

From: Simon Davis

Sent: 23 January 2020 14:58

To: 'Douglas Briggs Partnership'

Subject: RE: 0119: Newlands Nursery refs P/108/19/CLP, P/109/19/CLP & P/110/19/CLP

Dear Paul,

Sorry for the delay in responding. I am seeking further advice from Legal and will let you know what our position is as soon as I know.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
Location: Planning, First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
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From: Douglas Briggs Partnership

Sent: 08 January 2020 17:26

To: Simon Davis <Simon.Davis@arun.gov.uk>

Subject: 0119: Newlands Nursery refs P/108/19/CLP, P/109/19/CLP & P/110/19/CLP

Dear Simon,

Apologies for the confusion.

To clarify, the sections of the statement you have highlighted refers to a theoretical situation, where the requirement for accommodation serving two consecutive seasons overlap and our interpretation of the Permitted Development Rights in that situation,.

However, the applicant anticipates that there will be periods toward the end and beginning of each season where seasonal accommodation will not be required.

As stated in our previous e-mail, the applicants propose to remove the caravans as soon as is practically possible after they are not required, and they believe this will be the case toward the end of each particular season identified.

I trust that this clarifies the situation.

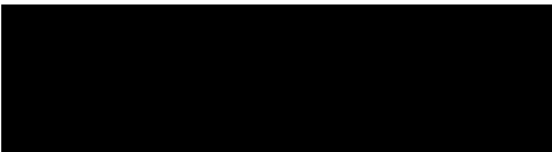
Each application relates to a particular season and for the purposes of the lawful development certificates, each season should therefore be considered in isolation.

As the applicants propose to remove the caravans when not required for that particular season, we trust that you can agree this will comply with the conditions of the permitted development rights, if not please say why and what you consider would be required.

With kind regards

Paul

Douglas Briggs Partnership
Flint Barns
Ham Farm
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West Sussex PO18 8EH



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On 08/01/2020 16:55, Simon Davis wrote:

Dear Paul,

Thanks for your email. Can you confirm whether or not the advice in the email dated 16/12/19 is meant to replace the content of your Statement? I say this as page 3 of your statement states:

"It therefore follows that where two consecutive seasons requiring accommodation overlap, the circumstances of the 1960 Act would not cease to exist and there would be no requirement to remove any caravans (empty or otherwise)....."

And:

"In the case of consecutive seasons where the conditions for seasonal occupation may cease for a short period of time between, it would then be a matter of fact and degree as to whether it would be 'reasonably practicable' to remove the caravans between the two particular seasons"

That suggests that the caravans would not be removed, save for the summer to autumn season where the units reduce from 31 to 25 units (so presumably the extra 6 units would be removed). I also note that the Statements give the seasons as:

Spring season from January to March

Summer season from March to July

Autumn season from July to November

However, in your email you now state that *"it is the applicant's intent that all the caravans will be removed at the end of each season"* and *"You will note that the dates for each LDC application do not overlap and the caravans will not be retained on site between seasons"*.

This appears to be at odds with what is said in the Statement. If your email advice is meant to replace that given in the Statements then it would be best to submit amended statement to clarify the contradictions.

Kind Regards

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From: Douglas Briggs Partnership [REDACTED]
Sent: 16 December 2019 11:53
To: Simon Davis <Simon.Davis@arun.gov.uk>
Subject: Re: 0119: Newlands Nursery refs P/108/19/CLP, P/109/19/CLP & P/110/19/CLP

Dear Simon,

Apologies for the confusion.

To be clear, it is the applicant's intent that all the caravans will be removed at the end of each season.

You will note that the dates for each LDC application do not overlap and the caravans will not be retained on site between seasons.

With kind regards

Paul

Douglas Briggs Partnership
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[REDACTED]

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On 12/12/2019 12:44, Simon Davis wrote:

Dear Paul,

We do not consider that you have answered the first query, namely that GPDO Schedule 2, Part 5, Class A, Condition A.1 states *"Development is permitted by Class A subject to the condition that the use is discontinued when the circumstances specified in paragraph A.2 cease to exist, and all caravans on the site are removed as soon as reasonably practicable"* It appears from the 3 applications that the caravans are going to be left on the site and not removed at the end of each season.

