

Recommendation Report for Planning Permission

REF NO: P/6/25/PL

LOCATION: Lagnersh House Holiday Site
Lower Bognor Road
Lagness
PO20 1LW

PROPOSAL: Siting of 18 seasonal shepherds huts within the approved recreational campsite together with associated groundworks and landscaping. This application affects a Public Right of Way and is in CIL Zone 5 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application concerns a change of use of land for the siting of 18 shepherd huts which are timber structures on four wheels with a low-pitched metal roof, timber sides and a small chimney flue. These sleep two per hut and include small shower rooms. The huts would be sited on the eastern side of a large field behind a small, raised area of planting with each having a car parking space.

The access track is said to have been formed from a permeable material and ends to the north of the site area with a turning head. Access is by way of a long driveway from Lower Bognor Road which runs past the edge of Lagnersh Barn and its private garden and then through an area of mobile homes. The application states the huts will be present on the site during the season of 1st March to 30th September and then stored elsewhere (although it is not clear where).

The application form states that the use has commenced and was substantially complete on 01 January 2025. The supporting statement generally refers to the development as a proposal although under the Biodiversity Net Gain section, BNG is stated to not be applicable as the development has already been carried out. Site visit photos from 25 June 2025 (so after submission of the application) show that whilst the access track had been laid and a low grassed bund created, the site was occupied by touring caravans and that these are placed against the eastern boundary with the access track in front therefore not as per the application drawings.

SITE AREA

0.9 hectares.

TOPOGRAPHY

Predominantly flat but lower than Lower Bognor Road.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

There are hedgerows interspersed with trees to the northern, western, and eastern boundaries. The southern boundary is

SITE CHARACTERISTICS	presently part enclosed by fencing and landscaping but also open to the access.
	The site is a predominantly grassed area extending north from Lagnersh House and accessed from the Lower Bognor Road. It includes areas of hardstanding for access/for touring caravans associated with the previous applications and with present unauthorised uses/developments. The site of the proposed huts is currently occupied by hardstanding and used by touring caravans. To the immediate south are four mobile homes occupied residentially and beyond these, three dwellings. A Public Right of Way (PRoW) runs along the western boundary.
CHARACTER OF LOCALITY	The site is predominantly flat but lower than Lower Bognor Road. The boundaries comprise hedgerows interspersed with trees to the northern, western, and eastern boundaries. The southern boundary is part enclosed by fencing and landscaping and open to the access. No trees are affected.

RELEVANT SITE HISTORY

P/106/24/S73	Variation of condition 3 imposed under P/27/24/PL relating to rewording of condition from 'within 2 months of permission granted...' to 'erection prior to 29 March 2025...'. App Cond with S106	26-03-25
P/27/24/PL	Change of use from agricultural to recreational for the purpose of providing a campsite for 60 consecutive days per calendar year. This application affects a Public Right of Way and is in CIL Zone 5 (Zero Rated) as other development. App Cond with S106	23-09-24
P/45/23/PL	Use of land for up to 12 camping pitches (including up to 2 yurts), 3 No touring caravan / camper van pitches and associated toilet and washing facilities (resubmission following P/145/22/PL). This application affects a Public Right of Way and is in CIL Zone 5 (Zero Rated) as other development. Refused	23-06-23
P/145/22/PL	Use of land for up to 12 camping pitches (including up to 2 yurts); 3no touring caravan / camper van pitches, warden caravan and associated toilet and washing facilities. This application affects a Public Right of Way. Refused	20-02-23

P/145/22/PL and P/45/23/PL sought retrospective permission for a camping area for up to 12 tent pitches (including up to 2 yurts) and 3 touring caravan/camper van pitches with ancillary facilities. These were both refused with P/45/23/PL being subject to the following reasons:

- (1) The use of the access by camp site traffic results in noise disturbance, air pollution and a loss of privacy to the occupants of Lagnersh Barn. This results in adverse harm to the amenities of this property in conflict with Arun Local Plan policies D DM1 & QE SP1 and the NPPF.
- (2) Based on the information submitted it has not been satisfactorily demonstrated that the site can be safely accessed by fire appliances or that adequate firefighting facilities are available to serve the site. The proposal conflicts with Arun Local Plan policies D DM1 and T SP1, the Arun Design Guide and the NPPF.

