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West Sussex
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By email: maria.tomalova@arun.gov.uk

Cc: planning@arun.gov.uk

Your ref: P/95/21/PL

Our ref: AG

20 July 2021

Dear Sirs,

Retention of 4 mobile homes for countryside workers together with drainage and service connection provision in connection with permission P/72/09 as varied by P/22/017/PL (resubmission following P/86/20/PL). This site is in CIL Zone 5 (Zero Rated) as other development. Bowley Farm Bowley Lane South Mundham Chichester PO21 1NB

We are instructed by the Bowley Lane Action Group, a group of concerned local residents, in relation to this application for retrospective planning permission (reference P/95/21/PL).

For the reasons set out below, our clients strongly object to the planning application.

In deciding this application, the proper context of the site must be taken into account. The application that has been submitted is misleading in a number of significant respects:

1. Number of existing mobile homes

The application cover letter, site plan and location plan do not accurately reflect the number of mobile homes that are present on the site. In particular, the application suggests that the 4 mobile homes for which retrospective planning permission is sought and the 20 mobile homes granted conditional planning permission in January 2010 (P/72/09) are the only mobile homes present on site. This is inaccurate. It is understood that there are in fact 54 mobile homes

present on the site.¹ Of these structures, 34 do not have planning permission. The existence of these other mobile homes is relevant to the planning permission in question because of their cumulative impact, including on highway safety, fire safety, foul water infrastructure, and the fact that this application is likely to act as a precedent for future applications. The failure to disclose the existence of these other developments has undermined the ability of consultees to properly consider the impact of this application.

2. Opposition to the development

The application cover letter states that the “development has caused no difficulties or given rise to any complaints” (p.2). However a number of objections were made about the site in relation to a previous application (P/86/20/PL), including by local residents and North Mundham Parish Council. Since the planning officer specifically referenced these objections, it is highly likely the applicant is aware of local concerns. There have also been numerous complaints made over the years regarding the site, including to the planning enforcement department at Arun District Council (“ADC”). For example, application P/22/17/DOC to vary permission P/72/09 was prompted by enforcement action initiated in response to complaints. Complaints have also been submitted to Chichester District Council, Pagham Parish Council, North Mundham Parish Council and West Sussex County Council’s Highways Department, as well as the Church of England, as the landowners of Bowley Farm. As detailed below, there have also been numerous serious traffic incidents on Bowley Lane in recent years. Consequently, there have been considerable difficulties and complaints as a result of the development.

3. Permanent accommodation

The application cover letter suggests that the accommodation is for “migrant workers living on the site temporarily for short periods of time” and for “workers to engage in the production of food for a few months at a time before returning home” (p.7, see also p.5). This is inaccurate. The fact that Chichester District Council provides a taxi service to transport children to the local school

¹ See Annex I and II and the Applicant’s Flood Risk Assessment, June 2021, p.7 and Appendix 2

and that there are numerous trampolines and paddling pools located at the site, suggests that a number of the mobile homes are occupied on a permanent and not a temporary basis. Using the site as a primary residence contravenes planning condition 1 of P/22/17/PL imposed on the 20 approved mobile homes that they "shall not be occupied as a person's sole or main place of residence". Further, the Church of England as the landowner recently ordered notices to quit be served on 30 persons because they were not employed in agriculture at Bowley Farm.

Planning policy

The National Planning Policy Framework 2019 ("NPPF") states:

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside" (para.79)

Further, it is important for planning authorities to ensure that where sites to meet local business needs in rural areas have to be found beyond existing settlements, and in locations that are not well served by public transport, "development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable." (para.84)

National Planning Policy Guidance ("NPPG") – Housing needs of different groups provides guidance on assessing the need for isolated homes in the countryside for essential rural workers. The NPPG states:

"Considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF could include:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk

to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);

- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.”

Paragraph: 010 Reference ID: 67-010-20190722

The Arun Local Plan 2011-2031 is also relevant.

Policy C SP1 of the Arun Local Plan is headed ‘Countryside’ and states that:

“Outside the Built-Up Area Boundaries (as identified on the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty. Development will be permitted in the countryside where it is:

- a. for the operational needs of agriculture, horticulture, forestry, the extraction of minerals or the management of waste as part of a waste site allocation within the West Sussex Waste Local Plan; or
- b. for quiet, informal recreation; or
- c. for green infrastructure; or
- d. for the diversification of the rural economy; or
- e. for road and/or cycle schemes; or
- f. in accordance with other policies in the Plan which refer to a specific use or type of development.

