

PLANNING STATEMENT

Site:

CHALCROFT NURSERY, CHALCROFT LANE, NORTH BERSTED

Proposed Development:

**Change of use of part of land subject to planning permissions
BE/89/14/PL and BE/91/14/PL to allow for use of land
for the hire of cars and vans in addition to the permitted display of
caravans and motor homes for sale**

Client:

Bruce Dixon Car and Van Rental

Agent:

**Stephen Jupp MRTPI
Chartered Town Planner**



1 INTRODUCTION

- 1.1 Stephen Jupp, Chartered Town Planner, has been instructed by Bruce Dixon Car and Van Rental to act as planning consultant, undertake all drawing and planning work, and submit a planning application with accompanying documentation to enable the use of land for car and van hire in addition to the current lawful use for the display of caravans for sale.

2 RELEVANT PLANNING HISTORY

- 2.1 The site as a whole has a long and complicated planning permission. However for the purposes of this application the relevant history starts with the grant of a lawful use certificate which confirms the use of the eastern (front) part of Chalcroft Nurseries as use for unrestricted A1 (retail) purposes with associated car parking [BE/156/07/CLE refers]. The extent of the A1 and associated car parking area extends as far back as the commencement of the disused polytunnel greenhouse which is located along the northern boundary.
- 2.2 Subsequently, planning application BE/96/10 proposed '*redevelopment of part of site with mixed development comprising replacement A1 retail garden & aquatic centre, 6 x 2 bed bungalows, 5 x 3 bed houses and 2 x 4 bed houses*'. The application was refused and a subsequent appeal dismissed.
- 2.3 It is highly material that the lawful retail area includes the land subject to this current planning application.
- 2.4 Part of this scheme involved an improved replacement 605 sq m Garden/Aquatic Centre which would be offered by the site owners for rent by the existing A1 retail tenant thereby increasing the viability of their businesses and facilitating the continued delivery of local services by these local firms. The proposed location of this building was on the car parking area on the northern boundary of the front half of the site.
- 2.5 The inspector considered the merits of the replacement garden/aquatic centre building in paragraph 17 of his decision letter and made the following observation:
- "Looking at the proposed garden/aquatic centre building, in isolation (and disregarding the access on which I have commented in my paragraph 9 above) then this would be a pleasing and well-designed building replacing and consolidating the various old and utilitarian structures on-site at present. This is a point in his favour. But that replacement could be addressed in various ways, bearing in mind the CLU; redevelopment with residential elements outside of the settlement boundary is not the only option."*
- 2.6 Planning permission [BE/168/12] was granted on 21 February 2013 for "Erection of showroom for indoor display of conservatories and garden

buildings". The construction of this building is nearing completion.

- 2.7 Planning application BE/91/14/PL was received as valid on 8th August 2014. It was for *"Continuation of use of 1 no. parcels of land by Motorhome and Caravan Services for the sale of touring caravans and associated spares and accessories"*.
- 2.8 Following periods of statutory and discretionary publicity and consultation the application was presented to the Development Control Committee at its meeting on 19 November 2014 with an officer recommendation of Permit.
- 2.9 There were four letters of objection from neighbouring residents and Bersted Parish Council objected on the following grounds:

"OBJECT for the following: Highway safety and traffic from movement of vehicles entering and leaving the site from Chalcraft Lane in a residential area. Bersted Parish Council does not support this proposal as it does not meet the requirements of Policy EE1: Business Expansion, of the emerging Bersted Neighbourhood Development Plan. Proposals to upgrade or extend existing employment sites will be supported provided that the impact on the amenities of surrounding properties is acceptable."

- 2.10 It is clear that their objection was based on amenity issues and how that conflicted with the Neighbourhood Plan, Policy EE1 which supports the extension of upgrading of existing employment sites. No other objections were raised and no conflict with any other policies within the NP were found.
- 2.11 WSCC Highways raised no objection to the scheme. Officers agreed with this view, finding:

"The concerns of the residents are noted but as is clear from the above, West Sussex Highways raise no objections. Furthermore, although there was a comment made about the visibility to the south being hindered by the existing signage, the land owner has agreed to relocate the sign to improve the visibility. This will be secured by way of a condition. It should also be noted that the garden centre is an existing commercial site and as such already receives deliveries by HGV or similar. It is not considered that the introduction of the touring caravans will result in increased danger to other customers walking into the site as the caravans will be driven slowly and are visually prominent."

It is material to note that the offending signage has been resited.

- 2.12 On the issue of 'Principle' officers considered the scheme against Policy GEN3 and considered that:

"The site lies in a countryside location outside the built-up area boundary where the principle of development is considered unacceptable unless it complies with the exceptions listed at Policy GEN3. Development Plan policies seek to exert a strict control over new development in the countryside to protect it for its own sake."

However, in this case, it is considered that the proposed use of this gravelled area represents a diversification of the rural economy and therefore complies with part (iii) of GEN3."

- 2.13 The report then considers the issue of 'Character and Appearance' and it states:

"It is considered that the touring caravan sales use will be in keeping with the surrounding site as it abuts a commercial garden centre and was previously part of the defined garden centre use. The site consists of the storage of goods for sale to visiting members of the public. Although caravans are larger than garden centre goods, the principle of the use is the same. Furthermore, the touring caravans are not particularly larger than the poly tunnels or existing garden centre greenhouses/buildings which are located elsewhere on the site and it is considered therefore the scale of the site reflects the existing situation. Accordingly, it is considered that the proposal complies with Arun Local Plan Policy GEN7."

- 2.14 Finally the report undertook a detailed analysis of the impact of the development upon residential amenity, stating:

"Policy EE1 of the emerging Bersted Neighbourhood Plan (which has passed a referendum but has not yet been formally 'made') states that: "Proposals to upgrade or extend existing employment sites will be supported provided that the impact on the amenities of surrounding properties is acceptable." Consideration of the scheme's amenity impacts will be set out below. It is not considered that the proposal is contrary to any of the remaining policies in the Neighbourhood Plan.

The site consists of a mobile home converted into an office/shop surrounded by touring caravans and a gas bottle store on the western boundary. The gas bottle store was previously located on the eastern boundary but was relocated following concerns from neighbours. The office/shop does indeed face east towards the residential properties but the nearest dwellings are some distance away and the view is obscured by both touring caravans and the hedge. It is acknowledged that the mobile home is slightly higher than the caravans and the hedge but it is considered that additional landscaping along the eastern boundary would ameliorate any overlooking and also help to screen the caravans from the views of neighbouring properties.

Regarding the issues of noise and disturbance, it is not considered that the use will be continuously noisy. This is because the noise of touring caravans being moved will not be particularly frequent (as the sales records for the business demonstrate - 8 sold in 5 months). Although there will of course be interaction between the owner and potential customers, it is not considered that this is out of character with the commercial nature of the wider site.

