

REPORT UPDATE

Application No: A/9/18/PL

Reason for the Update / Changes

Reason for Update/Changes:

Request from County Highways seeking a Stopping Up Order Informative.

Officers Comment: Agreed. The changes to recommendation are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: A/9/18/PL

LOCATION: The Caravan Site
New Road A259
Rustington

PROPOSAL: Change of use of land to a Gypsy & Traveller Caravan Site consisting of 1 No. mobile home, 1 No. touring caravan, 1 No. amenity building & acoustic & close boarded fencing. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application proposes the retrospective change of use of the land for the purposes of establishing a gypsy and traveller caravan site consisting of two units of accommodation and one amenity building comprising a kitchen, bathroom and seating area.

The submitted site plan shows provision for two parking spaces, perimeter fencing including an acoustic fence to the A259, landscaping including proposed tree planting and a grass play area.

The majority of the site is shown as a proposed 'parking area and courtyard area'. Vehicle access to the site is proposed via the existing access arrangement directly from the A259.

SITE AREA

0.2 hectares.

RESIDENTIAL DEVELOPMENT 10 dwellings per hectare.
DENSITY (NET)

TOPOGRAPHY

Predominantly flat.

TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Fencing and mature trees to boundary with A259. Mature hedging to all other boundaries.
SITE CHARACTERISTICS	Gypsy site comprising 2 units and an amenity block.
CHARACTER OF LOCALITY	Open rural site abutting the A259.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Supports the application.

Two letters of objection including 1 from Rustington Golf Centre raising the following points:

- Biodiversity needs to be looked at.
- Site and Black Ditch contaminated.
- Contrary to claim that this is a travellers site this has no lawful use.
- Proposal contrary to policy H SP5 b & c.
- Not identified by 'Gypsy, Traveller and Travelling Showpeople Sites Study' as a suitable site.
- Contrary to Policy H of the Governments' 2015 Planning Policy for Traveller Sites (PPTS).
- Site has the potential to attract significant additional activities, structures and the parking of vehicles in this countryside location which could result in a more intensive use of the site, harmful to the visual appearance of the area if not properly controlled.

1 letter of support from applicant stating:

- Two families with a total of three young children living on site over two trailers.
- Local people with a Gypsy lifestyle registered with local doctors on the road for many years.
- Site is conveniently located to essential facilities such as schools, retail outlets, doctors surgery, urban centres and bus stop.
- No nearby residents to affect.
- Site has never been open countryside it has always been hard standing and had large workshop buildings as images on google earth will support.
- Site will provide the Council with a required future Gypsy site in line with forthcoming update of the Gypsy and Traveller Accommodation Assessment.
- This site will replace the Gypsy site lost on the other side south of the Littlehampton Road.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and considered further in conclusions section.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Environment Agency

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health - have corresponded with the consultants in order to ensure their reports cover the required items. I am satisfied that the reports submitted demonstrate the ability to use the site as intended. Provided the proposed noise mitigation is controlled by condition I have no adverse comments.

WSCC Highways - Providing no additional caravans are placed at the site the LHA would not raise an objection to this application as the proposals are not considered to result in a 'Severe' residual impact in accordance with Paragraph 32 of the National Planning Policy Framework. If however further developments are proposed at the development the LHA would need to comment further on these applications with an additional considerations.

WSCC Gypsy Officer - would confirm that applicants are known. When they were younger they would travel in West Sussex, with their father, and in particular around the Arun and Chichester area. Since the transit site in Stane Street Chichester West Sussex they have been resident on the site on two occasions since it opened in May 2016 as they had nowhere else to stay.

Environment Agency - The amended Flood Risk Assessment submitted has accounted for the impact of climate change and as a result stated that the FFL of the residential building must be set at 3.43mAOD. This satisfies the concerns stated in our previous response and so we are satisfied our previous objection to this proposal can be removed.