An enforcement notice was served, and this is the subject of an ongoing enforcement appeal (ENF/46/22).

Planning permission was granted under P/27/24/PL for use of land as a seasonal camp site (60 days between 29 March and 31 August) for a maximum of 50 tents, motorhomes, and touring caravans at any one time. This was granted on the basis that it was almost the same (with the exception of use by touring caravans) as would be allowed under permitted development rights. An application was then granted under P/106/24/S73 to vary condition 3 on P/27/24/PL. The area approved by P/27/24/PL is just west of the proposed shepherd huts.

REPRESENTATIONS

Pagham Parish Council object for the following reasons:

- The use of the access by camp site traffic results in noise disturbance, air pollution and a loss of privacy to the occupants of Lagnersh Barn.
- Campsite users will be reliant on the private car to access facilities and services.
- No flood risk assessment or drainage strategy has been provided and WSCC Drainage have objected on this basis.
- The site layout does not allow sufficient access for emergency services to access all the huts, particularly if the 50 camping pitches are also in use; and
- How will waste be removed from the site.

Four objections have been received from residents on the following grounds:

- There is an ongoing legal dispute with the applicant concerning trespass, access rights, and nuisance which is at pre-litigation stage.
- The applicant has consistently ignored enforcement action by the Council and so may well also ignore planning conditions.
- Footpath is often blocked by vehicles.
- The access conflicts with land boundaries.
- The infilling of the ditch will cause flooding.
- Trespassing from the site onto adjacent farmland.
- No water supply or foul sewage to the site; and
- The access will destroy trees and services belonging to Lagnersh Barn.

Two letters of support on the basis of the local business supported by the campsite, that the camp site

users are always nice and polite, that the access is never blocked and that the camp site use does not cause any issues.

COMMENTS ON REPRESENTATIONS RECEIVED:

Matters relating to highway safety, fire safety, water supply, foul sewage, waste, privacy, and pollution are discussed in the conclusions. The following comments are made in respect of the other objections:

- Whilst it is acknowledged that Lower Bognor Road frequently floods in the winter months, no part of the site lies in a designated high risk flood zone.
- WSCC Drainage have withdrawn their earlier objection.
- The public footpath runs down the western boundary of the site whereas the shepherd huts are on the eastern side.
- The applicant has confirmed that there are no proposals to infill any ditches.

It is not necessary to own land to make a planning application provided notice is served on the landowner. It is recognised that the application includes land in the red edge that the neighbour claims is his, but notice has formally been served on the neighbour. The presence of a planning permission does not allow the person/s benefiting from that permission to use or misuse land that does not belong to them. Matters relating to the use/damage of land, removal of previous trees, access rights and trespass are not capable of being material planning considerations and are instead governed by civil law.

The support letters are noted. One of them is from someone who states they work at the site.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - State further information is required to determine the impact on designated sites.

SOUTHERN WATER - No response but in response to P/27/24/PL advised no objection and recommended no conditions.

WSCC HIGHWAYS - Advise no objection and recommend no conditions. State:

- no reported accidents within 5 years at the junction of the access with Lower Bognor Road.
- there are no apparent visibility concerns with the existing point of access.
- anticipate that the slight intensification in vehicular movements to or from the site can be accommodated by the local highway network without adverse effect; and
- there is sufficient space within the site to accommodate vehicle parking.

WSCC PUBLIC RIGHTS OF WAY - State no objection subject to guidance notes.

WSCC DRAINAGE - Initially objected due to the absence of an acceptable Flood Risk Assessment (FRA) & Drainage Strategy relating to the method of draining surface water. Following the receipt of further information, they have withdrawn their objection and recommend a condition.

WSCC FIRE & RESCUE - Requests evidence to determine that there is a suitable supply of water for firefighting and that a fire vehicle can access the site.