Notwithstanding it is recognised that the site lies adjacent to residential properties and that there is potential for harm to amenity outside of typical working hours. For this reason, it is proposed to limit

opening hours to between 09:00 and 17:30 Monday to Friday, 09:00 to 17:00 on Saturdays and 10:00 to 16:00 on Sundays and Bank Holidays. Furthermore, deliveries will be restricted to between 09:00 and 17:30 Monday to Friday and 09:00 to 17:00 on Saturdays. No deliveries will be allowed on Sundays or Bank Holidays."

2.15 The Officer report then summarised these findings, concluding:

"It is considered that the proposal is an appropriate use of this part of the existing garden centre site. Although, the site lies outside of the settlement boundary, the land itself is clearly part of the existing commercial site and was included as part of an outdoor sales area in the 2008 Certificate of Lawfulness. It is considered that this report finds that no significant amenity impacts will occur and that there are no highway safety issues. The addition of opening hours, delivery hours and landscaping conditions will help to control the use. Accordingly, it is recommended that permission be granted subject to the following conditions."

2.16 Following discussions, the Committee resolved to REFUSE the application on the following, single, issue:

"The continued use of the land is contrary to policy CLW4 of the Bersted Neighbourhood Plan and to grant permission would frustrate the provision of allotment spaces within the parish where there is currently no provision."

2.17 A concurrent application [BE/89/14/PL] by Sussex Reclaim and Supplies Ltd for the use of two parcels of land at Chalcroft Nurseries for the siting of a sales portacabin and a storage yard. This application was also refused by committee for reasons identical to caravan sales application.

2.18 Appeals were lodged against these refusals and the appeals were heard at a hearing. The appeal decision letter is dated 29th July 2015, a copy of which is attached at Appendix A. The appeals were allowed. An Associated costs application was also made and this was also allowed and a copy of this decision letter is attached at Appendix B.

2.19 The inspector considered the main issue in both appeals to be whether there was conflict with NP policy CLW4. However he also noted that local residents had other concerns and these were also considered.

2.20 On the main issue the inspector concluded at paragraph 15 that:

"On the main issue it concluded that the proposed developments would not be in conflict with the objectives of Policy CLW4 of the Bersted Neighbourhood Plan on the provision of allotments/community orchard."

2.21 Turning to third party concerns, these were considered in paragraphs 16 to 25 of the appeal decision letter. In summary the inspector concluded that there would be no unacceptable harm to living conditions.

- 2.22 With regard to the costs decision, the Inspector noted that the Council's objection to the proposal was based solely on an alleged conflict with BNP Policy CLW4. However the inspector made clear that to succeed in its objection the Council needed to show that the Chalcroft Nursery site is no longer viable as a nursery. He continued:

"No substantial evidence was provided on this and indeed the weight of evidence points towards the viability of this site. The Council's case appears to be based in part on the proposed uses potentially increasing the viability of the site. However, correctly in my view, it did not seek to contest the appellant's observation that seeking to limit the viability of the site would not be a proper planning purpose. The Council did not suggest how else the proposed developments would frustrate the communities' long term plans for allotments. And given that one application is for a temporary permission, and neither require permanent structures, it is difficult to see how such alleged harm would arise. Thus I found on the main issue in my decision that there would be no conflict with the objectives of Policy CLW4." [para 9 of costs DL]

- 2.23 Moreover in paragraph 10 he noted:

"No other harm was identified by the Council and I found, as did the Council, no harm on the concerns raised by the third parties."

- 2.24 In the same paragraph he commented:

"this is a case where permission was prevented which should clearly have been permitted. Moreover, in the absence of any substantial evidence on viability, or any other ground to justify the Council's, stance it failed to provide a respectable basis for its decision. All of the foregoing constitutes unreasonable behaviour. And this has led to the appellants' incurring unnecessary expense in the appeal process."

- 2.25 The inspector concluded in paragraph 11 that:

"I find that unreasonable behaviour resulting in unnecessary expense, as described in Planning Practice Guidance–Appeals, has been demonstrated and that a full award of costs is justified."

- 2.26 A subsequent planning application [BE/103/16/PL] to allow the display & sale of motor homes in addition to touring caravans was permitted on 25 August 2016. The modified condition on the use of the land states:

"The premises shall be used for the sale of touring caravans, motorhomes and associated spares and accessories and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)"

3 THE 'CHALCROFT NURSERY' SITE AND ITS SURROUNDINGS

- 3.1 The site as a whole comprises a garden centre and aquatics shop with disused land to the rear. The disused land comprises partially dismantled polytunnels, areas of bracken and piles of builder's waste. There are ditches surrounding the site which are approximately 1m lower than the site.
- 3.2 Open fields lie to the north and west of the site whilst the council owned cemetery is to the south of the site.
- 3.3 Trees and hedges which form the site boundaries provide a strong and dense vegetative screen for the site and any development thereon. Occasional glimpses are afforded between this landscaping but this tends to be along the northern boundary adjacent to the disused polytunnel greenhouse.
- 3.4 To the west and a short distance to the north is housing forming part of the built up area of Bognor Regis.
- 3.5 The site is within designated countryside but is located on the urban fringe of Bognor Regis in what I would consider to be a sustainable location.
- 3.6 The site as a whole is currently in a variety of uses: garden centre; graveled car park; outdoor plant and shed display areas; caravan sales area; portacabin and buildings for Tropikoi; and the framework of a disused polytunnel greenhouse and a newly erected retail showroom occupied by St Wilfreds Hospice.

4 THE APPLICATION PROPOSAL

- 4.1 The caravan sales area is located in the south east corner of the site. The storage yard formerly occupied by Sussex Reclaim is located slightly rear of the centre of the site whilst their sales cabin is adjacent to the east boundary.
- 4.2 Sussex Reclaim have ceased to operate from the site with the result that the land formerly occupied by them is available for use.
- 4.3 Moreover, the caravan and motorhome company have advised their landlord that they are looking to economise the extent of business that they carry out. This is due to the sales and leasing of their current caravan and motorhome stock, vans on site being considerably less than they anticipated. As a result of this they no longer require the whole area that they currently occupy. Their letter is attached to this statement at Appendix C.
- 4.4 The result of these factors is that the is current vacant space within the complex on which planning permission has recently found to be entirely appropriate by an inspector at appeal.