Engineers - Note that plans show the site to be outside of Flood Zone 3, this contradicts our flood maps and the Environment Agency website. It is advised therefore that the Environment Agency are consulted, that an FRA and emergency access and egress statement are provided.

We have no comments relating to surface water drainage.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and discussed further in conclusions section.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
HSP5	H SP5 Traveller and Travelling Showpeople accommodation
LANDM1	LAN DM1 Protection of landscape character
TSP1	T SP1 Transport and Development

[Angmering Neighbourhood Plan 2014 POLICY HD1](#) Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 relevant policies in the Angmering Neighbourhood Plan have been considered.

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 relevant Development Plan policies in that whilst located outside the built up area boundary it complies with Development Plan policy elsewhere in the Arun Local Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Background

The Coastal West Sussex Local Authorities of Adur, Arun, Chichester and Worthing together with support from the South Downs National Park Authority previously commissioned a joint Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) April 2013. This study covered the period 2012 to 2027 and has a base date of September 2012.

It complied with the Housing Act 2004, the National Planning Policy Framework (NPPF). It provided the evidence base for the Arun Local Plan policy H SP5.

Following the adoption of the Government Planning Policy for Traveller Sites (PPTS) in 2015 which updated the Government's previous advice on Gypsies and Travellers, the Council updated its GTAA.

The new GTAA (October 2018) is a revised evidence base document which looks at the current and future needs. This updated document which went to Planning Policy Sub Committee on 5th December 2018 has updated the Council's need figure. In summary for Gypsies and Travellers, there is a need for 9 additional pitches in Arun over the GTAA period to 2036 for Gypsy and Traveller households that met the planning definition; a need for up to 3 additional pitches for unknown Gypsy and Traveller households that may meet the planning definition; and a need for 13 additional pitches for Gypsy and Traveller households who did not meet the planning definition.

The revised GTAA will form part of the evidence base and will inform the development of policy and future allocation of sites through the Arun District Council Gypsy and Traveller and Travelling Showpeople Site Allocations Development Plan Document.

The current timetable for the adoption of this DPD is anticipated to be Spring 2021. However, until the evidence garnered by the updated GTAA is approved as a DPD to inform an updated policy H SP5 the evidence contained in the 2013 GTAA is relevant as it was this evidence that was used to formulate existing policy H SP5 of the Arun Local Plan.

In so far as the 2013 GTAA is concerned it identified The Old Stables, Penfold Lane Rustington as a recognised Gypsy site providing two pitches. This site was located 35m south of the application site and was abandoned when planning permission reference A/169/17/OUT for 90 dwellings was approved in January 2018.

Principle

Policy C SP1 of the Arun Local Plan states that proposals located outside built up area boundaries will be permitted where they are in accordance with other policies in the Plan which refer to a specific use or type of development. In this case Policy H SP5 - Traveller and Travelling Showpeople accommodation applies.

For the purposes of this application part 3 of policy H SP5 applies. This states that:

Planning applications for Gypsy and Traveller and Travelling Showpeople sites shall:

- a. Be of a scale appropriate to their setting, having regard to the scale and form of nearby residential development.
- b. Be located in areas not prone to flooding and or near refuse sites, industrial sites or similar.
- 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.
- d. Be located in areas that are not within local nature conservation designation.
- e. Make effective use of previously developed or derelict land.
- f. Protect the safety, amenity and privacy of neighbouring residents and land uses.
- g. Incorporate appropriate landscaping and boundary treatment.
- h. Be served by an adequate water supply and appropriate means of sewage disposal.

The proposal is acceptable as there is no nearby residential development to take account of. The nearby area is open countryside and a density of 10 dwellings per hectare is sufficiently low to be in keeping with this character. Furthermore the single storey nature of the units and the dense mature screening on all boundaries makes the proposals visual impact on the local area and the South Down National Park which is more than 2km north of the site acceptable.

The Environment Agency and Council's Engineers consider the site to be acceptable from a flooding point of view.

