

REPORT UPDATE

Application No: PA/25/08/

Reason for the Update / Changes

1.0 INTRODUCTION

1.1 Members will recall that the above item was presented to them at the 29th April 2009 Development Control Committee (previous report is attached).

1.2 At that meeting the Members resolved that the application be deferred, with delegation to the Assistant Director of Planning & Housing Strategy, in consultation with the Chairman, in order to receive a contamination survey from the applicant and for Environmental Health to confirm that the said survey is satisfactory.

1.3 In the interim the survey has been undertaken and presented to our Environmental Health Section. Their response states:- No objection to the application. The Site Investigation Report reference 10.6174 dated March 2010, indicates there is minimal contamination on the site and the land is suitable for stationing of residential mobile homes.

1.4 Therefore, in the light of no objections being received from Environmental Health with regard to the contamination report the application should now be approved as per the attached report. However, given the length of time that has elapsed and the fact that Condition No. 1 states The use hereby committed shall enure for a limited period only being the period of 18 months from the date of this permission (i.e. the permission shall expire on 29th October 2010). At the end of this period the use hereby permitted shall cease on all mobile homes, caravans, vehicles, materials and equipment brought onto the land in connection with the use shall be removed from the site and the land restored to its former condition

REASON: The development is contrary to the provisions of the development plan in that the site lies within the rural area and is unrelated to the needs of agricultural or forestry. Planning permission has only been granted in this instance because of the specific circumstances of the applicant. This temporary period covers the anticipated timescale for the Local Planning Authority to identify and formally allocate sufficient site provision for the needs of the gypsy and traveller community through the Local Development Framework process and to protect the character and appearance of the rural locality in accordance with Policy LOC2 of the West Sussex Structure Plan and Policy GEN3 of the Arun District Local Plan.

1.5 As can be seen, some 13 months has elapsed before all the required contamination report had been submitted and subsequently approved by the Councils Environmental Health section. This period is only 5 months off from the given time period of the condition i.e. 29th October 2010.

1.6 This would therefore be an unreasonably short period of time for a temporary permission. In consequence it is considered that a new time period be given. However, as the resolution of the Members at last years development control committee was to grant a temporary permission until 29th October 2010, the application needs to be returned to the development control committee for Members to agree any variation to the condition.

1.7 Members will also be aware that although it is not complete, work is progressing

with the Development Plan Document with regard to Gypsy & Travelers Sites. It is thereby considered that 2no. Options are put to Members for this application.

1.8 Option 1 Grant temporary planning permission for 18 months from the date of the development control committee; or

1.9 Option 2 Re-consult Parish Council and all others who made representation, with a view to granting a permanent permission for the residential mobile home for settled gypsy accommodation.

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

PA/25/08/

PLANNING APPLICATION REPORT

REF NO: PA/25/08/

LOCATION: The Wood Yard
France Lane
Patching

PROPOSAL: Stationing of residential mobile home for settled gypsy accommodation, erection of 1.8m high gates and formation of crossover

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	0.04 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedgerows and fencing to front and side boundaries.
SITE CHARACTERISTICS	Part of former Wood Yard.
CHARACTER OF LOCALITY	Open countryside.

RELEVANT SITE HISTORY

PA/31/89	Refurbishment and extension of existing buildings	Approve Cond 27-09-1989
PA/41/89/EUC	Established Use Certificate for timber yard, fencing manufacture and wood products manufacture	Approve 05-03-1990
PA/6/93/CLE	Certificate of Lawfulness of existing use for use as timber yard, fencing manufacture, wood products manufacture	Approve 15-10-1993
PA/7/97	Outline Application for redevelopment with two detached four bedroom houses each with double garage	Refused 24-06-1997 Appeal: Dismissed 20 11 1997
PA/17/98/	Erection of new gates on brick piers and brick toilet	Approve Cond 23-02-1999
PA/5/01/	Demolition of four sheds & erection of 1 larger shed	Approve Cond 28-08-2001
PA/7/06/	Demolition of existing buildings, construction of 4 no. B1 commercial buildings in 3 blocks. Re-positioning of access to highway. Departure from the Development Plan.	Refused 20-07-2006
PA/20/08/	Change of use from timber yard to offices and workshop for Arun Mowers with new single storey workshops and ancillary offices. Departure from the Development Plan.	Approve Cond 26-09-2008

REPRESENTATIONS

Representations received:

Patching Parish Council

Object. Unsustainable countryside location with poor public transport links and no access to local services. Applicant is already in breach of planning legislation. Detriment to character and appearance of countryside and AONB. Proposal is contrary to the provisions of the development plan and countryside protection policies. Detrimental impact on wildlife. Land is potentially contaminated from previous uses. Granting permission would be inconsistent and irrational. Highways concerns regarding access and positioning of gates. Suitable alternative accommodation is available elsewhere (e.g. Findon).