- 4.5 As set out at the introduction the applicant is Bruce Dixon Car and Van Rental. They have been operating in Bognor Regis since February 1967 for nearly 51 years. They started out renting VW beetles whereas nowadays the majority of the rentals they carry out are for local firms and the general public to move their effects and visitors to the area that also rent their car fleet. They consider ourselves a household name and a local brand that locals and returning visitors to the town are familiar with.
- 4.6 They provide a local service that is not always in-keeping with the major national outlets i.e they update on behalf of the customer their driving licences that fulfil legal requirements for road users.
- 4.7 They encourage their customers to provide feedback via google to continuously improve their offer.
- 4.8 They are approaching the end of their lease which on our existing premises was a 21 year duration which they sadly cannot renew due to the landlords intention to demolish or reconstruct the site - please find attached documentation to support the above at Appendix D.
- 4.9 It is considered vital that they continue to serve the community in Bognor Regis. As a direct result of this they are actively reducing their fleet size to enable them to operate from smaller premises in the area.
- 4.10 Over the years they have formed associations with many local charitable concerns of which they continue to support and examples are Grandad's Room CIC, by supplying vehicles at a greatly reduced rate to assist the homeless and those at great need. They support the local Samaritans, and Rotary clubs and assist local schools collecting donations for the Food bank etc.
- 4.11 They use local businesses and garages to repair maintain and supply parts for their vehicles etc. and it is intended that this practice continue with no such works being undertaken on site.
- 4.12 All of their team live within Bognor Regis PO21 and 22 postcode areas.
- 4.13 The business employs 4 people although some are part time.
- 4.14 The hours of use of their existing business are:
- | | |
|-----------|---------------|
| Monday | 08:30 - 18:00 |
| Tuesday | 08:30 - 18:00 |
| Wednesday | 08:30 - 18:00 |
| Thursday | 08:30 - 18:00 |
| Friday | 08:30 - 18:00 |
| Saturday | 08:30 - 18:00 |
| Sunday | 17:00 - 18:00 |
- 4.15 However, they appreciate the sensitivity of the site so do not propose to continue with the Sunday hour, although they may operate within the current permitted Sunday hours for the caravan sales which are 10:00 to 16:00.

- 4.16 They operate a fleet of 22 vehicles, comprising 7 cars and 15 vans. 5 are out on long term lease. It is very rare for more than half of their vehicles to be on site at any one time – Christmas being the usual exception – but it is proposed to provide for the maximum number of 17 vehicles in order that when needed there is secure parking for all of their vehicles. The largest 4 vans will be parked on the central 'Sussex Reclaim' area. Smaller vans [6no] and cars [7no] will be sited on the east side of the caravan sales area with caravans and motorhomes occupying the west half of the site.
- 4.17 It is likely – based on current hire rates – that as a maximum 10 vehicles will be on site at any one time.
- 4.18 It is considered that the addition of cars and vans for hire is an appropriate use of part of the lawful caravan sales and builder's storage areas of the site. It is a low key use which does not give any rise to adverse impacts.
- 4.19 They propose to utilise the sales portacabin previously occupied by Sussex Reclaim.
- 4.20 The size of the cars will therefore substantially less than the size of the permitted touring caravans and motorhomes that are permitted to be stationed in this location.
- 4.21 Looking more closely at those impacts, having regard to the detailed appeal decision letter on the caravan use, the following detailed considerations of the inspector can be drawn upon:

No technical evidence has been provided to the contrary or to support local concerns on the safety of caravans being taken on and off the site. [para 18]

The caravan sales site backs onto the rear gardens of houses. However, it is sufficiently well screened from these properties by a tall hedge to prevent an unacceptable loss of privacy. Whilst I note the concerns expressed on noise and disturbance it seems unlikely that the activities usually associated with sales from such premises, including the occasional movement of caravans, would cause unacceptable harm. No substantial corroborative evidence was provided to the contrary. [para 19]

A cemetery abuts the southern boundary of the Nurseries site. However, a substantial hedgerow screen means that neither development would have an adverse effect on its character and appearance. Nor given the nature of the caravan sales use, and the distance of the Sussex Reclaim site from the cemetery boundary, would any harm be likely to arise to the cemetery through noise and disturbance. Contrary to local observations the caravan sales site is set out in a reasonably tidy way, which would seem necessary for a sales operation, and as such causes no harm to the appearance of the area. [para 21]

5 **PLANNING POLICY**

The National Planning Policy Framework

- 5.1 Paragraph 14 of the framework sets out a presumption in favour of sustainable development and states that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies as a whole or specific framework policies indicate that development should be restricted.
- 5.2 Paragraph 6 of the Framework states that *"The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 21, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system."*
- 5.3 Therefore the first assessment to be made in respect of the applicability of Framework paragraph 14 is whether or not the development proposed represents sustainable development as a matter of principle.
- 5.4 The application site comprises an existing commercial site which benefits from an unrestricted A1 Retail use. The site as a whole contains permanent structures in A1 Retail use and the site is predominantly within the curtilage of those structures.
- 5.5 Therefore the application site meets the definition of previously developed land given in the Glossary at Annex 2 to the Framework and whilst it is acknowledged that it should not, therefore, be assumed that the whole of the curtilage should be developed, paragraph 111 of the Framework states that *"Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value."*
- 5.6 The site is not of high environmental value in its own right and the site as a whole is not located within a designated green belt, an Area of Natural Beauty or subject to any other national, regional or local restrictive designation.
- 5.7 Therefore, as a matter of principle it is considered that the proposal represents an effective reuse of previously developed land and that the development represents sustainable development in those terms.
- 5.8 On any plain reading of Framework Paragraph 28 as a whole the reference in bullet points 1 and 2 to the positive support for rural business initiatives, by *"Supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings"* and, *"promoting the development of land-based rural businesses"*. The purpose of this wording is to ensure that Local Planning Authorities recognize that they need to develop planning policies which also include support for the principle of providing opportunities for rural business development in those circumstances.

- 5.9 In summary, Framework Paragraph 28 makes the governments overall aim of creating a prosperous local rural economy very clear and it is also clear that redeveloping the site for this sort of rural employment facility on previously developed land is precisely the sort of local initiative that would not only support the sustainable growth and expansion of the local business but is also, in principle, a sustainable form of economic development that would be of benefit to the local rural economy generally and should, in principle, be offered positive support by the Local Planning Authority.
- 5.10 Framework Paragraph 28 makes no reference to Transport Accessibility as being relevant to the assessment of whether or not this sort of rural business development represents sustainable economic development as the promotion of sustainable transport is addressed at Framework paragraphs 29 to 41.
- 5.11 It is my assessment that the Sustainable Transport Option to the site is good. It is located on the edge of the built up area of Bognor Regis and is just a short distance to the bus services which run along the A259, linking Bognor town centre to Chichester and then further afield to Brighton and Portsmouth [through the 700 service]. The site is also located on the 'Star 2' route which links the West Meads area to Bognor town centre.
- 5.12 Furthermore, travel to a garden centre is nearly always undertaken by car due to the nature of the goods likely to be purchased.
- 5.13 Therefore, the site, in these terms, represents a sustainable location for a continued business development.

The Development Plan

The Arun District Local Plan

Employment

- 5.14 The strategic objectives for the proposed development are designed to support and comply with policies contained within the draft Arun District Local Plan. Employment and enterprise forms a key objective of the Local Plan, in particular reducing out-commuting and creating local jobs.
- 5.15 The emerging Local Plan's strategic objective for enterprise and employment is to:
- "Strengthen Arun's economic base and provide local job opportunities by increasing, diversifying and improving the quality of employment within the district through the provision of appropriate employment sites, quality affordable accommodation and the development of business support and partnerships."* [para 9.0.2]
- 5.16 The allocation of sufficient employment land in sustainable locations to encourage growth in the local economy can support this objective.

- 5.17 Paragraph 9.5.1 makes it clear that protecting and enhancing existing employment sites and premises is important to ensure there is sufficient available floorspace, and good quality modern workspace providing employment opportunities in the district. National policy emphasises the need for a flexible supply of employment land and premises and supports the protection and upgrading of existing sites where these are accessible and there is a good prospect of employment use.
- 5.18 Draft Policy DM5 provides for economic growth outside the built up area boundary where it is for local firms.