ADC ECOLOGY - State no objection with the following comments:

- A previous Ecological Appraisal by the Ecology Co-op produced to support P/45/23/PL identified a badger sett on a site boundary and this is a material consideration.
- The Ecological Appraisal does not identify any setts on site.
- The report does recommend a 20m buffer zone for the boundary ditches around the site to protect wildlife from disturbance; and
- A condition should be imposed to ensure this buffer zone is implemented around the relevant boundaries. This will protect any setts and mitigate for potential disturbance to other species that may be present such as reptiles, amphibians, and dormice.

ADC ENVIRONMENTAL HEALTH - Advise no objections and recommend no conditions.

ADC ECONOMIC DEVELOPMENT - Support this application. Under policy TOU DM1 of the Local Plan, tourism is a key local strategic objective. The Arun District Visitor Strategy 2023-2028 identified that the availability of quality visitor accommodation was a major issue locally.

COUNCIL's ARCHAEOLOGIST - Requests a standard condition to ensure future ground works are subject to observation by a qualified archaeologist and any discoveries of archaeological interest are recorded and reported to the Local Planning Authority.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

NATURAL ENGLAND - Noted. If the application were approved then it would be subject to a legal agreement to secure the required Pagham Harbour contribution in accordance with policy. The application would be subject to separate assessment under the Habitats Regulations.

POLICY CONTEXT

Designations applicable to site:

Outside the Built-Up Area Boundary.
 Pagham Harbour Zone B.
 Class B Road.
 Current/Future Flood Zone 1.
 Area of Advert Special Control.
 Adjacent a PRoW (PAG/133/2).
 Archaeological Notification Area; and
 Strategic Gap.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
SDSP3	SD SP3 Gaps Between Settlements
DDM1	D DM1 Aspects of form and design quality
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity

HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SODM1	SO DM1 Soils
TOUDM1	TOU DM1 Tourism related development
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM1	W DM1 Water supply and quality

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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.

Where applicable, Neighbourhood Development Plan's, once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. There is no Pagham Neighbourhood Plan to consider as the emerging Plan was withdrawn in September 2020.

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 relevant Development Plan policies in that it has not been demonstrated that the site is capable of being appropriately accessed by emergency vehicles, there is insufficient information regarding biodiversity net gain or wildlife impacts, and the use of the access is harmful to local residential amenity. However, the proposal also complies with relevant Development Plan policies in that it is an appropriate land use in the countryside and within a settlement gap.

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 no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site lies outside of the defined settlement boundary (BUAB) in the Arun Local Plan (ALP) and therefore falls in the countryside. ALP policy C SP1 states that development in the countryside will only be permitted where it relates to certain criteria. Part (f) allows development in the countryside where it is in accordance with other policies in the Plan which refer to a specific use/type of development.

ALP policy TOU DM1 states that holiday accommodation outside the BUAB can be acceptable provided it is small scale and relates to quiet, informal recreation and enjoyment of Arun's countryside. In all cases, development in the countryside must demonstrate that it is compatible with the countryside location and is sensitively designed to minimise potential impact on the countryside.

The previous applications subject of P/145/22/PL and P/45/23/PL were both considered to represent small scale developments and they both comprised 12 tent pitches and 3 touring caravan pitches. This proposal is for only 3 more pitches and so is similar in scale. Whilst it is acknowledged that P/27/24/PL has been approved since the refusal of P/45/23/PL, and that the cumulative scale of both that and this new application is much greater, it is important to note that the two permissions would not always be in operation at the same time (P/27/24/PL was for no more than 60 days whereas the new application is 7 months).

Furthermore, were it not for the proposal under P/27/24/PL to bring touring caravans onto the site, then that application would have represented permitted development and could have been undertaken without planning permission. The proposal is therefore of an appropriate scale, and it will allow for the enjoyment and use of the surrounding countryside. It therefore complies with policy TOU DM1 and by association, with C SP1.

The site is in a Strategic Gap and ALP policy SD SP3 states development in such areas will only be permitted where it does not undermine the physical and/or visual separation of settlements, does not compromise the integrity of the gap (including with reference to other existing development), cannot be located elsewhere and maintains the character of the undeveloped coast.

