

**Recommendation Report for Application under Section 73 for the Removal or Variation of Conditions
Under a Previously Approved Permission**

REF NO: CM/30/25/S73

LOCATION: Jaybelle Grange Lodge Park
Yapton Road
Climping
BN17 5RU

PROPOSAL: Removal of Condition 8 imposed on planning permission CM/12/07/ and then discharge the related obligation(s) on the Deed of Variation dated 20/07/07/ (as linked to Section 106 dated 20/12/04/ linked to planning permission CM/13/04) in order to allow the Park to be occupied for residential purposes.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to change the use of the lodges from holiday to residential. For clarity, this report refers to the homes as lodges based on their 'wooden' appearance however, they meet the legal definition of a caravan and could equally be called static caravans. Park Homes are a term given to static caravans in residential use.
SITE AREA	Not stated but per the report for CM/12/07, the site area is 4.5 acres (1.82 hectares).
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Based on an area of 1.82 hectares and the existing 38 lodges (one of which is already in a residential use), the resultant overall density is 21 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Existing brick wall to the A259. Fencing and hedging to the other boundaries.
SITE CHARACTERISTICS	An existing holiday lodge park comprising of 37 holiday lodges (32 x 2 bedroom and 5 x 3 bedroom) and 1 wardens (residential) lodge. The site has an access off the car park to the Oystercatcher pub. There is a belt of trees along the southern boundary.
CHARACTER OF LOCALITY	The site adjoins a Public House on the southern side (through which access is taken) but the location is considered to be rural with open farmland to the south (beyond the A259), north and west, and only sporadic instances of development in the surrounding context. It is acknowledged that there is a permission for a 300-home development on the land to the east of Yapton Road however the area of that site on the other side of the road will be open space and there will be a

landscaped buffer to Yapton Road such that the development will not be visible.

RELEVANT SITE HISTORY

CM/31/21/CLP	Lawful development certificate to confirm use of land as a static caravan park for 39 caravans for 12 months a year, except that the caravans shall not be occupied as a persons sole or main place of residence & where the owners/operators shall maintain an up to date register of the names of owners/occupiers of individual caravans on the site & of their main home addresses, & shall make this information available at all reasonable times to the local planning authority; save that one caravan on the site shall be used for warden purposes only in connection with this site only & be inhabited all year round.	PP Not Required 20-08-21
CM/12/07/	Application for variation of condition 9 imposed on Planning Permission CM/13/04 to extend length of holiday season to 12 months subject to conditions.	App Cond with S106 20-07-07
CM/13/04/	Variation of Condition No 9 imposed on planning permission CM/9/99 to extend the length of holiday season from 1st March to the following 15th January and provide permanent warden's lodge.	App Cond with S106 20-12-04
CM/9/99/	Change of use of vacant land to site for 59 caravan spaces with associated roads, parking facilities and office	App Cond with S106 11-07-01

Noted. The site has a permitted use for 38 static caravans for holiday use but with no season restrictions. There is also permission for an additional wardens (residential) caravan so 39 in total (although there are currently only 38 present).

REPRESENTATIONS

Clymping Parish Council state they are unclear as to what the proposal is actually for, and why ADC were initially not willing to register the application as a S73. They state that if the proposal is to increase the number of homes, that it will have a small impact on the village and that this would be a material increase in the number of homes in Clymping and therefore the homes should be liable for CIL and Council Tax.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application does not seek to increase the number of lodges but rather change their use from holiday to residential.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC MINERALS AND WASTE - state no objection as the change of use will not prevent or prejudice the continued operation of the safeguarded waste infrastructure.

WSCC HIGHWAYS - state no objection as the access would be unchanged. The proposed change of use is unlikely to result in any material change over and above what was previously agreed.

WSCC EDUCATION - state objection due to it not being possible to expand secondary school provision for pupils arising from the change of use, and the lack of an allocated or secured site for a new secondary school. Until such time that the new secondary school has been built & opened, would require a contribution towards home to school transport in order to enable pupils to access schools outside the district. Also request that this development provides a contribution towards the new School.

