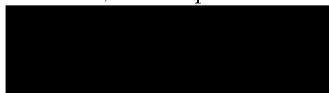

LUKEN BECK



30 Carlton Crescent, Southampton SO15 2EW



Mr Karl Roberts,
Director of Planning,
Arun District Council,
Maltravers Road,
Littlehampton,
West Sussex BN17 5LF

15th June 2021

Our Ref: GB/16092

Your Ref: PP-09940160

FAO Ms Maria Tomalova

Dear Mr Roberts,

Town and Country Planning Act 1990 (as amended)
Application for retrospective permission to locate 4 mobile homes for countryside workers on the site of planning permission reference P/72/09 varied by permission P/22/017/PL at Bowley Farm, South Mundham, Pagham, Chichester PO20 1NB
Planning Portal Ref: PP-09940160

You may recall in August last year we submitted a planning application [LPA Ref: P/86/20/PL] which was refused on the 9th February 2021 for two reasons namely;

1 The site lies within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The National Planning Policy Framework (paragraph 163, footnote 50) states that a Flood Risk Assessment must be submitted when development is proposed in such locations. The applicant has failed to demonstrate that the development will be safe without increasing flood risk elsewhere and reduce flood risk overall. The proposal is therefore in conflict with Arun Local Plan policy W DM2 and with the guidance in the National Planning Policy Framework.

2 The 4 mobile homes are in a buffer zone (approved by P/72/09) alongside the watercourse which should be kept without structures, footpaths and formal landscaping to protect the watercourse and the wildlife. The proposal represents a threat to groundwater pollution and disruption or loss of the protected species, in conflict with policies ENV DM5, H DM3 and W DM1 of the Arun Local Plan and paragraph 175(a) of the National Planning Policy Framework.



RTPI

mediation of space - making of place

Chartered Town Planners

Reason 2:

On behalf of the applicant, we have now obtained an Ecological Survey and Report clearly demonstrating that the buffer zone alongside the watercourse located on the western boundary has not been adversely affected towards any protected species, neither is there any adverse effect upon the watercourse by virtue of the placement of the four mobile units as seen on site. This being the case, it is believed that the application complies with those policies contained within the Arun DC Local Plan and the NPPF.

Please see the attached Ecological Appraisal prepared by Lizard Design & Ecology dated 21st May 2021. In particular, we draw attention to Section 6 of the report on page 17.

Reason 1:

In respect of the first reason for refusal, the 4 x mobile units are not located within Flood Zone 3 but rather they are located within Flood Zone 1.

The attached Flood Risk Assessment prepared by The Civil Engineering Practice, dated June 2021 explains the circumstances of the case setting out clearly as summarised on page 16 that in terms of flood risk, "the proposed development is suitable at this location."

There being no justification to refuse planning permission on either of the two grounds above, we respectfully request that planning permission is granted.

Whilst this application largely represents a resubmission with the objective of submitting further evidence in respect of the two reasons for refusal, there is a degree of repetition to ensure the application is self-supporting.

The application relates only to the 4 mobile homes located on the western side of the approved 20 mobile homes because these units were added a couple of years ago simply to accommodate four additional workers given the immediate need for extra workers combined with the difficulties of finding suitable housing. As explained in correspondence attached to the application in 2017, the scarcity of local people to work the land has been a constant challenge hence the solution to employ workers from overseas.

The initial planning permission [P/72/09] granted in 2010 has been a huge success insofar as for over ten years now, the mobile homes have provided accommodation for countryside workers within the agricultural and horticultural industries. (See Photograph 1 below) As far as we are aware the development has caused no difficulties or given rise to any complaints. Having said that, we are aware of course that in the summer 2019 the local planning authority [LPA] alerted the owner to some difficulties resulting in correspondence between the applicant and the LPA.