The proposal would predominantly comply with this policy as it has no impact on the coalescence of settlements and there is little physical development involved with the use. There is no justification for why it has to be here other than the land being owned by the applicant and there already being a seasonal camp site here. However, given the low level of impact, this does not result in a material conflict with the policy.

AGRICULTURAL LAND:

The Agricultural Land Classification (ALC) Provisional (England) dataset from Defra suggests this land is likely to fall in Grades 1 or 2. ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the ALC for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such

land in the long term. The policy then makes it clear that in order to fully justify the loss of the agricultural land, the policy criteria (a) to (b) and (d) to (g) should be met.

These require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures. However, the preamble to the Policy states that it is only necessary to provide a full assessment, a soil resource plan, and details of mitigation measures where the proposal involves permanent loss of one hectare or more. This site is an area of 0.9 hectares and is only semi-permanent in nature in that the road could be removed and the huts will only sit on the ground on wheels. Future use for grazing or crop production could still occur (i.e., there will be no permanent loss of or harm to the existing soils) and it is material that the council's historical aerial photography dating to 1991 shows no evidence of crop use.

An appeal for a residential site in Yapton (Clays Farm) was allowed despite the site being Grade 2 agricultural land. The Inspector noted the site was not being used for agriculture and that there was no evidence that the site would be so used in the future. The Inspector stated whilst this does not in itself justify the loss of agricultural land, it does act to reduce the level of economic harm caused by its development. The Inspector considered that the loss of the grade 2 agricultural land represented only moderate harm and that the benefits of the development outweighed this harm.

Although the benefits of a campsite are different to a housing development, the proposal will result in economic benefits, and it clear from the response of the council's economic development officer that there is a need for such tourist accommodation within the district. Whilst there is a conflict with the policy, material considerations exist such that it would not be sustainable to refuse the proposal on this basis (and none of the previous applications have been refused for this reason).

PUBLIC FOOTPATHS, HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network and promotes sustainable transport. Schemes should accommodate the 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. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes and to ensure access to Public Rights of Way (PRoW).

WSCC Highways do not object and recommend no conditions. This follows their approach in assessing previous applications. WSCC Public Rights of Way (PRoW) also state no objection subject to guidance notes which could be included as an informative should permission be granted. There are no conflicts with planning policies designed to ensure safe highway access or to protect public rights of way.

FIRE ACCESS & FIREFIGHTING:

ALP policy T SP1 states schemes should accommodate the efficient delivery of goods and supplies. The NPPF is a material consideration and states at para 117 that "... applications for development should: d) allow for the efficient delivery of goods, and access by service and emergency vehicles". ALP policy D DM1 requires that development comply with the Arun Design Guide (ADG) which states "All development should include access routes suitable for emergency vehicles, including fire engines. These routes should be easy to maintain, and applicants may be required to provide appropriate management arrangements."

Applications P/145/22/PL and P/45/23/PL (both for camping) were partly refused because it had not been demonstrated that the site could be accessed by fire appliances or that an adequate water supply for firefighting was available. The WSCC Fire Officer then visited the site in connection with the subsequent

application P/80/23/PL for mobile homes and advised no objection in terms of site access and requested a condition to provide a suitable water supply in case of fire. However, that application was refused.

P/27/24/PL attracted an objection from the Fire Officer on grounds of access and water supplies, but this was considered to be resolved through the addition of the same water supply condition and having regard to the comments of the Fire Officer on P/80/23/PL. It was relevant that the proposal would, if it were not for the proposal to allow touring caravans on the site, have been permitted development so would not have required a planning application, or have been subject to conditions.

Condition 5 on P/27/24/PL (water tank) was discharged in November 2024 by application P/105/24/DOC on the basis that a 50,000-litre water tank would be installed on the site. The location of this has not been plotted on the current drawings and due to differences between the base location plan drawing approved by P/105/24/DOC and that supplied with P/6/25/PL, it is not possible to accurately identify where the tank is in relation to the new site.