WSCC INFRASTRUCTURE - request that the following contributions be secured from the applicant:

- £99,642 for Primary Education (to be spent on additional facilities at St Mary's C of E Primary School, Climping, or another primary school in the planning area of Littlehampton should this be more suitable at the time that the contribution is made).
- £130,863 for Secondary Education (to be spent on additional facilities at the new Arun secondary school).
- £21,145 for 6th Form Education (to be spent on additional facilities at the new Arun secondary school sixth form or The Littlehampton Academy Sixth Form should this be more suitable at the time that the contribution is made).
- £15,752 for Libraries (to be spent on additional facilities at Littlehampton Library).
- £1,540 for Fire & Rescue (to be used towards the supply and installation of additional fire safety equipment or smoke alarms to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Climping); and
- £61,187 for Secondary School Transport (this reflects the methodology set out in the Education response)

ADC ECONOMIC DEVELOPMENT - state they have no comment.

ADC ENVIRONMENTAL HEALTH - state no objection but highlight that the applicant will need to apply to amend their site licence. Request an informative to this effect should the application be granted.

ADC PARKS AND LANDSCAPES - request that the following contributions be secured from the applicant:

- £72,934.40 for offsite Public Open Space (POS); and
- £64,021.10 for offsite Play.

Advises the following:

- Section 106 monies should be sought for offsite improvements to recreation and leisure facilities as detailed in the Arun SPD "Open Space, Playing Pitches, Indoor and Built Facilities" (January 2020).

- This is due to the change in the nature of the site to permanent dwellings and the lack of onsite and locally accessible provision which our SPD would require for permanent habitation.
- There is insufficient space within the development to provide on-site provision for open space and play facilities.
- These contributions are necessary in planning terms due to the additional demand generated by the population increase.
- Residents of the development are likely to use local public open space and its facilities which cannot be accommodated within the development; and
- The most appropriate location for the S106 contributions would be the Ford Airfield strategic site.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Countryside.

Area of Special Advert Control.

HELAA Site Ref 3 (Not Currently Developable).

Archaeological Notification Area.

Within the 2km buffer of the Clymping Beach Site of Special Scientific Interest.

Flood Zone 1.

Parts of the site are at risk of surface water flooding.

Potential risk of groundwater flooding.

Lidsey WwTW Catchment Area.

Part within a 500m buffer from the Hobbs Barn permitted waste site; and

CIL Zone 3.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
HSP1	HSP1 Housing allocation the housing requirement
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches, Indoor, Built Sports Facilities

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

It is noted that the Clymping Neighbourhood Plan (CNP) does not set its own BUAB, does not allocate any residential sites and does not have any policies relating to residential development in the countryside. In addition, whilst Policy CPN15 promotes tourism, it does not protect existing tourist accommodation.

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 conflicts with the development plan in respect of the loss of holiday accommodation, inappropriate development in the countryside and the location being unsustainable.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan and these are discussed in the conclusions below.

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For this application, the development plan comprises the Arun Local Plan 2011-2031 (ALP) and the Clymping Neighbourhood Plan (CNP).

Paragraph 11(d) of the NPPF sets out the presumption in favour of sustainable development which is to be applied where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. The Council cannot currently demonstrate a policy compliant Housing Land Supply (HLS) with it currently being only 3.41 years. Therefore, para 11(d) would apply to this determination. Paragraph 14 of the NPPF serves to provide additional weight to Neighbourhood Plans in cases where paragraph 11(d) is engaged but as the CNP does not designate any residential allocations and is more than 5 years old, it does not apply.

The application site is outside of the Built-Up Area Boundary (BUAB) in the ALP and is therefore in the countryside. ALP policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. Policy SD SP2 states development should be focused in the BUAB. The proposal therefore conflicts with ALP policies C SP1 and SD SP2.

The loss of the permitted holiday accommodation also represents a policy conflict as ALP Policy TOU DM1 states the 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 (which in this case, it is not).

The principle of the change of use to permanent residential development is therefore contrary to Arun Local Plan policies C SP1, SD SP2 and TOU DM1.

ACCESSIBILITY:

ALP Policy T DM1 states proposals for all new development must be located within easy access of established public transport service(s), existing pedestrian and cycle networks, the committed and aspirational cycle networks and the green infrastructure network which links the development with key destinations including places of work, education, leisure, and town centres. Policy T SP1 states the Council will support development which is designed to reduce the need to travel by car.