Overall Conclusion on Policy

- 5.19 Economic development in rural areas is considered to be a sustainable and beneficial form of economic development, the site is a sustainable location for such a development as it would result in an efficient and effective use of what is previously developed land and users of the new development would have good safe and convenient access to a choice of sustainable transport modes.
- 5.20 Therefore it is considered that the application proposal represents a sustainable form of economic development in a rural area and the presumption in favour of such development at Framework paragraph 14 therefore applies and since the relevant development plan policies are either out of date or provide no clear steer for the proposed development this application should be determined in accordance with its terms.

6 WILL THERE BE ANY ADVERSE IMPACTS?

- 6.1 The presumption in favour of sustainable development at Framework Paragraph 14 makes it clear that any adverse impacts must be demonstrable and significant if they are to outweigh the benefits of the application scheme.
- 6.2 Since the application relates to the use of land, on an area that is not visually obtrusive, it is considered that the only possible adverse impacts that may be said to arise from the development is the need to address any possible adverse impact on the immediate neighbouring residential properties.

The impact of associated activity on amenity of neighbours

- 6.3 The level of activity associated with such a use must be considered against the level of activity that presently arises with the use of the site as a garden centre; that which could exist due to its unrestricted A1 retail use; and that which will exist when the showroom permission is brought into use.
- 6.4 As already established the level of associated travel movements would be insignificant in the context of the comings and goings already taking place in respect of the existing uses which exist.
- 6.5 The use of the land for the rental of vans and cars is a low key use and there

is minimal daily movement undertaken on the land. The noisiest activity that they undertake is the cleaning and washing of vehicles after hire. This activity will be undertaken ONLY on the central – former – Sussex Reclaim area, far away from any houses that could be disturbed from such activities.

- 6.6 The level of traffic generation associated with the proposed use is minimal and acceptable.
- 6.7 Previously the graveled surface along the entrance was alleged to be causing dust pollution just inside the entrance. In order to ensure that the environment is improved for those neighbours adjacent to that part of the site, that part of the graveled area has been replaced with tarmac. This has eliminated any issues with airborne dust. They have also recently introduced a speed limit along the access road and into the site of 5mph and a number of signs have been displayed along the entrance and throughout the site.
- 6.8 Moreover whilst the other activities on the site do NOT have time limiting conditions for their activities, it is accepted that the inspector imposed an hours of use condition on the operation of the caravan sales are due to its close proximity to neighbouring properties. This provides an amenity safeguard for the residents. Bruce Dixon will operate within similar hours.
- 6.9 As a result, I consider that the impact of activity associated with the introduction of the car and van rental use would be negligible and therefore could not reasonably be said to give rise to adverse impacts of such significance that planning permission should be withheld in terms of Framework paragraph 14.

Overall Conclusion on Impact

- 6.10 The site lies in a sustainable location in transport terms on the edge of the built up area of Bognor Regis. The proposed scheme represents a beneficial and sustainable form of rural economic development which framework paragraph 14 states should be granted planning permission unless there are significant adverse impacts which demonstrably outweigh the benefits of doing so or specific Framework policies indicate that development should be restricted.
- 6.11 It is considered that I have demonstrated that there are no significant adverse impacts arising from the development which could demonstrably outweigh the benefits of the scheme. In addition, there are no specific framework policies which indicate that development should be restricted.
- 6.12 Indeed, policy and national and local level is supportive of such a scheme.
- 6.13 The inspector considered that the use of the land for the display of caravans for sale and for builder's materials storage were entirely appropriate. The council have since approved the use of land for the sale of motor homes.
- 6.14 Therefore, it is respectfully requested that the Council support this application and grant planning permission for the use of land for car and van rental as requested in accordance with paragraph 14 of the Framework.

Appendix A

*2015 Appeal
Decision*

Appeal Decisions

Hearing held on 16 June 2015

Site visit made on 16 June 2015

by R J Marshall LLB DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 July 2015

Appeal A: APP/C3810/W/15/3003132

Chalcroft Nurseries and Garden Centre, Bognor Regis, West Sussex, PO21 5TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Motorhome and Caravan Services Ltd. against the decision of Arun District Council.
 - The application Ref BE/91/14/PL, dated 11 September 2014, was refused by notice dated 19 November 2014.
 - The development proposed was described as "Continuation of use of 1 no. parcels of land by Motorhome and Caravan Services for the sale of touring caravans and associated spares and accessories".
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Appeal B: APP/C3810/W/15/3003136

Chalcroft Nurseries and Garden Centre, Bognor Regis, West Sussex, PO21 5TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Sussex Reclaim and Supplies Ltd. against the decision of Arun District Council.
 - The application Ref BE/89/14/PL, dated 22 July 2014, was refused by notice dated 19 November 2014.
 - The development proposed was described as "Continuation of use of 2 no. parcels of land by Sussex Reclaim and Supplies Ltd. for a temporary period of 3 years for (1) the siting of a sales office portakabin; and (2) a storage yard".
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for use of 1 no. parcels of land by Motorhome and Caravan Services for the sale of touring caravans and associated spares and accessories at Chalcroft Nurseries and Garden Centre, Bognor Regis, West Sussex, PO21 5TS in accordance with the terms of the application, Ref BE/91/14/PL, dated 11 September 2014, and the plans submitted with it, subject to the conditions on the attached list.

Appeal B

2. The appeal is allowed and planning permission is granted for use of 2 no. parcels of land by Sussex Reclaim and Supplies Ltd. for a temporary period of 3

years for (1) the siting of a sales office portakabin; and (2) a storage yard at Chalcroft Nurseries and Garden Centre, Bognor Regis, West Sussex, PO21 5TS in accordance with the terms of the application, Ref BE/89/14/PL, dated 22 July 2014, and the plans submitted with it, subject to the conditions on the attached list.

Application for costs

3. At the Hearing an application for costs was made on behalf of Motorhome and Caravan Services Ltd. and Sussex Reclaim and Supplies Ltd. against Arun District Council. This application is the subject of a separate Decision.

Procedural matters

4. The appeals, although relating to 2 separate parcels of land, are for development on the same commercial site. Moreover, the Council's reason for refusing permission was the same on both proposals. I am, therefore, dealing with both appeals together.
5. The application descriptions given in the built point headings above refer to the proposed developments being a "continuation" of use. This description was used because the uses sought are already being undertaken. However, both parties agreed that, with the applications being made retrospectively, the proposals were better worded as set out in my decisions above.

Main Issue

6. Having regard to all I have read and heard I consider the main issue in these appeals is whether the proposed developments would be in conflict with the objectives of Policy CLW4 of the Bersted Neighbourhood Plan (2014-29) (BNP) on the provision of allotments/community orchard.
7. The above issue is derived from the single reason on which the Council refused the schemes permission. Local residents have other concerns and these shall be covered as well.