However, based on a comparison of the two plans, it is believed that the tank is around 70-80m from the southern edge of the hut area and 210-230m from the northern edge, but this cannot be confirmed without accurate plans. It is noted though that the Fire Officer states that 175m is the required distance for a water supply from sleeping accommodation. The site is likely to be partly too far from the water supply. It is noted from recent site visits that the camping use permitted by P/27/24/PL takes place further away from the northern boundary and so is likely within the 175m range hence appropriate in location.

Regarding access, the Fire Officer stated no concerns with access to the mobile homes applied for by P/80/23/PL however, this new proposal is some 175m further north from the mobile homes. The applicant has provided no details to confirm the new track is suitable for large fire vehicles and the Fire Officer has not been invited to the site to assess the suitability of the access road.

For the above reasons, there are conflicts with the relevant policies and planning guidance.

LANDSCAPE & CHARACTER:

ALP policy D DM1 requires development to reflect or improve on the character of the site/surrounding area. Policy TOU DM1 requires tourist development to be sensitively designed to minimise potential impact on the countryside. The ADG does not refer to camping or caravan development.

The proposal is entirely in a former field situated north of existing dwellings and a significant distance from the road. Whilst the presence of the PRoW on the western boundary will allow the public to view the site at close hand, it is not out of character to have holiday camping/caravanning sites in the countryside.

The applicant has created a grassed earth bund on the west side of the hut area to provide screening from the footpath. This is approximately a metre tall, and the applicant states it will be landscaped with a hedge and other planting. The shepherd huts are proposed to be on the site between March and September when it is more likely that foliage will be present. Provided this landscaping takes place (i.e. secured by a condition) then there will be little to no impact on views from the public footpath.

The proposed use will not result in any significant harm to the countryside in visual terms and there are no conflicts with the policies.

HERITAGE ASSETS:

Lagnersh Farmhouse is a Grade II Listed Building dating from 1740. Whilst the neighbouring Lagnersh

Barn has no historical designation, the owner asserts that it dates to 1725. Both buildings are on the council's tithe maps and therefore Lagnersh Barn should be treated as a Non-Designated Heritage Asset (NDHA).

ALP policy HER SP1 states development likely to prejudice designated or non-designated heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. The NPPF provides guidance on how to determine impacts on heritage assets.

This application does not include a Heritage Assessment but one was provided with P/27/24/PL which stated the impact of the proposed campsite on the setting of the listed building was negligible due to the significant distance from the listed building and the fact that this would be a seasonal use with a limited number of pitches in a large field, ensuring the open countryside character remains. Whilst the proposed use is different in design and duration, the fact remains that the site is a significant distance from the heritage assets (approximately 235m from Lagnersh Barn and 265m from Lagnersh House).

The Conservation Officer commented informally on P/145/22/PL that there would be no harm to the Grade II Listed house due to the distance. On this basis, it is not necessary to weigh up public benefits and there is no conflict with the NPPF or ALP policy HER DM1.

In respect of the impact on the NDHA Lagnersh Barn, this is a significant distance from the site but the access to the camp site does run right past the building and the vehicle movements between the site and the road could have an impact on the experience of this building. None of the previous applications had considered the impact of vehicle movements on the barn in their respective assessments however, in the absence of any heritage expert objections, it would not be sustainable to refuse on this basis and so it must be determined that there is no conflict with the relevant policies. This is the same approach taken with the previous applications.

ARCHAEOLOGY:

ALP Policy HER DM6 states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires that a desk based archaeological assessment be submitted.

The application is not accompanied by an archaeology report, but previous applications were (including P/27/24/PL which is on an adjacent area of the site). The council's archaeologist has raised no objections subject to a condition to ensure any future ground works are observed by a qualified archaeologist. Notwithstanding that the works to lay the road and create the bund have already taken place, a condition could still be imposed in case of future excavations. Therefore, there is no conflict with policy HER DM6.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy 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. This would include consideration of noise and air pollution where not covered by policies QE DM1 and QE DM3. Paragraph 135(f) of the NPPF requires that development ensure a high standard of amenity for existing and future users.