Photograph 1 – Mobile homes approved in 2010 (photo taken in 2020)

The four mobile homes were installed along the western edge of the site illustrated in the plan attached to the application – see Figure 1 below

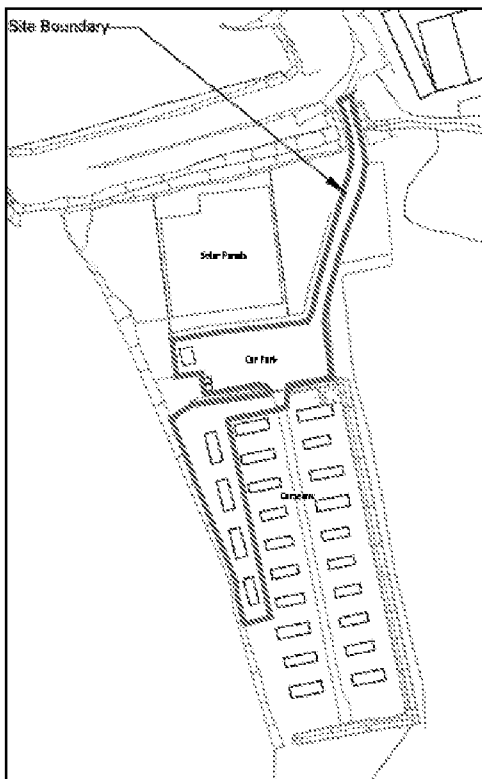


Figure 1 - Extract from Proposed Site Layout showing the 4 mobile homes along the western boundary.

Planning Policy

The key planning considerations associated with the mobile homes have included the need for such accommodation, the location of the units, the transport implications and any aspects of flooding that might exist. Each aspect is considered further below.

Since planning permission was granted for the 20 mobile homes in accordance with the previous Arun District Local Plan, the Development Plan today consists the National Planning Policy Framework [NPPF] the updated Arun Local Plan 2011-2031 (July 2018) together with any supplementary planning documents. As the NPPF is more up-to-date where there is any potential conflict, the latter would take precedence.

Paragraph 12.8 of the Arun LP confirms that in certain circumstances such as that at Bowley Farm, countryside workers' accommodation is sometimes required *"to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. In certain cases, the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work."*¹ The text continues *"There has been a tradition within the Arun District to provide temporary accommodation for seasonal workers on a season by season basis in the horticultural industry."*²

Policy H DM3 then provides guidance within the third limb stating;

"3. Temporary seasonal horticultural workers' dwellings

Permission for temporary accommodation for seasonal horticultural workers will only be granted in exceptional circumstances, where there is clear evidence that the structures are absolutely essential for the provision of staff accommodation to facilitate the economic running of a farm or horticultural holding and providing that:

- a. There is no suitable alternative means of providing the accommodation;*
- b. The structures are recognised as an interim measure and approved on a temporary basis only, subject to seasonal and temporary occupancy conditions. Planning conditions/obligations shall be used to limit the duration of the proposed use;*
- c. The structures are sited in order to minimise their visual impact on the surrounding area;*
- d. The structures are designed to provide adequate accommodation which complies with minimum health standards;*
- e. The structures are designed and sited to meet normal planning and technical requirements including access, hardstanding, fire resistance and light ventilation;*
- f. Any drainage issues are satisfactorily addressed; and*
- g. All other necessary services to serve the dwelling(s) exist."*

This application is to site 4 additional mobile homes on the same site as the 20 units which have been in position for over 10 years. There is a continuing need for the workers to support agriculture and horticulture perhaps more than ever now because of the Coronavirus worldwide. There is a continuing shortage of suitable accommodation available within the Bognor Regis, Chichester area which is located close the farmland and within the budget of

¹ Arun Local Plan paragraph 12.8.1

² Ibid paragraph 12.8.2

some low paid workers who are seasonal. The mobile homes have provided a lifeline to the rural economy enabling workers to engage in the production of food for a few months at a time before returning home, mainly in central and eastern Europe. The structures themselves are well screened with a mature landscaped belt of trees and cannot be seen outside the site. The necessary infrastructure for water and power was installed a decade ago for which reason all of the criteria in Policy H DM3 a-g are satisfied.

