

Recommendation Report for Planning Permission

REF NO: BE/135/17/PL

LOCATION: Shripney Garden Caravan Site
Shripney Lane
Bersted
PO22 9NS

PROPOSAL: Continuance of use without compliance with condition 4 imposed under BE/151/11/ relating to occupancy.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to delete condition number 4 from approval B/151/11 which stated: 'The caravans hereby permitted shall be occupied solely for holiday purposes only and shall not be occupied as a persons' sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of owners/occupiers of individual caravans on the site and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority. Reason: The use of the site for all year round residential occupation would conflict with policies GEN2, GEN3, DEV39 of the Arun District Local Plan on the use of caravans and and on residential development. This is so that the caravans on site can cease to be used for tourism purposes only and allow their use for permanent residential purposes.
SITE AREA	0.45 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Wire fencing with post and rail fencing to front. Timber fencing on boundary with Myddleton Terrace.
SITE CHARACTERISTICS	Caravan site for 12 mobile homes
CHARACTER OF LOCALITY	Rural with fields and farmland opposite. Adjacent to houses which has one side window at first floor level.

RELEVANT SITE HISTORY

BE/72/13/	Application for the variation of condition 1 of previously	ApproveConditionally
		REPORT(ODB)

approved planning application BE/151/11 relating to the submitted plan 18-12-13

BE/151/11/	Extension to existing caravan park to provide 12no. additional mobile homes, associated parking area, formation of access and construction of electrical intake housing - Amendment to application BE/42/10	ApproveConditionally 29-03-12
BE/110/10/DOC	Application for approval of details reserved by conditions 3 and 6 of planning application BE/42/10/	DOC Refused 14-09-11
BE/42/10/	Extension to existing caravan park to provide additional 12no mobile homes. (Re-submission following BE/77/09).	ApproveConditionally 07-07-10
BE/77/09/	Use of land for extension to existing caravan park to provide an additional 12 no. mobile homes	Refused 16-10-09
BE/16/00/	Continue use of land as a caravan park without compliance with Condition 2 imposed upon BE/30/69 to allow year round occupancy	ApproveConditionally 14-03-00
BE/29/98/	Continuance of use without compliance with condition No2 imposed under BE/30/69 to allow year round occupancy	Refused 10-02-99
BE/81/92	Continuance of Use without compliance with Condition 2 imposed on BE/30/69 to allow use to be extended from 1st March - 31st October to 1st February - 31st December each year.	App Cond with S106 26-02-93
BE/24/90	Continuance of use without compliance with condition 2 of BE/30/69 to allow use to be extended from 1st March - 31st October to 1st February - 30th November each year	App Cond with S106 25-09-90
BE/165/87	Positioning of caravan for use as all year round wardens	ApproveConditionally

The site the subject of this application was granted permission for the stationing of 12 mobile homes (Reference BE/151/11) with the condition (number 4) as stated above.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Objection. The original restrictions should continue to apply.

11 letters of objection(2 from the same address and 3 from the same person):

- Only for compelling reason can restriction be waived.
- The site did not originally have vehicular access and path used for vehicular access is in multiple ownership and used for many years for small caravans to be towed in.
- The site now used to transport in 'huge' residential units causing much harm to an area prone to flooding. Site owners, not owners of private road should be responsible for its upkeep.
- These are not like for like holiday let units but permanent residential homes having an urbanising effect on a rural area.
- Increase in volume of traffic along a small lane with no pavement will cause access danger to residents.
- Much of development carried out without necessary permission.
- Lane has been widened and covered in tarmac with original side wall bordering the site taken down and replaced by a modern 'monstrosity'.
- Current condition of the site is poor.
- False and contradictory claim by applicants that the site offers no tourism value.
- People on holiday will use local shops less and the lane will be used less by holiday users rather than permanent residential use of the site and therefore have less impact on neighbouring residential amenity.
- False to claim that people over the age of 45 do not have school age children.
- There is no likelihood that this condition will be complied with.
- The site is isolated and increased traffic will have a dangerous impact on local highway.
- Arun in its emerging plan does have a 5 year housing supply and is therefore not out of date.
- Proposal has clear adverse effects.
- Proposal not in accordance with paragraph 55 of NPPF which states that housing should be located where it will enhance or maintain the vitality of rural communities.
- This is unacceptable use of grade 1 high quality agricultural land
- A similar application (BE/41/95) was refused and dismissed by a government Inspector. Applications BE/15/11 and BE/42/10 were granted despite local opposition.
- Water and sewage capacity not sufficient to support proposal.
- Not in keeping with conservation area.

COMMENTS ON REPRESENTATIONS RECEIVED:

The site is subject to enforcement investigations and these will resume following the determination of this application.

The councils conservation officer does not consider the impact on the setting of the conservation area to be unacceptable.

All other issues are covered in the Conclusions section of this report.