Clapham & Patching Conservation Society object for the following reasons:

Residential development in the area has always been resisted in the past.

Illegal occupation of site.

Question gypsy status of applicant.

Question use of existing outbuilding.

Other G&T sites available.

Granting permission could set a precedent for a larger site.

Patching Village Society object for the following reasons:
Proposals are contrary to development plan policies.
Site lies within an AONB.
Contrary to Policy DEV24 of ADLP

South Downs Society object for the following reasons:
Contrary to local and national planning policies.
Contrary to PPS7.
Detriment to AONB.
Poorly designed development.
Detrimental impact on local residents.
Detrimental impact on the landscape.
Granting permission would set a dangerous precedent in its implications for the AONGB and National Park.

22 (twenty two) individual representation letters have been received which raised the following concerns:
Proposals are contrary to development plan policies.
Site lies within an AONB.
Other G&T sites available.
Illegal occupation of site.
Question gypsy status of applicant.
Question use of existing outbuilding claim this is being occupied as a separate dwelling.
Site would be overcrowded.
Loss of employment/industrial land.
Unsustainable location and site.
Granting permission would set an unwelcome precedent.
Detrimental to highway safety and the free flow of traffic.
A previous application for residential development on this site was rejected.
Restrictive covenants apply.
Road congestion.
Pressure on local public services (e.g. Refuse collection, emergency services).
Proposal is unsuitable and inappropriate in this location.
Potential flooding of site and wider area. Ditch has been illegally culverted.
Concerns over safety.
Detriment to an environmentally sensitive area.
Application may be first step towards seeking a permanent permission on the site for a new dwelling.
Loss of agricultural land.

Comments on Representations received:

Noted. Those representations which are material planning considerations are discussed in the conclusions section of this report. Policy DEV24 of the Arun District Local Plan is not a 'saved' policy because it has been superseded by advice in ODPM Circular 01/2006.

CONSULTATIONS

Head of Highways and Transport
Environmental Health - John Green
Environment Agency

Consultations responses received:

County Highways: No objection on highways grounds subject to a condition regarding positioning of access gates.

Environmental Health Officer: As a former wood yard there is potential for land contamination if chemical treatment processes were undertaken. There is a potential risk to health of residential occupants. We would therefore expect the submission of a desk study with the application in accordance with PPS23. I am unsure as to the location of the grain dryer. If it is within the barn at the rear of the site there is certainly a potential for noise impact. A BS4142 noise assessment would therefore be recommended. I understand there may be residential occupants on the site already, however, and we have no record of complaints of noise from this source.

Licensing Officer: Subject to adequate fire protection/spacing between components on the site I would not have any fundamental objection to this application. Such matters would be addressed by site licence conditions.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built-up Area Boundary.
Area of Outstanding Natural Beauty.

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN2 GEN3 GEN7 AREA9	Built-up Area Boundary Protection of the Countryside The Form of New Development Area of Outstanding Natural Beauty
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West Sussex Structure Plan:	LOC1 LOC2 NE8 CH1 DEV1 CH2	Locational Strategy The Countryside Rural Needs Character High Quality Development Areas of Outstanding Natural Beauty
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PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS7	Sustainable development in rural areas
PPS23	Planning and Pollution Control
PPG24	Planning and Noise
PPG13	Transport

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to the issue of principle, visual and residential amenity, and impact on the Area of Outstanding Natural Beauty.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made

under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that the site lies outside of the Built-up Area Boundary and the development is unrelated to agriculture, forestry or any other acceptable countryside use.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background in that the applicant is a bona fide gypsy and there is an identified immediate need for the applicant to continue to inhabit the site on a temporary basis pending the formal identification and allocation of suitable permanent sites for gypsies and travellers within the District through the LDF process.

CONCLUSIONS

Background:

The site lies outside of any Built-up Area boundary in an area classed as open countryside. Strict planning policies apply in such areas to protect the countryside for its own sake. The provision of residential development (including mobile homes) in the countryside is generally not permitted unless it is in connection with a genuine agricultural or forestry need. The proposal the subject of this application is therefore contrary to the provisions and policies of the development plan.