It is probably worth repeating the circumstances set out three years ago in 2017³ when an application was made (and granted) to vary Condition 2 of permission P/72/09 because the situation today is the same insofar as demand for countryside workers is even higher and the accommodation shortage is greater. In that application the following was mentioned; *“During the latter part of 2010 shortly after the caravans were occupied, it became evident that due to the changing nature of the rural economy and the combination of agricultural and horticultural practices, that workers were required to support the industry throughout the twelve month period. This experience was not short lived because during the winter months of 2011/12 through to 2016/17, the same demand remained for agricultural workers to assist with the production of produce and packing plus preparing the ground and sowing new crops for the forthcoming Spring and Summer months.”*

The Officer's Report in 2010⁴ also remains very relevant today – *“The proposal is for accommodation of seasonal agricultural workers. Bowleys Farm is part of a local co-operative which is working to maximise the growing potential and distribution of the wider area. This is a result of European Regulations which have resulted in rural and farm diversification. The farmland at Bowley is leased to the adjacent farm, Sefton Farm (Barfoots of Botley) which is a large growing and distribution centre for the area. The nature of the work is seasonal between March and October. The proposal is therefore considered necessary for agricultural purposes.”* As mentioned already Condition 2 of that permission has since been varied.

Local Plan Policy T SP1 recognises the need for growth in the District's economy but encourages a reduction in congestion whilst promoting sustainable travel. Policy T DM1 complements the overarching policy by ensuring sustainable transport measures are adhered to. In the case of this application there is no public transport readily available due to the countryside location but if workers are unable to walk or cycle to nearby farms to work the land, the private mini buses have been and will continue to be made available to transport workers to other nearby land or perhaps a packhouse. Migrant workers tend not to own cars due to the short intervals of temporary employment relying on walking, cycling or the private minibus. Having said that a car park is available; it is noted again that when the initial planning permission was granted for the 20 mobile homes, the officers recognised a more than adequate amount of parking was available. It is maintained that the additional 4 units would not generate a material amount of additional traffic onto the highway network.

The 20 mobile homes granted permission in 2010 have never experienced any issues associated with floodwaters. According to the latest Environment Agency website Flood Map, the whole of the site forming the planning application is situated outside any likely area of flooding⁵

³ Letter dated 6th March 2017 Luken Beck to Arun DC

⁴ ADC Planning Officer's Report Ref: P/72/09

⁵ See EA Flood Map below



Figure 2 – Extract from the 2020 Environment Agency Flood Map showing the application site north of the flood zone.

The flood zone has not altered since permission was granted in January 2010 when no flood risk assessment was required by the LPA but given the more recent refusal of permission a new Flood Risk Assessment has been prepared in support of this application concluding that there is no risk.

According to the Arun DC website, each planning application should be accompanied by a 'Local Validation Checklist' but as there is no suitable form to complete electronically (only a pdf is made available) an incomplete form has been submitted. Having said that the following matters have been addressed which are considered pertinent to the application;

- Biodiversity survey and report – An Ecological Appraisal has been prepared and submitted in support of the application in view of the second reason for refusal.
- Flood Risk Assessment – A Flood Risk Assessment has been prepared and submitted in support of the application.
- Foul and Surface water – the infrastructure serving the existing mobile homes is in place already;
- Landscape strategy – there is no change proposed as the 4 mobile homes remain within the same site and are well screened;
- Bin storage & Collection – provision exists already for the 20 mobile homes and will continue;
- Transport Statement – no specific statement is provided given the retrospective nature of the application. The application is for an additional 4 mobile homes and the minibus arrangement to transport workers to the fields will continue as existing.

Weekly shopping trips to Chichester or Bognor Regis will utilise the minibus for those wishing to travel into town for provisions. Car ownership is not encouraged and the reality is that migrant workers living on the site temporarily for short periods of time do not own their own vehicles. An existing car park is provided with ample space in any event. Again this consistent with the NPPF 2019, paragraph 109. It is noted on the previous application, the Highway Authority raised no objections.

- Plans and drawings – Location plans, site plans have been submitted.

Mention has been made that planning permission was granted in 2010 and subsequently amended in 2017 by the variation to Condition 2. For these reasons we would recommend that for any forthcoming planning permission, the same conditions are applied for the sake of consistency.

With regard to the fee payable to Arun DC, as the applicant and the application site remains the same, in accordance with the T&CP Fee Regulations, there is no further fee payable.

Should any query arise in this respect, please contact me immediately.

Yours sincerely,



Graham Beck
Company Secretary