CONSULTATIONS

Environmental Health
Economic Regeneration
WSCC Strategic Planning
Planning and Housing Strategy
Highways England
Conservation Officer
Parks and Landscapes
Sussex Police-Community Safety
NHS Coastal West Sussex CCG
Scotia Gas Networks

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX COUNTY COUNCIL

Financial contributions required for School, Library and Fire services provision

COUNTY HIGHWAYS

No objection.

GREENSPACE

There would be a requirement for the provision of public open space off site financial contribution were the development to be approved as these would then become permanent units of accommodation.

HOUSING ENABLING OFFICER

Financial contribution for affordable housing required.

ENVIRONMENTAL HEALTH

Recommend refusal on the grounds of insufficient information. However, if minded to approve recommend conditions.

SUSSEX POLICE

Sussex Police do not support the proposals within this application.

HSE

No objection. No known licensed explosives site in the vicinity of the application site.

ECONOMIC DEVELOPMENT

No comment.

CONSERVATION OFFICER

No objection.

HIGHWAYS ENGLAND

No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built-Up Area Boundary
Class A Road

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
AHSP2	AH SP2 Affordable Housing
SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
INFSP1	INF SP1 Infrastructure provision and implementation
TSP1	T SP1 Transport and Development
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
TOUDM1	TOU DM1 Tourism related development
DSP1	D SP1 Design

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy HDQ1	Housing Site Allocations
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

The Arun District Local Plan was adopted on 18th July 2018.

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.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The relevant policies in the Bersted Neighbourhood Plan (BNP) have been taken into account in the determination of this application. As the Council can now demonstrate a housing land supply of greater than 3 years the BNP policies relating to the supply of housing are not out of date.

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 conflict with relevant Development Plan policies in that the site lies outside the built-up area boundary where development or redevelopment is unacceptable, it would result in the change of use of the caravans to permanent residential accommodation and there is no completed legal agreement that would provide the necessary infrastructure required to make the development acceptable.

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

PRINCIPLE

The application site is located within the Parish of Bersted and as such the development plan in the determination of this application will consist of the Arun District Local Plan (ALP) 2011 - 2031 and the Bersted Neighbourhood Plan (BNP) .

Arun District Local Plan (2011-2031):

The key policy considerations in the determination of this application are considered to be SD SP1, SD SP2 , C SP1 and TOU DM1 of the Arun Local Plan (ALP) 2011 - 2031.

The application site is situated outside of the built up area boundary (BUAB) as specified by policy SD SP2 seeks to focus development within the built up area. Policy C SP1 of the ALP seeks to protect the countryside for its intrinsic character and beauty and applies strict control over development situated outside of the BUAB. Due to the sites location outside of the BUAB development in this location would be in conflict with policies C SP1 of the Arun Local Plan 2011 - 2031. This residential incursion into what is a countryside location would not be in keeping with the character of the area.

Policy TOU DM1 states that 'Change of use of camping and caravan sites to other uses, including permanent residential use, will not be permitted, unless the site is allocated for other development within the Local Plan.' In this case, where the land is not allocated for other development in the plan, the proposal is to cease the use of the caravans for tourism purposes and change their use to unrestricted residential accommodation. The proposal is therefore in conflict with policy TOU DM1 of the ALP.

Bersted Neighbourhood Plan (2014):

The BNP was made on 5th November 2014 and as such forms part of the development plan in the determination of this application.

Policy ES7 of the BNP seeks to focus development within the BUAB defined in the plan, development or redevelopment outside of the BUAB will not be supported. The proposal is therefore in conflict with this policy.

Presumption in favour of Sustainable Development

The NPPF 2018 states:-

2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

15. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

Conclusion on Matters of Principle:

The principle of permanent residential development on this site is contrary to the development plan (Arun District Local Plan policy C SP1 and TOU DM1 and the intention of the BNP to focus development within the BUAB and resist development outside the BUAB as per policy ES7).

The proposed development would provide an additional 12 residential units which are not required in the District at the present time due to the 5.3 year housing land supply identified in the inspector's comments on the Local Plan. Furthermore , it would lead to the loss of 12 caravans serving a tourism use contrary to policy TOU DM1 of the ALP.

Whilst the development would have a small positive effect upon the supply of housing the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, not be acceptable.

CHARACTER & DESIGN:

Arun Local Plan policy D DM1 lists a series of 15 criteria that development must comply with - these include character where the policy states:

'1. Character

Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.'

Arun Local Plan Policy D SP1 - Design states:

'All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details....' The policy requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

Bersted Neighbourhood Plan policy ES1 is relevant. The policy requires that 'proposals must respond to the specific character of the site and its local surroundings'.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 12 paragraph 127 states that 'Planning policies and decisions should ensure that developments:

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'.

Paragraph 130 goes on to say that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions,...'

The existing character of this section of Shripney Lane has a broadly linear development south of the site and to the north the caravan park continues with a greater site coverage comprising well over 20 caravans. In terms of the character of the area the line of C3 dwellings terminates as it abuts the application site.

It is considered that to allow the change of use of these caravans from holiday to permanent residential use (C3 use) is:

- * in design terms unacceptable as it introduces dwellings which would be out of keeping with the ribbon and linear design of residential development to the south of the site.