You have quoted page 3 of the supporting statement that *"for the avoidance of doubt...the caravans to be removed when the circumstances justifying the season's number of caravans no longer exists as soon as is reasonably practical"*

However, your supporting statement also states: *"As the number of units required for each season varies, for the avoidance of doubt when seasonal accommodation is not required for 'a particular season', the proposal would be to remove these units as soon as practicable and at no point will the total number of units on site exceed the peak number for a particular season. It therefore follows that where two consecutive seasons requiring accommodation overlap, the circumstances of the 1960 Act would not cease to exist and there would be no requirement to remove any caravans (empty or otherwise)..... In the case of consecutive seasons where the conditions for seasonal occupation may cease for a short period of time between, it would then be a matter of fact and degree as to whether it would be 'reasonably practicable' to remove the caravans between the two particular seasons"*

Our reading is that you would have 20 units for the Spring season, 31 units for the Summer season and 25 units for the Autumn season. We have assumed that you are stating that when the Spring season ends, the 20 units will stay on site and be joined by a further 11 units and then at the end of the Summer season, 6 units will leave the site. Can you confirm this? You have specifically stated that *'where two consecutive seasons requiring accommodation overlap, the circumstances of the 1960 Act would not cease to exist and there would be no requirement to remove any caravans'*. Can you provide supporting authority for this please.

Once this issue is resolved, we will review the other matter.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
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From: Douglas Briggs Partnership [REDACTED]

Sent: 11 December 2019 17:11

To: Simon Davis <Simon.Davis@arun.gov.uk>

Subject: 0119: Newlands Nursery refs P/108/19/CLP, P/109/19/CLP & P/110/19/CLP

Dear Simon,

To clarify, Page 3 of the supporting statement says that "for the avoidance of doubt...the caravans to be removed when the circumstances justifying the season's number of caravans no longer exists as soon as is reasonably practical"

The relates directly to GPDO Schedule 2, Part 5, Class A, Condition A.1 that states "Development is permitted by Class A subject to the condition that the use is discontinued when the circumstances specified in paragraph A.2 cease to exist, and all caravans on the site are removed as soon as reasonably practicable."

Please can you state how the application proposal to remove all of the caravans at the end of a particular season's need for seasonal staff does not satisfy condition A.1 of the GDPO? And, if so, when you consider removal of the caravans should take place in order to satisfy the requirement?

We can also confirm that the figures provided for the crops are for crops produced at the nursery site and seasonal staff required for operations on the nursery which is beyond question, in the same occupation as the proposed caravan site.

The point of the seasonal accommodation at Newlands Nursery is to provide for seasonal staff working at Newlands Nursery to plant, care, harvest and process the crop grown on the Nursery and there is no intent to supply labour for other sites.

For the avoidance of doubt, these applications do not include any provision for staff working elsewhere within the group.

All staff using the seasonal accommodation will be employed in farming operations at the Nursery and while there may be a legitimate need for a member of staff to leave the nursery for short periods of time (to collect items of equipment etc) the applicant anticipates that seasonal staff will spend on average 85-90% of their daily working time at the nursery.

We look forward to your reply.

With kind regards

Paul Hughes

Douglas Briggs Partnership
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On 06/12/2019 13:23, Simon Davis wrote:

Dear Paul,

We have now received legal advice from our principal lawyer and whilst I am not able to make this advice public, I can advise that the advice concludes that these applications should be refused firstly on the basis that the criterion of use shall be discontinued and all caravans shall be removed as soon as reasonably practicable is not satisfied. I would therefore request that you provide authority and/or information to support this aspect of the application.

If we subsequently are satisfied with this criterion then we will also need further information to set out whether the operations are within the same occupation. I note that you did provide relevant information on P/38/19/PL but that this is not present on these three CLP's. Our lawyer also considers that the Statement contradicts itself as to whether the farm workers will be working on this specific site or on multiple sites.

Kind Regards

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