The above notwithstanding, Circular 01/2006 (ODPM) Planning for Gypsy and Traveller Sites is the most recent policy statement the Government has produced on such planning matters and is very material to the determination of the current planning application. It requires that:

- Local Authorities should identify suitable sites for Gypsy and Travellers sites in their Development Plans, either through site allocations within the Local Development Framework or the granting of planning permission to acceptable 'windfall' proposals. It is not acceptable to just identify criterion of where sites could be allocated without identifying specific sites to begin with. Sites identified must also be seen as sustainable and in the first instance look to larger settlements with good facilities and services;
- Local Authorities must have fair, reasonable and realistic site selection criteria which will be effective in delivering sites - thus giving certainty to applicants and local residents and reducing the need for Local Authorities to enter into lengthy and expensive enforcement actions against unauthorised sites;
- Gypsies and Travellers must be covered in a housing need assessment (under the Housing Act 2004, all local housing needs assessments must take into account the needs of Gypsies and Travellers, including legal sites to station their caravans). An explanation of the identified needs (permanent and transit) must then be translated into the new spatial planning system through allocations in the planning (LDF) process.

The Circular aims to increase the number of authorised camp sites for Gypsies and Travellers across the country by ensuring Local Planning Authorities identify and make provision for the accommodation needs for such communities within their Development Plans.

The Housing Act 2004 imposes a duty on Local Authorities to carry out a housing needs

assessment of Gypsies and Travellers in their District through Gypsy and Traveller Accommodation Assessments (GTAAAs) and to identify appropriate sites that are suitable and realistically available to meet that need through the emerging Local Development Framework (LDF).

The main issues to be considered in this application are:

- whether there are material considerations that justify allowing the development of this site contrary to the applicable policies in the development plan, which could include;
- the Gypsy status of the applicant
- the proven need for a Gypsy site
- the personal circumstances of the applicant
- whether or not the use of the land at the Wood Yard as a private gypsy caravan site would cause material harm to the character and appearance of the area;
- the availability of adequate infrastructure to serve the site by way of highway safety, access to services and facilities; and
- other material considerations, such as impact on residential amenities, traffic noise, land contamination, landscaping, etc.

For Members information and clarification, the definition of Gypsies and Travellers is listed at paragraph 15 of ODPM Circular 01/2006, being:

"Persons of a nomadic habitat of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such."

Beyond these material considerations are the matters relating to Human Rights legislation. Having considered the harm that may be caused to acknowledged planning interests, together with the interference with the human rights of the applicant, a recommendation based on the need to balance the proportionality of the harm to the environment against the Human Rights of the applicant will need to be reached in respect of this application.

Travellers' rights under Article 8 of the European Convention on Human Rights 1950 should also be taken into consideration in such cases where refusal of planning permission/enforcement action would involve eviction of persons from their homes when there is no alternative site available. The specific impact on individuals in the applicant group in relation to health and educational issues also have to be taken into account.

It is of importance to note that the applicant is presently living on the site in question so the refusal of planning permission would potentially lead to the need for enforcement action to be considered which could eventually lead to the applicant being required to vacate the land.

Gypsy, Traveller and Travelling Showpeople Sites Study:

In October 2008, an independent study was undertaken on behalf of the Council by Planning Consultants, Baker Associates, to assess sites in Arun District Council, West Sussex County Council and other ownership (including private) to develop a shortlist of potential Gypsy, Traveller and Travelling Showpeople sites to meet identified needs (hereafter referred to as the Baker

Report). The study was also intended to develop a criteria based spatial planning policy approach for the location of such sites and to provide advice on how consultation can best be undertaken. The report was published earlier this year and was out to public consultation until the end of March 2009.

The Baker Report is an independent study that was commissioned to assist the Council in identifying permanent sites for the gypsy and traveller community to meet accepted and identified local needs. In reaching their conclusions, the planning consultants applied key suitability criteria, together with an initial investigation of likely availability. The report suggests that the site at the Wood Yard should be given due consideration as a suitable site in the future for between 1 and 5 permanent pitches to meet the needs of gypsies and travellers, and the Report has been through a proper and thorough public consultation exercise. However, it is considered the report can only be given limited weight at this stage as a material planning consideration in the determination of this application. Nevertheless, it is important to ensure that any decisions taken in respect of current applications for G&T sites avoid prejudicing the important process that will go towards the identification of permanent sites for gypsies and travellers within the District and the potential delivery of such sites through the Local Development Framework.