Reasons

Main issue

Background

8. The appeal sites are on land just beyond the settlement boundary of Bognor Regis. They occupy part of the Chalcroft Nurseries and Garden Centre site (hereafter for brevity simply described as the Nurseries site) on which there is a Certificate of Lawful Use or Development (CLUD) for use of the land as a garden centre, aquatic sales centre and nursery with car parking. These uses are delineated on a plan accompanying the CLUD. Adjoining land within the settlement boundary is predominantly residential and includes a Care Home.
9. The site for the caravan sales use, appeal A, is on land denoted in the CLUD as in garden centre use. The land for the proposal in appeal B comprises in the main the land denoted as a nursery and in part the land denoted as a car park. The proposal in appeal B is for the storage and sale of building materials, including reclaimed materials.

10. Planning permission has recently been granted in the north-east corner of the Nurseries site for the erection of a showroom for indoor display of conservatories and garden buildings. There is no restriction on its times of operation.

Reasoning

11. The Council's case is based on an alleged conflict with Policy CLW4 of the recently made BNP. This Policy says that the land at Chalcroft Nursery, which is the whole of the area covered by the CLUD, is allocated for allotments. Explanatory text refers to the absence of allotment provision in the Parish and the benefits allotments provide. It also refers to the site being allocated for use as a community orchard/allotment site if/when the land can be shown to be no longer viable as a commercial nursery.
12. Part of the appellants' argument is that the supporting evidence for BNP Policy CLW4 is so weak that little weight should be placed on it. However, as things stand the Policy has the full weight of a recently adopted development plan Policy and it is on this basis that I determine the appeal. There is, moreover, evidential support for the provision of allotments generally in the emerging Arun District Local Plan 2011-2031 (ADLP). This plan is sufficiently advanced towards adoption to carry reasonably substantial weight.
13. The Council accepts that Policy CLW4 has to be read in light of the explanatory text. Like the appellant it considers that read as such it is only if or when the land is no longer viable as a commercial nursery that the allotment allocation comes into play. The Council also accepts, correctly, that Policy CLW4 does not make the current lawful use of the Nurseries site unlawful. It is the Council's contention that the appellant has not shown the use of this site to be viable and that permitting development of parts of it would frustrate the communities' long term plan for allotments on the site. It says that this would be so even for the temporary 3 year period sought on the proposal in appeal B.
14. The appellants have provided no financial evidence on the viability of the Nurseries site. However, there is no requirement for them to do so. That said the existence of businesses on the site, the seeking of permission for a substantial new building referred to above, work underway improving the access to the site and the commercial benefit afforded by the CLUD point to the site being commercially viable. The Council has provided no substantial evidence to the contrary. As for frustrating long term plans for the site to become allotments neither proposal would result in permanent structures on the land that could not be removed at a later stage. It is a moot point whether or not the proposed uses would make the nursery site more viable than would currently be the case. However, given the benefit of being able to operate the site in accordance with the CLUD and the recent permission for a new building, largely unencumbered by conditions on its operation, it is unlikely that the proposed developments would materially add to its viability. Moreover, it does not seem appropriate to use the planning system to unreasonably restrict the viability of this lawful commercial site. This is especially so given references in the National Planning Policy Framework (the Framework) on the need for a strong and competitive economy. And neither Policy CW4 nor the supporting text places an embargo on nursery-related uses, or indeed any other form of development, on the site.

15. On the main issue it concluded that the proposed developments would not be in conflict with the objectives of Policy CLW4 of the Bersted Neighbourhood Plan on the provision of allotments/community orchard.

Other matters

Third party concerns

16. It is understandable that people are annoyed that the uses now applied for began without planning permission. However, this decision has to be based on the merits of the cases regardless of this previous planning history. Turning to the third party concerns although within a strategic gap the current lawful uses of the site mean that the proposed developments would cause no material harm to the objectives of this designation. Contrary to local concerns the site visit indicated that Sussex Reclaim did not occupy more of the site than shown on the application plans. In any event a permission for this use would be restricted to the application site area. The gas bottle storage area for the caravan sales use is well removed from local housing and other legislation would cover the safe storage of these items.
17. From what I saw the access road into the site is wide enough to allow, in relation to both proposals, vehicular and pedestrian access without undue conflict. Visibility at the site access is sufficient and the uses of the limited scale sought should not give rise to harm, on highway safety grounds, of increased use. No technical evidence has been provided to the contrary or to support local concerns on the safety of caravans being taken on and off the site.
18. Some degree of noise and disturbance would arise from vehicle movements to and from the sites. However, the relatively small size of the sites would be likely to limit such movements. Photographs taken of lorries on the site are not, without further evidence, greatly indicative of vehicle movements arising from the proposals. And in assessing the impact of movements associated with the new development account should be taken of the fact that traffic movements are already associated with the Nurseries site and the use to which it may lawfully be put. Claims of an excessive number of vehicle movements being associated with the Sussex Reclaim site are not supported by substantial evidence. The degree of additional traffic movements to and from the site would be unlikely to add greatly to the degree to which a neighbouring property would be overlooked by lorry drivers.
19. The Sussex Reclaim site is sufficiently removed from residential development for no unacceptable harm to arise, on grounds of noise and disturbance, from activity in the storage area. The caravan sales site backs onto the rear gardens of houses. However, it is sufficiently well screened from these properties by a tall hedge to prevent an unacceptable loss of privacy. Whilst I note the concerns expressed on noise and disturbance it seems unlikely that the activities usually associated with sales from such premises, including the occasional movement of caravans, would cause unacceptable harm. No substantial corroborative evidence was provided to the contrary. Dust from traffic would be reduced by the access surfacing currently being undertaken and could be further suppressed by requiring a scheme for the control of dust.
20. Permission was refused for a soil screening plant that had been established on the Nurseries site without permission. That use no longer exists and all that I

heard and saw suggested that it was of a scale and type of operation substantially different from the Sussex Reclaim operation. Thus this decision offers little guidance on the approach to take on the proposal before me.

21. A cemetery abuts the southern boundary of the Nurseries site. However, a substantial hedgerow screen means that neither development would have an adverse effect on its character and appearance. Nor given the nature of the caravan sales use, and the distance of the Sussex Reclaim site from the cemetery boundary, would any harm be likely to arise to the cemetery through noise and disturbance. Contrary to local observations the caravan sales site is set out in a reasonably tidy way, which would seem necessary for a sales operation, and as such causes no harm to the appearance of the area.
22. Read together Policies GEN2 and GEN3 of the Arun District Local Plan 2003 (adopted ADLP) seek to safeguard the countryside and for this reason limit the type of development that may be undertaken in such areas. Policy ES7 of the BNP has a similar objective. However, given that the site on which the appeal sites are located has a lawful commercial use, with attendant buildings and structures and an extensive car parking area, there would be no conflict with the objectives of these Policies. Whether or not other sites may exist for the proposed uses is not greatly material. The key matter to address is the suitability of the sites in the schemes before me.
23. All applications need to be determined on their own individual merits. Allowing these appeals would make it no more difficult to refuse developments that would be harmful or which on other policy grounds would merit refusal.
24. Given my finding of no unacceptable harm to living conditions there would be no conflict with various development plan Policies referred to which seek to prevent such harm.
25. Representations were made to the effect that the rights of adjoining occupiers, John and Cheryl Cable, under Article 8 of the Human Right Act 1998 would be violated if the appeal were allowed. I do not consider this argument to be well founded because I have found the proposed development would not cause unacceptable harm to the living conditions of adjoining occupiers. The degree of interference would be insufficient to give rise to a violation of rights under Article 8 of the Human Rights Act.