The site is situated in a rural location between the settlements of Bognor Regis and Littlehampton. Yapton lies to the North and the Post Office and Coop in Yapton are a walk of approximately 2.33km away (note all quoted distances measured using the actual routes not point-to-point) however, approximately 1.25km of this route is on the road (there is no separate footway). Alternatively, pedestrians can walk west along the A259 (on a footway) and then turn North before Grevatts Lane West and take a public footpath across fields. This route would be around 3.33km. There is also a shop at Elmer at 2.88km away again using public footpaths. The other alternative would be to cycle using the cycle path along the A259 (such as to the Tesco on the western edge of Littlehampton - 2.78km).

There are bus stops within walking distance although the one to the North on Yapton Road would involve approximately 580m of walking on the road (providing access to the 500/700 services). The closest ones to the south are on the A259 and only a short walk and on pavement. These do allow access to Stagecoach services 69, and the 500 and 700. The 69 runs twice a day in a westerly direction (early mornings) and twice a day (easterly) in the afternoon/early evening. The 500 and 700 are more regular with a frequency of roughly 30 or 45 minutes.

Even allowing for the close proximity to a good quality bus service, residents of the site will be largely

reliant on their cars to access facilities, services and places of employment especially those destinations that are not on the 500/700 bus route. There are no attractive opportunities for walking to reach services and whilst it is safe to cycle along the A259 path, the distances are not short.

This site is not an appropriately accessible location where new residential development would normally be permitted or directed to. The proposal is clearly in conflict with policy T DM1. It is acknowledged that 300 homes have been approved on land on the immediate other side of Yapton Road however that was subject to a Local Plan allocation and was planned as an extension of existing development forming part of Clymping.

CHARACTER AND DESIGN:

ALP policy D DM1 requires development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. The scale of development should keep within the general confines of the overall character of a locality. Policy D SP1 states development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design. The Arun Design Guide is technically a material consideration but was not written with caravans in mind. The NPPF also contains policy relating to the need to maintain or improve upon local character.

Notwithstanding that the lodges are already occupied residentially (in breach of the planning permission), the change from holiday to residential will not result in any noticeable change to the appearance or character of the site - and there are no design or scale changes either. The residential use may result in greater instances of external garden paraphernalia or the greater tendency to have washing hung outside. However, it is noted that the lodges were owned privately and could be used for holiday uses throughout the year therefore their occupiers likely already stored normal domestic items there and/or undertook laundry activities. On this basis no conflicts are identified with the relevant policies.

RESIDENTIAL AMENITY AND SPACE STANDARDS:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land whilst QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The ADG sets out required interface distances and states the rear gardens of residential houses should be at least 10.5m deep.

The existing lodge park is very dense in layout and as such none of the lodges would meet the ADG interface or garden standards. However, lodge and caravan parks are not required to be assessed in the same way as built residential dwellings. They are instead bound by the Local Authority's licensing standards (which are typically in accordance with or based on the national model standards for residential caravan sites) and these only stipulate minimum distances between lodges/caravans in the interests of fire safety.

The standards contain no requirements in respect of private amenity space. It is noted that part 14 of the model standards does set out that "on sites where it is practical to do so, suitable space equivalent to about one tenth of the total area of the site shall be allocated for recreational purposes, unless in the local authority's opinion there are adequate recreational facilities within a close proximity to the site". There are no existing recreational facilities within a close proximity to the site however it would not be practical or reasonable to insist on the removal of lodges to facilitate such a space just because of this change of use.

On this basis no conflicts are identified with the relevant policies.

HOUSING MIX:

ALP policy H DM1 states for developments of 11 units or more, the Council shall require a balanced mix of market and affordable dwelling sizes including family sized accommodation based on the most up to date SHMA recommendations. This proposal concerns 37 lodges however, it is a change of use and whilst the proposal does technically conflict with the policy (as change of use is still development), it would not be practical or reasonable to require lodges to be removed to facilitate a policy compliant 'housing' mix. It is also positive that the lodges are not all of the same size with 32 x 2 bedrooms and 5 x 3 bedrooms. Therefore, no policy conflict is identified.

ACCESS AND PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network. Schemes should accommodate efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, create safe and secure layouts for traffic, cyclists, and pedestrians, and provide appropriate levels of parking. CNP Policy 14 states development which will have a detrimental impact on highway safety will be resisted.

WSCC Highways have assessed the application, and noting there are no access changes proposed, they raise no concerns with the access, with trip generation or with public safety. On this basis, it is determined that there is no conflict with the relevant policies.