Principle:

As noted, the site lies outside of the Built-up Area Boundary in an area where the Countryside should be protected for its own sake and special justification would be required for any new development to take place. The proposal the subject of this application is unrelated to agriculture or forestry.

The above notwithstanding, it has been openly accepted by the Council that there is a proven need for some additional permanent Gypsy and Traveller accommodation throughout the District. The County currently operates 10 sites, with 105 pitches, across the County. Consultation with West Sussex County Council has revealed that there are presently no suitable vacancies within local West Sussex County Council sites.

In accordance with the requirements as set out in ODPM Circular 01/2006, the Council has conducted a Gypsy and Traveller Assessment Audit (GTAA). The draft results indicated an unmet net need for an additional 9 permanent pitches within Arun District for the period 2006 to 2011. However, this has recently been updated at the Regional level such that there is now an agreed need for between 14 and 18 additional permanent pitches with Aruns boundaries for the period from 2006 to 2016.

The agreed unmet need for additional G&T pitches within the District is 9 (nine). Temporary permissions have recently been granted for additional pitches at Wyndham Acres and The Paddocks in Northfields Lane, Aldingbourne, and at Coventry Plantation in Findon which fully meet this requirement in strictly numerical terms albeit it should be noted that these are not permanent allocations and would not be readily available to the applicant in this case (Mrs Doe) as they are either already fully occupied - in the case of the Aldingbourne sites - or are specifically aimed at a very different sector of the community (New Age Travellers) in the case of the site at Findon.

The Baker Report makes it clear in Paragraph 6.3 that:

"Since the majority of the sites which we consider are suitable are subject to temporary permissions we believed that there is an opportunity for the Council to consider these sites collectively through the development management process in the short term. Given the scale of need identified in the West Sussex GTAA up to 2011, we consider that these sites have the capacity to meet this short term need. This would prevent the need for any further temporary permissions to be granted and would provide the appropriate evidence for future development management decisions."

Given the advanced stage that the Council has reached in respect of identifying permanent sites to meet its identified need to 2016, it is considered it would be premature to grant permanent permission for gypsy & traveller development on this site before the Council has had the opportunity to fully consider the recommendations in the Baker Report and the numerous responses received in respect of the recent consultation process. Nevertheless, it must also be duly recognised that the site is presently occupied and there are currently no other sites available for the applicant to move to should permission be refused. Careful consideration should therefore be given to the possibility of granting a temporary and personal permission to the applicant in accordance with the advice on transitional arrangements as set out in Paragraphs 41 to 46 of ODPM Circular 01/2006.

It is accepted that the applicant is of genuine gypsy status as per the current definition in Paragraph 15 of ODPM Circular 01/2006. This is not in dispute. On the basis of the certificate accompanying the application it is also accepted that they own the parcel of land in question. Although this has been disputed locally, land ownership is not a material planning consideration that should be considered further as it is, of course, a civil matter.

The site is currently occupied and contains one static mobile home and an outbuilding of more permanent construction. The current application has been submitted in response to a development compliance investigation. The application needs to be assessed against the relevant development plan policies, but the guidance contained in Circular 01/2006 and the findings of the GTAA and the identified RSS allocation are, of course, material planning considerations that also need to feed into the overall assessment.

The applicant is seeking retrospective permission for the use of this site for settled gypsy accommodation together with ancillary works.

Whilst there is a demonstrable need for additional permanent pitches for gypsy and travellers within the District for the period to 2016 (as evidenced through the GTAA), it is considered the identified need for nine additional pitches for the period 2006 to 2011 can already be met through existing temporary allocations for which the Council has granted planning permission. However, it is of importance to note that the applicant is currently living at the site in question. Accordingly, if the Council were minded to refuse this particular application it is considered such a decision would have a significant impact on their basic Human Rights by denying them a place of abode and potentially resulting in their eviction from an existing site with no suitable alternative sites presently being available - pending the formal allocation of permanent sites for gypsies and travellers through the LDF process. The process of allocating such permanent sites is, however, gathering pace and it is therefore considered it would be prudent, in this case, to grant an eighteen month temporary permission to the applicant which would enable them to continue inhabiting the site whilst further progress is made by the Council in respect of meeting the longer-term need for pitches within the District identified through the RSS.

Personal circumstances and local connections:

In deciding this application, some consideration must be given to whether the acknowledged planning harm is outweighed by the damage and interference with the applicant's personal circumstances. Any decision-maker has a duty to carry out a balancing exercise and give reasons for their decision.