- * also unacceptable in character terms as it introduces a more intensive type of residential use compared to the more intermittent tourist residential use of a caravan site. The character of each of these residential uses is distinctly different and to extend the C3 type of residential use into the application site is out of keeping with the character of the area.

It is therefore considered that the proposal would not be in accordance with policy D DM1 (1) and D SP1 of the ALP 2011 - 2031, policy ES1 of the BNP and paragraphs 127 (c) and paragraphs 127 and 130 of the National Planning Policy Framework.

RESIDENTIAL AMENITY:

Arun District Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the BNP policies specifically refer to residential amenity issues.

The NPPF in paragraph 180 states that 'planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'

Furthermore in paragraph 123 c) it states that 'when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'

In this case the residential amenity implications of the proposed layout are not considered to have an unacceptable impact on neighbouring properties due to the single storey nature of the caravans and their distance away from the nearest residential property to the south.

It is therefore considered that the proposal would be in accordance with policy D DM1 of the ALP 2011 - 2031 and the guidance on residential amenity within the National Planning Policy Framework.

HIGHWAY SAFETY, & PARKING

Policy T SP1 of the Arun Local Plan 2011 - 2031 discusses transport issues including safe highway access.

Policy HDQ8 of the BNP requires that ' Proposals for new development will have adequate onsite parking to meet current and future needs at a minimum rate of two spaces per dwelling unless alternative and accessible car parking arrangements can be made which do not add to on-street congestion. Developments which remove off road parking spaces will not be supported unless alternative provision is made which increases or maintains the number of parking spaces.'

Regard should be had to paragraph 109 of the National Planning Policy Framework which states that: ' 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.'

The application has been assessed by WSCC Highways and Highways England (HE). WSCC advice that the current use has been in existence for some time and they are not aware of any adverse highway effects to prevent the residential use of these premises continuing.

HE are satisfied that the trips generated by the proposed development will be of a level that will not materially affect the safety and/or operation of the Strategic Road Network.

It is not therefore considered that there is any conflict with the adopted development plan policies or with the NPPF.

INFRASTRUCTURE REQUIREMENTS

Policy INF SP1 of the Arun Local Plan states that 'The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development (including the necessary infrastructure set out in the Infrastructure Delivery Plan) to meet the needs of occupiers and users of the development and the existing community. Infrastructure provision and contribution towards services should be delivered using the following approach:

* Off-site measures will require planning obligations or financial contributions, to secure the necessary provision.

Policy AH SP2 of the ALP states that ' For all developments of 11 residential units or more the Council will require a minimum 30% of the total number of units proposed on site to be provided as affordable housing on the same site in the first instance....The provision of affordable housing on a site at less than 30%, or on an alternative site or by way of a commuted sum will only normally be allowed in very exceptional circumstances if supported by robust evidence including, where appropriate, viability evidence...'

NPPF guidance on development contributions is referred to in paragraph 34 where it states that 'Plans

should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.'

The NPPF advice on planning obligations is contained in paragraph 56 'Planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms;

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development.

Paragraph 57 states 'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable.'

The development of 12 new homes is considered to generate requirements for play space, affordable housing, library, education and fire and rescue services. These are to be expected via the completion of a planning obligation.

The proposed development fails to make an adequate contribution towards affordable housing provision and other essential infrastructure requirements contrary to policies AH SP2, OSR DM1 and INF SP1 of the Arun Local Plan 2011 - 2031 and advice in the NPPF.

SUMMARY:

The application site is outside the defined built-up area boundaries of Bersted and is therefore contrary to policies C SP1 of the Arun Local Plan (ALP) 2011 - 2031 of the ADLP and policy ES7 of the BNP which seek to protect the countryside.

The Council can now demonstrate a 5-year supply of housing land through the recently adopted Local Plan 2011 - 2031 and NPPF paras 11 and 12 support refusal of such applications where there is an up-to-date plan.

The proposed development is also considered to have an unacceptable impact on the character and appearance of the immediate locality in conflict with policies D DM1 of the ALP, ES1 of the BNP and guidance in the NPPF.

As such the proposal is recommended for refusal for the following reasons.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The site lies outside the built up area boundary as defined in the Arun Local Plan 2011 - 2031 and Bersted Neighbourhood Development Plan and would represent a form of permanent residential development to the detriment of the character and appearance of the area. The proposal would be contrary to policies C SP1 and D DM1 of the Arun Local Plan 2011 - 2031, ES7 and ES1 of the Bersted Neighbourhood Development Plan and the NPPF.
- 2 The proposal would result in a change of use of the caravans on this site from a tourist use to permanent residential use and lead to a reduction in visitor accommodation in conflict with policy TOU DM1 of the Arun Local Plan 2011 - 2031.
- 3 The proposed development fails to make an adequate contribution towards affordable housing provision and other essential infrastructure requirements contrary to policies AH SP2, OSR DM1 and INF SP1 of the Arun Local Plan 2011 - 2031 and the NPPF.
- 4 **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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.