The use of the site itself generates no concerns with residential amenity (including noise disturbance) as

the site is a significant distance from the nearest residential curtilage (at least 200m). However, access to the site effectively adjoins the side elevation and enclosed rear garden of Lagnersh Barn and the first two applications for camping were partly refused on the basis that the use of the access by camp site traffic results in noise disturbance, air pollution and a loss of privacy to the occupants of Lagnersh Barn.

The occupiers of Lagnersh Barn previously alleged that their amenities had been compromised by way of large vehicles moving slowly/carefully to negotiate the access road or waiting with their engines are running whilst the site gate is opened. At such times, persons in large vehicles are able to see into the private garden above the fence line, fumes from vehicles exhaust into their lounge window (which directly adjoins the access drive) and all the while, their amenity is further affected by noise and disturbance from such vehicles.

There are additional impacts arising from persons/vehicles passing over their wider garden land (which the access runs through), but these are tied in with land ownership issues and are not capable of being determined through planning.

It is accepted that the use of the shepherd hut site will be seasonal (March to September) and there would be some periods of the year when there are no impacts. Some of the residents' previous concerns were a result of other unauthorised development on site (i.e. the mobile homes). During the summer months the impacts are primarily associated with the campsite, and this is when it would be expected to have windows open and to use private gardens. It is accepted that some of the instances of vehicles pausing on the access are to open the gate (which the neighbour closes because it is their gate), however it is conceivable (and the neighbours CCTV evidence supports this) that larger vehicles have trouble negotiating the access at this point due to the neighbour often having their car parked on the right hand side of the access driveway just after their garden. Crucially, there is also a slight bend in the drive at this point.

P/27/24/PL was approved despite this concern but that was solely on the basis that such vehicle movements could take place without the benefit of a planning permission due to the permitted development rights. Whilst the PD rights do not allow access by touring caravans, it was determined that there was little material difference between touring caravan movements and other vehicles including motorhomes. Indeed, motorhomes would likely have a greater impact on privacy due to the high driving position compared to a normal vehicle towing a caravan.

The applicant has offered to rescind the P/27/24/PL permission in order to secure approval of the shepherd huts. However, P/27/24/PL is only for a maximum of 60 consecutive days between 29 March and 31 August in each calendar year whereas this proposal is for 01 March to 30 September (so 214 days). The proposal would therefore likely lead to an increase in harm to the amenities of the neighbour over and above that associated with P/27/24/PL.

It is also important to note that the site has seen several breaches of planning control in recent years with camping and touring caravan uses set up and residential mobile homes placed without planning permission, and breaches of approved planning permissions (e.g. the permitted season for P/27/24/PL has been exceeded already). The Local Planning Authority has limited confidence that a proposal to rescind one permission in favour of another will actually result in an overall reduction in the intensity of the use.

The application will harm the amenities of the neighbouring properties in the same way as was determined under applications P/145/22/PL and P/45/23/PL and the proposal is in conflict with the afore mentioned policies.

LIGHT POLLUTION:

REPORT_1011(ODB)

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. Notwithstanding that the application states no lighting is proposed, given the previous history of enforcement issues at the site, it would be prudent to impose a condition to require the applicant to seek approval of any details of permanent fixed external lighting that may be implemented in the future. Such a condition could be worded to ensure that any new lighting does not adversely affect bats or other wildlife species.

WATER SUPPLY:

ALP policy W DM1 states development must provide sufficient water supplies prior to occupation. The neighbouring resident previously alleged that the campsite did not have permission to use the water supply that serves existing dwellings and that as a result of the campsite and other unauthorised development, the water pressure in their property was so low that at certain times of the day, normal water based daily activities are not possible. Another resident has stated on this application that the water licence has run out and a new licence is being drafted.

The application does not comment on water supply issues, but it is clear that there is a water supply to serve the use and in the absence of any evidence from the water supplier that there is no agreement for the supply to be shared or that there is no current agreement to supply water then there is no case for conflict with policy W DM1.