The Human Rights Act 1998 stipulates that the following European Convention rights are considered relevant to planning applications submitted by Travellers and/or Gypsies:

Article 8 - Right to respect for private and family life, home and correspondence;

Article 14 - Right to protection as a minority people group;

The right to education under Article 2 may also be relevant in some cases.

Planning Policy Statement 1, ODPM Circular 01/06 and case law indicate that personal circumstances are capable of being material considerations. In this respect, the test of proportionality needs to be applied to the personal circumstances of the applicant(s) in respect of harm caused on planning grounds against the harm caused to their Human Rights. Nevertheless, the Human Rights of those living within the nearby settled community must also equally be considered.

Paragraph 62 of Circular 01/2006 makes it clear that:

"Local planning authorities should not refuse private applications solely because the applicant has no local connection."

The starting point in considering any application for a gypsy and traveller site is therefore very clear and the question that needs to be asked by the Committee is whether there is an identified need within the District for gypsy and traveller sites, and if it is accepted that there is a need, can this need be met through existing identified sites and allocations.

As noted earlier in the report, Arun District Council has, through the GTAA, identified that there is a genuine local need to provide additional pitches for gypsies and travellers for the period 2006 to 2016 and, further, has acknowledged that this identified need cannot presently be met within the District. However, in the longer term this identified need should be properly met through allocating suitable sites through the Core Strategy as advised in the relevant Circular. As identified in Paragraph 6.3 of the Baker Report, it is considered that the scale of need identified for the period to 2011 can already be met via existing temporary permissions preventing the need for any further permission to be granted at this time outside of the LDF process.

Whilst the personal circumstances of the applicant can, and should, be given some weight as material considerations in the determination of this application the level of weight to be afforded is a matter for the decision maker and should be carefully balanced against the applicable development plan policy and other considerations. In this case, officers are of the opinion that a clear and immediate need has been demonstrated by the fact that the site is already occupied and the personal circumstances of the applicant are of sufficient weight to justify the granting of a temporary planning permission contrary to development plan policies and if permission were to be

refused resulting in eviction from the site this could contravene Article 8 of the European Convention. This would not, however, apply once the Council has allocated sufficient permanent sites within the District to meet the identified needs of the gypsy and traveller community. It should also be noted that the grant of a temporary permission in this instance would not necessarily indicate that the local planning authority considers that this site should be identified as a permanent site for gypsies and travellers in the future.

Impact on character and appearance of countryside:

The site is outside of the Built-up Area Boundary and is also located within an Area of Outstanding Natural Beauty. Whilst the proposed development would undoubtedly have some impact on the open nature of the locality, the existing screening and proposed landscaping would significantly help to reduce its visual prominence within the countryside. The development would not result in material harm to the character or appearance of the AONB or conflict with the purposes of including the land within it.

Highways issues:

The development includes the formation of a vehicular crossover onto France Lane and the provision of new access gates. These works have already been implemented. It is considered that the proposed level of use of this access, being limited to a single family, would be unlikely to result in detriment to highway safety or to the free-flow of traffic. However, the Highways Authority have raised some concerns that the proximity of the gates to the edge of the carriageway could lead to highway obstruction by vehicles waiting to enter the site and have requested the gates be set back a minimum distance of 5 metres from the edge of the carriageway and open into the site. To this end a suitably-worded condition is recommended should Members be minded to agree to grant a temporary permission.

Other material planning issues:

Circular 01/2006 recognises the need to provide sites to meet the working patterns of Gypsies and Travellers. Rural settings, where not subject to special planning constraints, are acceptable in principle although sites should respect the scale of, and not dominate, the nearest settled community. This criterion is considered to be met in the case of the current application.

The site for the proposed caravans is considered sufficiently far away from neighbouring residential properties such that the development would be unlikely to result in material detriment to neighbours by reason of noise disturbance. There would also be no material loss of outlook, privacy or sunlight as a result of this development.

The proposed location for the gypsy & traveller accommodation within the site is close to a grain drying store on an adjacent piece of land. Some concern has been raised that the siting of the mobile home would result in unacceptable living conditions for the occupier of the mobile home through noise disturbance. To this end, the applicants agent has been asked to indicate what measures, if any, are proposed to mitigate potential noise disturbance should permission be forthcoming, in accordance with governmental advice in PPG24 Planning and Noise. Details of such measures are awaited.

The site was formerly used as part of a Wood Yard where industrial processes involving

potentially hazardous substances may have taken place. The applicants agent has therefore been asked to provide details of how the issue of potential land contamination has been addressed in accordance with governmental advice in PPS23 Planning & Pollution Control and the responsibilities of the developer as set out in the Environmental Protection Act 1990 and DETR Circular 02/2000. Details of this have yet to be forthcoming.

