, with the GTAA reporting a need of circa 14no. new pitches within the Borough.

As such, in the balancing test, housing provision should be afforded significant weight, particularly in this case, where there is an identified and clear shortfall of the type of housing proposed under this application.

It is considered that the proposal, on balance, is appropriate in visual amenity terms and neighbouring amenity and that the significant benefit of providing a private showpeople yard in an area of identified need, in a sustainable, accessible location, significantly outweigh the harm to the highway resulting from poor vehicular visibility from the south.

Accordingly, the development is considered acceptable, and it is respectfully requested that the Council grant planning permission without delay in accordance with the National Planning Policy Framework.

Our ref: PPS1372

Yours sincerely,
for RPS Consulting Services Ltd

Mrs Joney Ramirez MRTPI
Senior Planner