FLOODING & SURFACE WATER DRAINAGE:

The whole of the site lies in Flood Zone 1 and so is low risk. ALP policy W DM3 states development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. The application proposes to place drainage crates under the ground level and use French drains around each hut.

The Lead Local Flood Authority (WSCC) had initially objected to the application but following receipt of further information, advised no objections. It is acknowledged that Lower Bognor Road floods due to surface water inundation and this has been known to cause the road to be blocked. This flooding is outside of the site and so there is no planning reason to refuse on this basis. It is material that the camp site will operate during the summer months when the risk of flooding will be lower. There are no conflicts with the relevant policies.

FOUL DRAINAGE:

ALP policy W DM1 states all major developments must demonstrate, that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. There is no requirement for a full Drainage Impact Assessment as the site does not lie within the Lidsey Treatment Catchment designation.

Those visiting the site in connection with P/27/24/PL are understood to use an existing toilet block which then empties into a large septic tank that is then emptied twice yearly. However, these shepherd huts are shown to have showers and toilets within the hut and so it would follow that there will be services provided to supply water and remove waste. The application form states it is not yet known how foul sewage will be disposed of whereas the supporting statement states that services already exist on site and there are no plans to develop these. These statements are at odds with each other and it is presently unclear how foul sewage will be disposed of. On this basis, there is currently conflict with Policy

W DM1. However, this matter could be resolved by a planning condition therefore this does not form a refusal reason.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. The application is not accompanied by any ecological survey information, but the Council's Ecologist has reviewed the application on the basis of the surveys provided with P/45/23/PL and P/27/24/PL.

The P/45/23/PL survey report included a section on the use of the site by badgers (although this was redacted in the public document in accordance with the Environmental Information Regulations) and identified potential sett locations on the site. This information cannot be revealed but it is clear that the setts were not in the same part of the site as the proposed shepherd huts.

The P/27/24/PL survey report identified no impacts to protected species or important habitat but did not contain the same level of detail regarding badgers. P/27/24/PL was subject to a condition stating that the applicant/owner shall install suitable animal proof fencing to ensure the provision of a 20m wide wildlife buffer to the hedgerows/ditches on the northern, western, and eastern boundaries. The P/27/24/PL report had identified habitat suitable for dormice, water vole and reptiles within the eastern boundary. It is clear from site visits that this buffer has not been provided as hardstanding and touring caravan pitches have been laid/sited right up to the eastern boundary.

The ecological report undertaken by P/45/23/PL remains valid and is a material consideration in this new assessment. The Ecologist has advised no objections albeit subject to a condition to ensure a 20m buffer zone is implemented around the site boundaries. This would protect any setts and mitigate for potential disturbance to other species that may be present such as reptiles, amphibians, water vole, and dormice.

It is unclear why the Ecologist has stated no objection given the plans show hardstanding adjacent to the eastern boundary and that it would not be possible to approve this proposal and at the same time, ensure a 20m buffer to the eastern boundary. The P/27/24/PL ecological report identified the eastern boundary as having potential habitat for dormouse, water vole, and reptiles. If this application were to be approved, then this habitat would be lost (albeit it may have already been lost by the activities that have taken place) and there are no plans in place to mitigate the loss. For these reasons, there is conflict with ALP policy ENV DM5 and with the NPPF.

BIODIVERSITY NET GAIN:

The applicant states the application is exempt from BNG as it is a retrospective application which was completed in January 2025 and so it is not possible to impose a pre-commencement standard BNG condition. This is an established exemption set out in the BNG regulations. However, it is clear that the development has only been part implemented (laying of hardstanding and a bund) and that what has been laid on the ground does not fully resemble that for which has been applied. Therefore, it has not been proven that this is really a retrospective application. On this basis, the proposal to not provide BNG is not accepted and there is conflict with ALP Policy ENV DM5, the NPPF and Schedule 7A of the Town and Country Planning Act 1990.

PAGHAM HARBOUR:

ALP policy ENV DM2 requires that new development likely to have an impact on Pagham Harbour which are in a 400m to 5km distance ('Zone B') of Pagham Harbour should make a financial contribution towards the provision of accessible natural open green spaces to serve the area. The application site lies

within the designated Zone B.