The Council's Parking Standards SPD does not list any requirements for permanent residential lodges/caravans but the standard for 2 or 3 bed houses/flats in this location would be 2 spaces. Each lodge appears to have sufficient driveway space to allow for the parking of up to 2 cars in a tandem arrangement and therefore this would be considered sufficient. There is no obvious provision for visitor parking but perhaps there is an arrangement with the Public House. In any case, it would not be reasonable to require an existing lodge to be removed to provide for visitor parking.

On this basis, notwithstanding the lack of dedicated visitor parking, it is not recommended that the proposal be refused for reason of insufficient parking provision.

FLOODING AND DRAINAGE:

The site is not affected by flooding from rivers or the Sea, but parts of the site are noted to be at risk of surface water flooding, and the wider area has potential to be affected by high groundwater levels. These two factors could combine to cause localised flooding. The site is also within the Lidsey Wastewater Treatment Catchment Area where there is a risk of surface water entering the foul sewers resulting in foul overflows. It is unclear what surface water drainage measures are in place at the site.

However, it would not be reasonable or practical to require the site to be ripped up to accommodate a drainage scheme meeting modern standards. It is also positive that the lodges have floor levels above ground level. The height difference for this site is not known but caravans on parks around the UK are typically 0.5 to 0.6m and such a gap will provide protection for residents from any localised on-site flooding. On this basis there are no conflicts with ALP policies W DM2 or W DM3.

SECTION 106 CONTRIBUTIONS:

The Council was involved in a planning and enforcement appeal in 2021 concerning the unauthorised change of use of 12 static caravans from a holiday to a residential use. This concerned Wisteria Heights Caravan Park (previously Shripney Gardens), Shripney Lane, Bersted, West Sussex, PO22 9NS. The combined appeal (refs 3222033 and 3214487) was allowed by the Inspector following a hearing, but the

Inspector made comments regarding affordable housing and other section 106 contributions as these had been included as one of the Council's refusal reasons.

The Inspector discussed affordable housing at paragraphs 11-14 and stated that it was not required in this case as the Park Homes are a form of low-cost housing (based on their price being equivalent to at least 20% below local market value - per Annex 2 of the NPPF). Similarly, the Inspector discussed the need for Public Open Space/Play, Education, Libraries and Fire contributions at paragraphs 15-23. The Inspector determined that no evidence had been provided by the Council to demonstrate that Open Space/Play facilities were inadequate in the area therefore there was no need for contributions. However, the Inspector did require a s106 for Education/Library/Fire contributions all of which were found to be necessary and met the statutory tests.

The Council wrote to the applicant on 08/04/26 alerting them to this previous decision and requested that they provide details of the Park Homes cost versus the Market Average so that the Council could determine whether the homes were low cost (and therefore a form of affordable housing) or not. The Council also approached its consultees requesting details of required contributions and each of the potential S106 obligations are now assessed under the following headings.

The Council also stated that if the applicant were to agree to an age restriction condition on the lodge residents that prevents any under 18's from living permanently on the site, then the Council would deem it no longer necessary or reasonable to require financial contributions towards education, school transport, or play/open space. Contributions would then only be required for libraries and fire & rescue. Affordable Housing would still be a consideration unless it was proven that the homes are low cost.

Affordable Housing:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The Council has adopted an interim affordable housing policy which also sets out the need to secure first homes as part of the affordable housing mix. A development of 37 homes should provide 11.1 affordable dwellings. The Council's Housing Enabling and Development Officer did not respond to the consultation request but in view of the existing nature of the lodges and the fact that they are already occupied, it would be unreasonable to require a change to the existing tenure.

As such a commuted sum would be required. The Council has a commuted sum calculator on its website which would need to be followed to calculate the required sum, and this would then need to be secured through a legal agreement. Alternatively, the applicant may be able to use the methodology set out in the previous appeal decision to prove that the homes are low cost and therefore are already a form of affordable housing. To date, the applicant has not provided the information required to assess this and therefore in the absence of a signed legal agreement, this would need to be included in a refusal reason and the proposed change of use conflicts with Policy AH SP2.

Public Open Space and Play:

ALP policy OSR DM1 requires housing developments provide sufficient public open space, play space, and other leisure facilities depending on the scale of the proposal. Policy HWB SP1 seeks to ensure that new development is designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. The Policy states particular regard shall be had to providing or contributing to the necessary infrastructure to encourage physical exercise and health, including accessible open space, sports, and recreation facilities. The Council's supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) is also relevant.