County Highways have assessed the proposal and find that visibility in both directions onto the A259 is sufficient where no reported accidents have been observed from the LHA's database. There is therefore safe access to nearby essential services.

In terms of the impact from pollution by this busy road noise and air quality reports have been submitted where the Council's Environmental Health department have considered and found them to be acceptable.

The land is designated as a Biodiversity Opportunity Area where policy ENV DM3 applies. In this regard the site has not undergone extensive development. The site has historically had a developed appearance with surfacing to provide access to the nearby farm, a large pylon and an outbuilding to the corner of the site. This can be evidenced when looking at aerial photographs over the last ten years. It is therefore the case that there is little wildlife/biodiversity value on the site where policy ENV DM3 would be compromised.

Angmering Neighbourhood Plan Policies (ANP)

Policy HD1 of the Angmering Neighbourhood Plan requires that residential development takes place within the built up area boundary (BUAB) of Angmering. The site is outside the BUAB and so the proposal is in conflict with this policy.

Policy HD6: Housing Layout & Design of the ANP as it applies to this proposal requires that residential development responds to its locality in terms of incorporating local design features evident in buildings in the surrounding area and retains important trees and hedgerows. Compliance with this policy is achieved by virtue of the fact that this is a Gypsy and Traveller site within an isolated location where there is no established character or existing context to take account of.

HD8: Parking for New Developments of the ANP is complied with considering the availability of sufficient land for parking.

Planning Policy for Traveller Sites (PPTS)

The Government provided new guidance for Gypsy and Traveller sites in 2015. Paragraph 4 of this guidance summarises the Governments aims and objectives as it applies to Local Planning Authorities (LPA) role in this area. Namely that they make their own needs assessment so as to plan for sites over a reasonable timescale. They should also increase the number of traveller sites so as to address under provision and maintain an appropriate level of supply.

Summary

Whilst there is conflict with policy HD1 of the ANP the proposal complies with the more up to date policy HSP5 of the Arun Local Plan and Government Guidance which encourages LPA's to plan for future Traveller sites so as to maintain the supply of sites and address any perceived under supply. Planning permission is therefore recommended subject to the following conditions.

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 positive impact on the applicants in so much that it provides housing for a minority Gypsy race.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans: TDA.2365.07, TDA.2365.06, TDA.2365.05, TDA.2365.02, TDA.2365.03, TDA.2365.01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy HPS5 of the Arun Local Plan.

- 2 This permission shall not be exercised by any person other than persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal in accordance with policy HSP5 of the Arun Local Plan and Planning Policy for Traveller Sites (2015).

- 3 The development permitted by this planning permission shall only be carried out and permanently retained in accordance with the approved Flood Risk Assessment (FRA) SLR Ref No:402.07372.00001 August 2018 and in particular that the finished floor level of the residential buildings must be set at 3.43mAOD.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policies W SP1 and W DM2 of the Arun Local Plan.

- 4 The permission hereby granted will be for the benefit of the existing two units and there shall

be no more units of residential accommodation stationed on the land at any time.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy HPS5 of the Arun Local Plan.

- 5 The development permitted by this planning permission shall only be carried out and permanently retained in accordance with noise assessment report dated October 2018 and air quality assessment report October 2018 2270W-SEC-00002-01.

Reason: To safeguard the amenities of existing and future residents in accordance with Arun Local Plan policies QE DM1 and QE DM3.

- 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 7 INFORMATIVE: All mobile homes are required to obtain a Site Licence under the provisions of the Caravan Site and Control of Development Act 1960. The application is advised to contact the Council's Environmental Health department for further information.
- 8 INFORMATIVE: The applicant is advised that in addition to any planning consent being granted that the existing public highway to be incorporated into the development must be the subject of a Stopping Up Order under the Highways Act 1980. The applicant should contact the West Sussex County Council's Legal Services Department to commence this process.