Summary:

Although the site lies outside of the Built-up Area boundary in the countryside, which needs to be protected from unwelcome development for its own sake, the personal circumstances of the applicant and the provisions of ODPM Circular 01/2006 have been properly and fully taken into consideration. Officers are of the opinion that the personal needs of the applicant in this instance justify the granting of a temporary permission for a period of eighteen months to enable them to continue to occupy the site whilst in the intervening period the Council make further progress towards identifying and allocating suitable permanent gypsy & traveller sites within the District through the LDF process to meet the identified longer term needs of the community.

The above notwithstanding, there are outstanding matters relating to noise and land contamination that have yet to be satisfactorily resolved. Accordingly, it is recommended that Members agree to delegate the granting of temporary permission to the Assistant Director for Planning & Housing Strategy, subject to the applicant submitting satisfactory details of how these issues will be addressed within two months of the date of this meeting.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The use hereby permitted shall endure for a limited period only being the period of 18 months from the date of this permission (i.e. the permission shall expire on 29 October 2010). At the end of this period the use hereby permitted shall cease and all mobile homes, caravans, vehicles, materials and equipment brought onto the land in connection with the use shall be removed from the site and the land restored to its former condition.

Reason: The development is contrary to the provisions of the development plan in that the site lies within the rural area and is unrelated to the needs of agriculture or forestry. Planning permission has only been granted in this instance because of the specific circumstances of the applicant. This temporary period covers the anticipated timescale for the LPA to identify and formally allocate sufficient site provision for the needs of the Gypsy and Traveller Community through the Local Development Framework process and to protect the character and appearance of the rural locality in accordance with Policy LOC2 of the West Sussex Structure Plan and Policy GEN3 of the Arun District Local Plan.

- 2 This permission does not authorise the use of the land as a caravan site by any persons other than bona fide gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006.

Reason: Permission has only been granted in this instance to meet a genuine identified need for gypsies and travellers within the District and to accord with the provisions of ODPM Circular 01/2006.

- 3 This permission shall only enure for the benefit of Mrs J Doe and her resident dependants.

Reason: The development is contrary to the provisions of the development plan in that the site lies within the rural area and is unrelated to the needs of agriculture or forestry. Planning permission has only been granted in this instance because of the specific circumstances of the applicant. This temporary period covers the anticipated timescale for the LPA to identify and formally allocate sufficient site provision for the needs of the Gypsy and Traveller Community through the Local Development Framework process and to protect the character and appearance of the rural locality in accordance with Policy LOC2 of the West Sussex Structure Plan and Policy GEN3 of the Arun District Local Plan.

- 4 Within two months of the date of this permission, the existing gates at the access to the site onto France Lane shall be re-sited such that they open away from the highway and are set back a minimum of five metres from the nearside carriageway edge of the adjoining highway, unless prior written consent has been given by the local planning authority to any variation.

Reason: In the interests of highway safety and the free flow of traffic within the local road network and to accord with Policies DEV1 and NE17 of the West Sussex Structure Plan and Policy GEN7 of the Arun District Local Plan.

- 5 The existing building in the northern end of the site marked 'Ancillary Accommodation' on the approved site plan shall only be used for purposes ancillary or incidental to the occupation of the mobile home hereby permitted and this building shall at no time be used or occupied as a separate unit of accommodation.

Reason: To avoid the establishment of a residential unit in the rural area which is unrelated to the needs of agriculture or forestry and to protect the character and appearance of the countryside in accordance with Policy LOC2 of the West Sussex Structure Plan and Policy GEN3 of the Arun District Local Plan.

- 6 Within 3 months of the date of any permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

All previous uses

Potential contaminants associated with those uses

A conceptual model of the site indicating sources, pathways and receptors

Potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on

these, an options appraisal and remediation strategy (method statement) giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reasons.

To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy DEV1 of the West Sussex Structure Plan and policies GEN7 and GEN31 of the Arun District Local Plan .

- 7 On completion of any work required to be undertaken in compliance with Condition 6, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reasons

To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy DEV1 of the West Sussex Structure Plan and policies GEN7 and GEN31 of the Arun District Local Plan .

- 8 **INFORMATIVE:** Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: DEV1, LOC2 NE8, CH2, NE17

LOCAL PLAN: GEN7, GEN3, AREA 9,

NATIONAL POLICIES: PPS1, PPS3,PPS23

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.