Appellants' other points in favour of the proposals

26. In further support of the proposals the appellants refer to a strategic objective in the emerging ADLP on retaining existing employment, accommodating future business needs and encouraging local job growth. Reference is also made to various development plan and emerging development plan Policies with these objectives. They offer some support to the proposed developments, albeit limited due to the relatively small scale of the schemes.

Conditions

27. As I am minded to allow the appeals I have considered what conditions should be imposed. The conditions are based upon those recommended by the Council and regard has been had to discussions at the hearing. Where necessary conditions have been worded to have regard to the fact that development has already begun and that it is thus not possible to impose negatively worded

conditions precedent to secure the subsequent approval and implantation of outstanding matters.

Conditions – Appeal A

28. In the interests of good planning I shall require the development to asccord at all times with the approved plans. For completeness this shall refer not only to the plans submitted at application stage but also to the plan revised at the hearing showing the location of the caravan sales unit and gas bottle storage. In the interests of residential amenity and character and appearance I shall require a scheme to be submitted for additional planting on the eastern boundary of the site and for the maintenance of the boundary hedge. To protect the living conditions of local residents I shall, notwithstanding the absence of hours of use conditions currently on the Nurseries site, limit the hours of operations on the site. Having regard to a concession made by the Council I shall limit the use of the caravan sales site to: Monday – Friday between 08.30 - 17.30; Saturdays between 09.00-17.00; and Sundays and Bank Holidays 10.00 - 16.00. In so doing whilst I note the concerns of local residents I am satisfied that this draws an appropriate balance between residential living conditions and the needs of the business. However, the movement of caravans onto and off the site may be noisier than other activities associated with the site and I shall thus place a slightly more restrictive condition on this activity. So that the application complies with what has been sought, and consulted upon, I shall restrict the use to the sale of touring caravans and associated accessories and spares. Also in the interests of living conditions I shall require the submission of a scheme for the suppression of dust from movements generated by the proposed development. From what I saw, and given the observations of the Council's Environmental Health Officer, it is wise in connection with this not to rely solely on works currently underway on the access. There is no need specifically to restrict the location of the ancillary office as this would be covered by the first condition.

Conditions – Appeal B

29. On this proposal I shall, for the reasons given above require development to be carried out in accordance with the approved plans, limit the hours of operation, limit the use of the site to the storage and sale of building materials, and require the submission of a scheme on dust suppression. As the application is for a temporary period I shall limit the proposed development to that period and require the reinstatement of the land at its expiry.

Conclusions

30. For the reasons given above it is concluded that the appeals should be allowed.

R J Marshall

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr S Jupp BA (Hons) LLM MRTPI	Consultant
Mr D Lintott	Of Counsel (instructed by S Jupp)

FOR THE LOCAL PLANNING AUTHORITY:

Mr S Davis MRTPI	Principal Planning Officer
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INTERESTED PERSONS:

The Rev'd F Jones	Local resident
Mr and Mrs Harris	Local residents
Mr and Mrs Hollow	Local residents

DOCUMENTS

1. Letter of notification, and those notified, of revised hearing arrangement.
2. Statement of Common Ground.
3. EHO memo of 10/11/14.
4. Application drawing re. appeal A showing caravan sales unit and gas bottle storage.
5. Extract from Bersted Neighbourhood Plan 2014-2029.
6. Addition to Rev'd Jones' letter of 8 May.
7. Bersted built up area boundary.
8. Copy of adopted District Local Plan Policy GEN2.
9. Extract from emerging Arun District Local Plan 2011-2031.
10. Adopted District Local Plan Policy GEN3.
11. Appellants' cost submission.

Conditions (Appeal A)

- 1) The development hereby permitted shall accord at all times with the following approved plans:
 - Sheet 1 – Location Plan 1.1250
 - Sheet 2A – Block Plan 1.500 as amended at hearing
 - Unref. drawing of sales office
- 2) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days, or such longer period as considered reasonable, of the date of failure to meet any one the requirements set out in (i) to (iv) below:
 - i) within 3 months of the date of this decision a scheme for maintaining and reinforcing the hedge on the eastern boundary of the site (hereinafter referred to as “the scheme”) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
 - ii) within 11 months of the date of this decision the scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.
- 3) The use hereby permitted, excluding the moving of caravans on and off the site, shall only be open between the hours of: 08.30-17.30 Mondays to Fridays; 09.00-17.00 on Saturdays; and 10.00 - 16.00 on Sundays and Bank Holidays.
- 4) Moving caravans on and off the site shall be limited to the hours of: 08.30-17.30 Mondays to Fridays; and 09.00-17.00 on Saturdays.
- 5) The premises shall be used for the sale of touring caravans and associated spares and accessories and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 6) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days, or such longer period as considered reasonable, of the date of failure to meet any one the requirements set out in (i) to (iv) below:
 - i) within 3 months of the date of this decision a scheme for the control of dust generated by vehicle movements associated with the development hereby permitted (hereinafter referred to as “the scheme”) shall have

been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.

- a) within 11 months of the date of this decision the scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- ii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iii) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Conditions (Appeal B)

- 1) The development hereby permitted shall accord at all times with the following approved plans:
 - Sheet 1 – Location Plan 1.1250
 - Sheet 2 – Block Plan 1.500
- 2) The use hereby permitted, including the delivery and removal of materials from the storage area, shall only be open between the hours of: 08.30-17.30 Monday – to Friday; and 09.00 - 17.00 on Saturdays.
- 3) The premises shall be used for a temporary period of 3 years for (1) the siting of a sales office portakabin; and (2) a storage yard and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) The use hereby permitted shall cease and all structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days, or such longer period as considered reasonable of the date of failure to meet any one the requirements set out in (i) to (iv) below:
 - i) within 3 months of the date of this decision a scheme for the control of dust generated by vehicle movements associated with the development hereby permitted (hereinafter referred to as “the scheme”) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
 - ii) within 11 months of the date of this decision the scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.
- 5) The use hereby permitted shall be discontinued and the land restored to its former condition on or before 31 July 2018 in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

Appendix B

Costs decision letter

Costs Decision

Hearing held on 16 June 2015

Site visit made on 16 June 2015

by R J Marshall LLB DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 July 2015

Costs application in relation to Appeal Ref: APP/C3810/W/15/3003132 Chalcroft Nurseries and Garden Centre, Bognor Regis, West Sussex, PO21 5TS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Motorhome and Caravan Services Ltd. for a full award of costs against Arun District Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for "Continuation of use of 1 no. parcels of land by Motorhome and Caravan Services for the sale of touring caravans and associated spares and accessories".
-

Costs application in relation to Appeal Ref: APP/C3810/W/15/3003136 Chalcroft Nurseries and Garden Centre, Bognor Regis, West Sussex, PO21 5TS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Sussex Reclaim and Supplies Ltd. for a full award of costs against Arun District Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for "Continuation of use of 2 no. parcels of land by Sussex Reclaim and Supplies Ltd. for a temporary period of 3 years for (1) the siting of a sales office portakabin; and (2) a storage yard".
-

Decision

1. The applications for an award of costs are allowed in the terms set out below.

The submission for Motorhome and Caravan Services Ltd. and Sussex Reclaim and Supplies Ltd.