The Council will take into account cumulative impact of development in the consideration of planning applications.

To ensure better management of the rural-urban fringe in those areas where significant new development is proposed, early consideration will need to be given to landscape and biodiversity enhancement, woodland management, recreation provision and access routes."

Policy H DM3 of the Arun Local Plan sets out the basis on which planning permission may be granted for rural workers' dwellings. Different criteria apply depending on whether the dwelling is for permanent (part 1), temporary use (part 2) or temporary seasonal use (part 3).

Temporary rural dwellings must "for the first three years, be provided by a caravan or other temporary accommodation and shall satisfy the following criteria:

- a. Provide clear evidence of a firm intention and ability to develop the enterprise concerned.
- b. Demonstrate a functional need i.e. essential for the proper functioning of the enterprise for one or more workers to be readily available at most times e.g. in cases where animals or agricultural processes require essential care at short notice or in order to deal quickly with emergencies that could otherwise cause serious loss of crops or products.
- c. Provide clear evidence that the proposed enterprise has been planned on a sound financial basis.
- d. Demonstrate that the functional need could not be fulfilled by another existing dwelling on the site, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.
- e. Planning conditions/obligations shall be used to limit the duration of the propose use."

Temporary seasonal horticultural workers' dwellings "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.

Development conflicts with planning policies

The application and cover letter contain conflicting information as to the basis on which planning permission is sought. For example, the application cover letter cites H DM3 - temporary season horticultural workers' dwellings and states that the accommodation is for workers to engage in the production of food for a few months before returning home. However, the cover letter concludes by requesting that the same conditions are applied as the varied condition 2 of P/72/09, namely with no seasonal or temporary requirement attached.

No essential need

Indeed, the evidence as outlined above suggests that a substantial number of the 54 mobile homes are already occupied on a permanent basis as a primary residence.

This is contrary both to planning condition 1 of P/72/09, in respect of the 20 mobile homes already present on site, and is contrary to NPPF, NPPG and H DM3 in respect of the 4 mobile homes that are the subject of this application. This is because there is no essential need for the workers to be located at the site on a permanent basis.

The land at Bowley Farm is said to be leased by the neighbouring Sefter Farm for the growing of crops. There are no farm animals present on site. Even if some of the workers located in the 20 mobile homes granted planning permission are employed by Bowley and/or Sefter Farm, there can be no basis for a further 4 workers to be present on site to provide on-site attention 24-hours a day. Indeed, no evidence of functional need has been provided to this effect. Reference is made to evidence submitted in support of the 2017 application and the findings of the planning officer in 2010. Such evidence is four years and eleven years old respectively and is therefore out of date particularly in light of the leasing of land to Sefter Farm.

Furthermore, accounts filed with Companies House for the year ended 30 April 2020 state that the average number of employees for the whole of Clarkes Of Bowley Limited was 19. Consequently, the occupants of all 54 caravans do not work at Bowley Farm.

Lack of supporting evidence for the rural enterprise

For the reasons outlined above, there can also be no basis for granting permission for temporary rural dwellings. In addition, no evidence of an intention and ability to develop the enterprise concerned has been provided. Nor is there any evidence that the proposed enterprise has been planned on a sound financial basis. Once again, applications submitted in 2010 and 2017 are out of date and the most recent accounts do not support the view that additional workers are needed on the farm.

In situ for more than three years

Two of the four mobile homes have been in situ since at least 9 April 2015. The remaining two were added after that date and at least by January 2019 (see Annex I). Consequently, two of the mobile homes have been there for well over three years and the other two for at least in excess of two and a half years. This contravenes the requirement of H DM3 part 2 which requires temporary rural dwellings to be for "the first three years" only.

Similarly, H DM3 part 3 requires temporary seasonal dwellings to be "an interim measure and approved on a temporary basis only". The use of these dwellings for over

six years and over two and a half years is clearly neither temporary nor an interim measure.

Not employed in agriculture or horticulture

The reality is that many of the workers are not employed by either Bowley Farm or by Sefter Farm but at distant locations, some of which are not in the agricultural or horticultural industry. This is supported by the fact that the Church of England, as the landowner, has confirmed that notices to quit were served on 30 occupants because they were not working at Bowley Farm. There is no basis for granting planning permission on a permanent or temporary basis where workers are not involved in the agricultural or horticultural industry.

The NPPG - Housing needs of different groups is clear that employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings (para.10).