The site is not well related to any existing settlements and there are no nearby existing areas of open

space or play provision. The closest recreational facilities are likely to be either the beach at Clymping (a walk of approx. 1.4km) or the King George V Playing Field in Yapton Village (a walk of approx. 2.3km - but as mentioned elsewhere, approximately 1.25km of this route is on the carriageway). The Woodpecker Dog Park is located a short distance to the south-east on the other side of the A259, but this is only for dog recreation.

In these circumstances there would be a need for contributions to open space and play, and this would likely be spent at the Ford Airfield strategic site (a Local Plan allocation). The Council's Landscape Officer has provided advice in respect of the level of the required contributions, and this is summarised elsewhere. These requirements meet the CIL tests (Regulation 122 of the Community Infrastructure Levy Regulations 2010).

Subject to the applicant agreeing to these through a s106 legal agreement, there would be no conflict with ALP policies OSR DM1 and HWB SP1. However, in the absence of a signed legal agreement, this would need to be included in a refusal reason and the proposed change of use conflicts with these two policies.

Other Supporting Infrastructure:

ALP policy INF SP1 requires development proposals to provide or contribute towards the infrastructure and services needed to support development to meet the needs of future occupiers and existing community. The Council has received requests from WSCC Infrastructure and from WSCC Education for contributions towards education/library/fire & rescue projects and for the cost of transporting children to a secondary school outside the district.

The requirements are considered to meet the CIL tests and as caravan developments in Arun are zero rated for CIL it is possible to secure off-site financial contributions through a legal agreement. The School transport contribution was not a requirement at the time of the previous Wisteria Heights appeal decision but has itself been tested at appeal on numerous occasions. The requested contributions would need to be included in a legal agreement to avoid a policy conflict.

Subject to the applicant agreeing to these through a s106 legal agreement, there would be no conflict with ALP policies OSR DM1 and HWB SP1. However, in the absence of a signed legal agreement, this would need to be included in a refusal reason as the proposed change of use conflicts with the policy.

SUMMARY AND PLANNING BALANCE:

There is conflict with the ALP (and associated harm) in terms of residential development in the countryside, the unsustainable nature of the site location and the permanent loss of holiday accommodation. In addition, as no legal agreement has been entered into, there are additional policy conflicts of this nature.

The Council cannot currently demonstrate a policy compliant 5-year Housing Land Supply (HLS) and the NPPF directs that the presumption in favour of sustainable development is engaged. In terms of decision making, this states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (as is the case for Arun due to the HLS situation) then permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key

policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and providing affordable homes, individually or in combination.

There are no areas or assets of particular importance to consider therefore it is necessary to proceed straight to (ii).

It would be appropriate given the number of new residential dwellings to assign substantial weight to the contribution to the public benefit of providing market homes to contribute to the HLS shortfall. The proposal would also result in some economic benefits from future occupiers spending in the local economy. However, this is attributed low weight as the lodges can already be occupied for 12 months a year for holiday purposes and it is unclear how much difference in spending there would be between permanent holiday and permanent residential. Were this to be approved then the homes would also be liable for Council Tax however any benefit of this would be at the expense of the loss of business rates and therefore this is assigned low weight.

Whilst the benefits of the proposal to the HLS shortfall are substantial, the harm generated in respect of residential development in an unsustainable countryside location coupled with the economic harm from the loss of the holiday accommodation is such that the harm outweighs the benefits in this instance. The lack of agreement to the necessary planning obligations is also a factor in this determination although this could be resolved through an appropriate legal agreement.

It is therefore recommended that the application be refused for the reasons set out below.

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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

REFUSE

- 1 The site lies outside the built-up area boundary as defined in the Arun Local Plan 2011 - 2031 and in an undesirable location for residential development having regard to the accessibility of the site. The proposal would be contrary to Arun Local Plan Policies C SP1, SD SP2 and T DM1, and the NPPF.
- 2 The proposal would result in a change of use of the caravans on this site from a holiday use to permanent residential use and lead to a permanent reduction in visitor accommodation in Arun in conflict with Arun Local Plan Policy TOU DM1.
- 3 The proposed development fails to make any contributions towards affordable housing provision, off-site open space and play provision or other essential infrastructure requirements contrary to Arun Local Plan Policies AH SP2, OSR DM1, HWB SP1 and INF SP1, the Council's "Open Space, Playing Pitches, Indoor, Built Sports Facilities" SPD and the NPPF.
- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.