2. A joint submission was made on behalf of both appellants.
3. The essence of the claim, made in writing and supplemented verbally, is that the Council acted unreasonably in seeking to prevent development which should clearly have been permitted in accordance with the development plan, national policy and other considerations. And it failed to substantiate the reason for refusal. This led to unnecessary and wasted expense.
4. Planning permission should be granted for proposals that accord with the development plan. It is common ground between the Council and appellant that there is no conflict with paragraphs 6, 14, 28 and 111 of the National

Planning Policy Framework (the Framework); no conflict with any Policies in the Arun District Local Plan 2003; and compliance with Policies in the Bersted Neighbourhood Plan (BNP) on design, development outside built up areas, business expansion and retention of employment uses.

5. It is also common ground on the schemes that: there is no highway objection; no harm to the character and appearance of the area; and no detriment to living conditions. Additionally in support of the proposal there is an acknowledged need to support employment generating uses especially on land already in commercial use; and the sites are on land benefitting from a Certificate of Lawful Use or Development (CLUD) and within an area where a substantial new building has recently been permitted.
6. The only reason for refusal is an alleged conflict with BNP Policy CLW4 on the allocation of the Chalcroft Nurseries site, within which the appeal sites lie, for allotments. However, it is correctly accepted by the Council that this Policy has to be read in light of the explanatory text relating to it. This says that the site is allocated for use as a community orchard/allotment site if/when the land can be shown to be no longer viable as a commercial nursery. Thus the Policy only comes into play if the site is no longer viable. This is not the case and no evidence to the contrary has been provided. Moreover, at no time prior to the decision, made contrary to office advice, did the Council refer to Policy CLW4. In any event little weight can be attached to this Policy given the limited evidential base for it.

The response by Arun District Council

7. Reference was not made to Policy CLW4 in the main Committee Reports as at that time the BNP was not made. The BNP was made between the drawing up of the report and the Committee Meeting. An updated report was presented to the Committee making reference to the Policy. The decision was made with reference to the BNP and thus in accordance with the development plan. Accurate and detailed evidence, referring to development plan documents, was produced to support both the Policy and the reason for refusal.

Reasons

8. *Planning Practice Guidance-Appeals (PPG)* advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
9. The Council's objection to the proposal is based solely on an alleged conflict with BNP Policy CLW4, and notwithstanding the concerns of the appellant I have accorded this Policy the full weight of a development plan Policy. However, to succeed in its objection the Council needed to show that the Chalcroft Nursery site is no longer viable as a nursery. No substantial evidence was provided on this and indeed the weight of evidence points towards the viability of this site. The Council's case appears to be based in part on the proposed uses potentially increasing the viability of the site. However, correctly in my view, it did not seek to contest the appellant's observation that seeking to limit the viability of the site would not be a proper planning purpose. The Council did not suggest how else the proposed developments would frustrate the communities' long term plans for allotments. And given that one application is for a temporary permission, and neither require permanent

structures, it is difficult to see how such alleged harm would arise. Thus I found on the main issue in my decision that there would be no conflict with the objectives of Policy CLW4

10. No other harm was identified by the Council and I found, as did the Council, no harm on the concerns raised by the third parties. Thus this is a case where permission was prevented which should clearly have been permitted. Moreover, in the absence of any substantial evidence on viability, or any other ground to justify the Council's, stance it failed to provide a respectable basis for its decision. All of the forgoing constitutes unreasonable behaviour. And this has lead to the appellants' incurring unnecessary expense in the appeal process.

Conclusion

11. I find that unreasonable behaviour resulting in unnecessary expense, as described in *Planning Practice Guidance–Appeals*, has been demonstrated and that a full award of costs is justified.

Costs Order

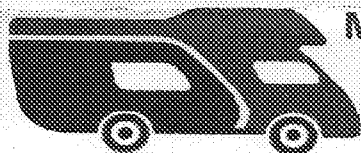
12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Arun District Council shall pay to Motorhome and Caravan Services Ltd. the costs of the appeal proceedings described in the first heading of this decision and pay to Sussex Reclaim and Supplies Ltd. the costs of the appeal proceedings described in the second heading of this decision
13. The applicants are now invited to submit to Arun District Council to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

R J Marshall

INSPECTOR

Appendix C

Caravan business letter



Motorhome & Caravan Services

"1st Choice 4 Your 2nd Home"

Sales Centre

Service Centre

Service Mobile

Sales - Servicing - Repairs - Hire - Accessories

Stephen Jupp MRTPI
Chartered Town Planner
Sallyfield Lodge
Rotten Row
Sidlesham
Chichester
PO20 7QB

Dear Mr Jupp,

Ref: Motorhome and Caravan Services, Chalcroft Nurseries, Chalcroft Lane, Bognor Regis.
Following our recent communications with our landlords and yourself, we would like to confirm that we are looking to economise the extent of business that we carry out at Chalcroft Nurseries Site. Due to sales and leasing of our current caravan and motorhome stock, vans onsite have been considerably less than we anticipated.

As a result of this we do not require the whole area that we currently occupy.

We understand that the landlord has been approached by Bruce Dixon Hire and would welcome them taking over the excess area if planning permits and a reduced rental agreement is finalised. We feel confident that we can work within the guideline drawings that have been provided and believe that we can operate the sales of caravans and motorhomes in conjunction with Bruce Dixon operating on the same site.

Yours sincerely

[Redacted Signature]
Barry & Darren Timmore

Service Centre

Woodgate Centre, Woodgate
Nr Chichester, West Sussex
PO20 3GU

Sales Centre & Shop

Chalcroft Nurseries, Chalcroft Lane
Bognor Regis, West Sussex
PO21 5TS

Appendix D

*Bruce Dixon
letter*

SELF DRIVE HIRE

BRUCE DIXON

OVER 50 YEARS SERVICE IN BOGNOR REGIS

Stephen Jupp
Chartered Town Planner
Sally Field Lodge
Rotten Row
Sidlesham
Chichester
PO20 7QB

Date:- 16th January 2018

Dear Stephen

In response to a request from Patrick Cullen we would like to confirm the following

We have been operating in Bognor Regis SINCE February 1967 for nearly 51 years, we started out renting VW beetles nowadays the majority of the rentals we carry out are for Local firms and general public to move their effects and visitors to the area that also rent our car fleet. We consider ourselves a household name and a local brand that locals and returning international visitors to the town are familiar with.

We provide a local service that is not always in-keeping with the major national outlets i.e we update on behalf of the customer their driving licences that fulfil legal requirements for road users.