Although ADC's published guidance on the level of the required contribution only refers to residential developments, tailored contributions are imposed on other forms of development. As the Pagham Harbour designation extends into the Chichester District Council (CDC) area, it is relevant to consider their guidance. CDC's policy note entitled "Recreational Disturbance of Birds in Special Protection Areas (SPAs) - Guidance for planning in the Chichester Local Plan area" (April 2020) has been consulted upon. On the basis of this methodology, a contribution of £10,152.39 has been calculated. This is based on:

- The calculation based on Chichester's policy note for the caravan/camping pitches is the no. of days open divided by 365 x the number of pitches x £962.
- The site would be open for a maximum of 214 days.
- A 50% reduction would apply in winter, but no use is proposed in this period so does not apply in this case; and
- As such the calculation is $60/365 \times 50 \times £962$.

The applicant has agreed in principle to this contribution and has provided a draft legal agreement and a legal checking fee to secure the contribution. However, to date this has not been confirmed as complete and therefore despite no fault on the applicants part, must be included as a refusal reason.

Arun District Council are required by the Conservation of Habitats and Species Regulations 2017 (as amended) to assess proposals in respect of the impact of increased recreational disturbance arising from them on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site. This has not been done at the current time as the application is being recommended for refusal.

SUMMARY:

The application concerns a proposal for 18 shepherds huts which will replace an existing unauthorised development of touring caravans that is presently also operating in conflict with conditions on an earlier planning permission. The proposal also follows two previous refusals for camping and caravanning with a third only approved due to the similarity with permitted development rights.

As per the above report the application is inadequate in terms of information relating to fire vehicle access, a water supply for firefighting, wildlife mitigation, and Biodiversity Net Gain. There are also several policy conflicts relating to both these issues and impacts to residential amenity, wildlife habitat and to the impact on the Pagham Harbour SPA.

The presumption in favour of sustainable development (para 11 of the NPPF) does not apply to this conclusion as the application does not involve the provision of housing and the relevant policies regarding camp sites are either not out of date or do reflect the advice in the NPPF. The benefits of additional spending by holidaymakers in the economy and the provision of tourism accommodation are noted but these benefits are not significant enough to justify granting this application given the numerous identified policy conflicts and adverse impacts.

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

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the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

REFUSE

- 1 The use of the access by camp site traffic results in noise disturbance, air pollution and a loss of privacy to the occupants of Lagnersh Barn. This results in adverse harm to the amenities of this property in conflict with Arun Local Plan policies D DM1 & QE SP1 and the NPPF.
- 2 Based on the information submitted it has not been satisfactorily demonstrated that the site can be safely accessed by fire appliances or that adequate firefighting facilities are available to serve the proposed huts. The proposal conflicts with Arun Local Plan policies D DM1 and T SP1, the Arun Design Guide and the NPPF.
- 3 The development of this site will result in the loss of habitat suitable for protected wildlife species (including dormice, water vole and reptile) and no mitigation measures have been proposed to mitigate or compensate for these impacts. The proposal conflicts with Arun Local Plan policy ENV DM5 and the NPPF.
- 4 The applicant has claimed that the application is exempt from Biodiversity Net Gain due to it already having been completed and therefore is a retrospective application meaning that a pre-commencement standard biodiversity gain plan condition cannot be imposed. However, the situation on the ground is not the same as that on the plans and it appears that only the access track and earthen bund have been completed already although the access track is in a different position to that shown on the drawings. There is therefore insufficient information to determine whether or not BNG is applicable on this application and the proposal is in conflict with Arun Local Plan policy ENV DM5, the NPPF and Schedule 7A of the Town and Country Planning Act 1990.
- 5 In the absence of a completed and signed legal agreement, the application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to serve the Pagham area to offset the impacts of recreational disturbance on the Pagham Harbour SPA and the proposal is therefore not in accordance with Arun Local Plan policies ENV DM1 and ENV DM2.
- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm

caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.