We encourage our customers to provide feedback via google to continuously improve our offer.

We are approaching the end of our lease which on our existing premises was a 21 year duration which we sadly cannot renew due to the landlords intention to demolish or reconstruct the site

(Please find attached documentation to support the above)

To continuing serving the community in Bognor Regis, we are actively reducing our Fleet size to enable us to operate from smaller premises in the area.

Over the years we have formed associations with many local charitable concerns of which we continue to support and examples are Grandad's Room CIC, by supplying vehicles at a greatly

Bruce Dixon – South Bersted Garage, Shripney Road, Bognor Regis, PO22 9LN

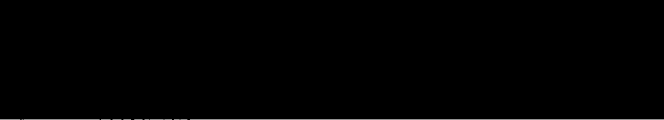
reduced rate to assist the homeless and those at great need. We support the local Samaritans, and Rotary clubs and assist local schools collecting donations for the Food bank etc.

We use local businesses and garages to repair maintain and supply parts for our vehicles etc. and hopefully will continue to do so

Our Team all live within Bognor Regis PO postcode area

Hope this helps

Best regards

A large black rectangular box redacting the signature of Dennis V Webb.

Dennis V Webb

Bruce Dixon – South Bersted Garage, Shripney Road, Bognor Regis, PO22 9LN

A large black rectangular box redacting contact information at the bottom right of the page.

LANDLORD AND TENANT ACT 1954**Section 25****Landlord's Notice Ending a Business Tenancy
and Reasons for Refusing a New One****IMPORTANT NOTE FOR THE LANDLORD:**

If you wish to oppose the grant of a new tenancy on any of the grounds in section 30(1) of the Landlord and Tenant Act 1954, complete this form and send it to the tenant. If the tenant may be entitled to acquire the freehold or an extended lease, use form 7 (Oyez Form L&T 24*) in Schedule 2 to the Landlord and Tenant Act 1954, Part 2 (Notices) Regulations 2004 instead of this form.

(1) Insert name and address of tenant.

To (1)

Dennis Victor Webb and Bruce Dixon of South Bersted Garage Shripney Road
Bognor Regis West Sussex PO22 9LN

(2) Insert name and address of landlord.

From (2)

Peter Charles Mitchell of 12 First Avenue Felpham Bognor regis West Sussex
PO22 7LG and John Douglas baker of Hurst Cottage 82 Felpham Way Bognor
Regis West Sussex PO22 8QU

(3) Insert address or description of the property.

1. This notice relates to the following property (3)

South Bersted Garage Shripney Road Bognor Regis West Sussex more particularly described in the lease dated 26th March 1997 and made between Peter Charles Mitchell and John Douglas Baker (1) and Dennis Victor Webb and Bruce Dixon (2)

(4) Insert date.

2. I am giving you notice under section 25 of the Landlord and Tenant Act 1954 to end your tenancy
on (4) 20th April 2018

3. I am opposed to the grant of a new tenancy.

(5) Insert letter(s) of the paragraph(s) relied on.

4. You may ask the court to order the grant of a new tenancy. If you do, I will oppose your application on the ground(s) mentioned in paragraph(s) (5) of section 30(1) of that Act. I draw your attention to the Table in the Notes below, which sets out all the grounds of opposition.

5. If you wish to ask the court for a new tenancy you must do so before the date in paragraph 2 unless, before that date, we agree in writing to a later date.

6. I can ask the court to order the ending of your tenancy without granting you a new tenancy. I may have to pay you compensation if I have relied only on one or more of the grounds mentioned in paragraphs (e), (f) and (g) of section 30(1). If I ask the court to end your tenancy, you can challenge my application.

7. Please send all correspondence about this notice to:

Name: Glanvilles LLP

Address: West Wing, Cams Hall
Fareham
Hampshire PO16 8AB

Signed:

Date:

13th September 2017

(6) Delete if inapplicable.

(6) Landlord

(6) On behalf of the mortgagee

(e)	Where the current tenancy was created by the sub-letting of part only of the property comprised in a superior tenancy and the landlord is the owner of an interest in reversion expectant on the termination of that superior tenancy, that the aggregate of the rents reasonably obtainable on separate lettings of the holding and the remainder of that property would be substantially less than the rent reasonably obtainable on a letting of that property as a whole, that on the termination of the current tenancy the landlord requires possession of the holding for the purposes of letting or otherwise disposing of the said property as a whole, and that in view thereof the tenant ought not to be granted a new tenancy.
(f)	That on the termination of the current tenancy the landlord intends to demolish or reconstruct the premises comprised in the holding or a substantial part of those premises or to carry out substantial work of construction on the holding or part thereof and that he or she could not reasonably do so without obtaining possession of the holding.
(g)	On the termination of the current tenancy the landlord intends to occupy the holding for the purposes, or partly for the purposes, of a business to be carried on by him or her therein, or as his or her residence.

In this Table "the holding" means the property that is the subject of the tenancy.

In ground (e), "the landlord is the owner of an interest in reversion expectant on the termination of that superior tenancy" means that the landlord has an interest in the property that will entitle him or her, when your immediate landlord's tenancy comes to an end, to exercise certain rights and obligations in relation to the property that are currently exercisable by your immediate landlord.

If the landlord relies on ground (f), the court can sometimes still grant a new tenancy if certain conditions set out in section 31A are met.

If the landlord relies on ground (g), please note that "the landlord" may have an extended meaning. Where a landlord has a controlling interest in a company then either the landlord or the company can rely on ground (g). Where the landlord is a company and a person has a controlling interest in that company then either of them can rely on ground (g) (section 30(1A) and (1B)). A person has a "controlling interest" in a company if, had he been a company, the other company would have been its subsidiary (section 46(2)).

The landlord must normally have been the landlord for at least five years before he or she can rely on ground (g).

Compensation

If you cannot get a new tenancy solely because one or more of grounds (e), (f) and (g) applies, you may be entitled to compensation under section 37. If your landlord has opposed your application on any of the other grounds as well as (e), (f) or (g) you can only get compensation if the court's refusal to grant a new tenancy is based solely on one or more of grounds (e), (f) and (g). In other words, you cannot get compensation under section 37 if the court has refused your tenancy on other grounds, even if one or more of grounds (e), (f) and (g) also applies.

If your landlord is an authority possessing compulsory purchase powers (such as a local authority) you may be entitled to a disturbance payment under Part 3 of the Land Compensation Act 1973.

Validity of this notice

The landlord who has given you this notice may not be the landlord to whom you pay your rent (sections 44 and 67). This does not necessarily mean that the notice is invalid.

If you have any doubts about whether this notice is valid, get advice immediately from a solicitor or a surveyor.

Further information

An explanation of the main points to consider when renewing or ending a business tenancy, "Renewing and Ending Business Leases: a Guide for Tenants and Landlords", can be found at www.odpm.gov.uk. Printed copies of the explanation, but not of this form, are available from 1st June 2004 from Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7NB (0870 1226 236).