Precedent effect

While this application relates to 4 mobile homes. Given the large numbers of other mobile homes present on the site and without planning permission, it is likely that the grant of permission will act as a precedent for further mobile homes on the site. As such, the occupation of up to 54 mobile homes on the site amounts to "a significant new development" for which no consideration has been given to matters required by C SP1: landscape, biodiversity enhancement, woodland management, recreation provision and access routes.

Highways concerns

Even if the development is found to be for the purpose of housing agricultural or horticultural workers, planning permission should be refused as contrary to para.84 of the NPPF, which is clear that local business needs cannot trump an "unacceptable impact on local roads".

As set out in the expert report at Annex II, the application raises serious concerns for highway safety, particularly when taken in the context of the true nature of the existing

development, including the fact that there are approximately up to 54 occupied mobile homes present on site.

Access to the site is via Bowley Lane, a single-track, winding country lane with no lighting or pavement and no formal passing places. Bowley Lane connects to Runcton Lane and Punches Lane, which in turn leads to Manor Lane. Each of these connecting lanes are also narrow country lanes.

The lanes are used to access local properties and for recreational walking, cycling and horse-riding. Five horses are kept at various properties located on Bowley Lane, a larger stable is located in South Mundham and there is a local riding school, which frequently uses Bowley Lane for children's cross-country hacks.

The applicant's cover letter states that the workers living on site "tend not to own cars due to the short intervals of temporary employment relying on walking, cycling or the private minibus" (p.5).

This is inaccurate. The level of road usage suggests that either the residents own and use cars or that they do not rely on walking, cycling or a private minibus but instead rely on private taxis and delivery vehicles. A private security camera captured 4,800 vehicle movements over a four-week period, an average of approximately 170 movements per day.

Furthermore, since the mobile homes that are the subject of the application have existed on the site since 2015 and at least 2019 respectively, and are believed to be occupied permanently, car ownership is likely.

There have been a number of serious accidents in recent years, including the following:

- In 2018 a small 4x4 was written off after swerving to avoid a head on collision with a yellow car,
- A grey delivery van rolled into the ditch trying to pass another car on Bowley Lane. A neighbour attempted to pull the vehicle out but was unable to,
- A cherry picker van rolled into the ditch after pulling over to allow oncoming traffic to pass,

- A blue/grey saloon car was found listing in the ditch next to Bowley Lane,
- In September 2019 a trailer towed by a tractor overturned on Bowley Lane,
- In November 2020 a blue Mitsubishi was involved in a head on collision with another car. The Mitsubishi was subsequently towed to Bowley Farm by a tractor,
- In June 2021 a red Audi crashed on Bowley lane a short distance from the entrance to Bowley Farm.

While the application is restricted to 4 dwellings, the cumulative impact of the application must be taken into account (Policy C SP1), including the fact that there are 54 mobile homes in total. C SP1 requires consideration of access routes, among other things.

The conclusion of the Highways Agency cannot be relied upon given the incomplete information submitted. The Highways Agency should be re-consulted with an accurate account of the number of mobile homes on the site.

Fire safety

The response of the West Sussex Fire and Rescue Service makes clear that there are fire safety concerns in relation to the development due to the distance of the nearest fire hydrant and access to the properties. The mobile homes therefore do not comply with minimal health standards (H DM3).

These concerns are based on the assumption that there are 4 mobile homes in addition to the original 20, which is inaccurate, given that there are 54 mobile homes present in total. An accurate assessment of the cumulative impact of the development on fire safety, in accordance with C SP1 is therefore required. The fire services should be re-consulted following the provision of accurate information.

Conditions

Finally, it is maintained that ADC cannot reasonably rely upon conditions in order to grant planning permission. This is because the applicant has persistently flouted planning law and previous planning conditions imposed on him, including:

- i. the ongoing failure to obtain planning permission for a further 30 mobile homes on the site, and
- ii. the failure to abide by planning conditions 2, 3 and 4 of planning permission P/72/09 and planning condition 1 of permission P/22/17/PL.

On the basis of the above, planning permission should be refused.

Yours faithfully,

A black rectangular box redacting the signature of Harrison Grant.

Harrison Grant

Annex I – Images showing Bowley Farm from 2005 to 2019

Annex II – Bowley farm current status of development

Annex III - Expert Highways Report

Annex I – Images showing Bowley Farm from 2005 to 2019

12/2005

1985 2019

Legend

Bowley Farm 2005



1985 4/2007 2019

Legend

Bowley Farm 2007



4/2015

Legend

Bowley Farm 2015

Google Earth

Image © 2021 Getmapping plc

100 m



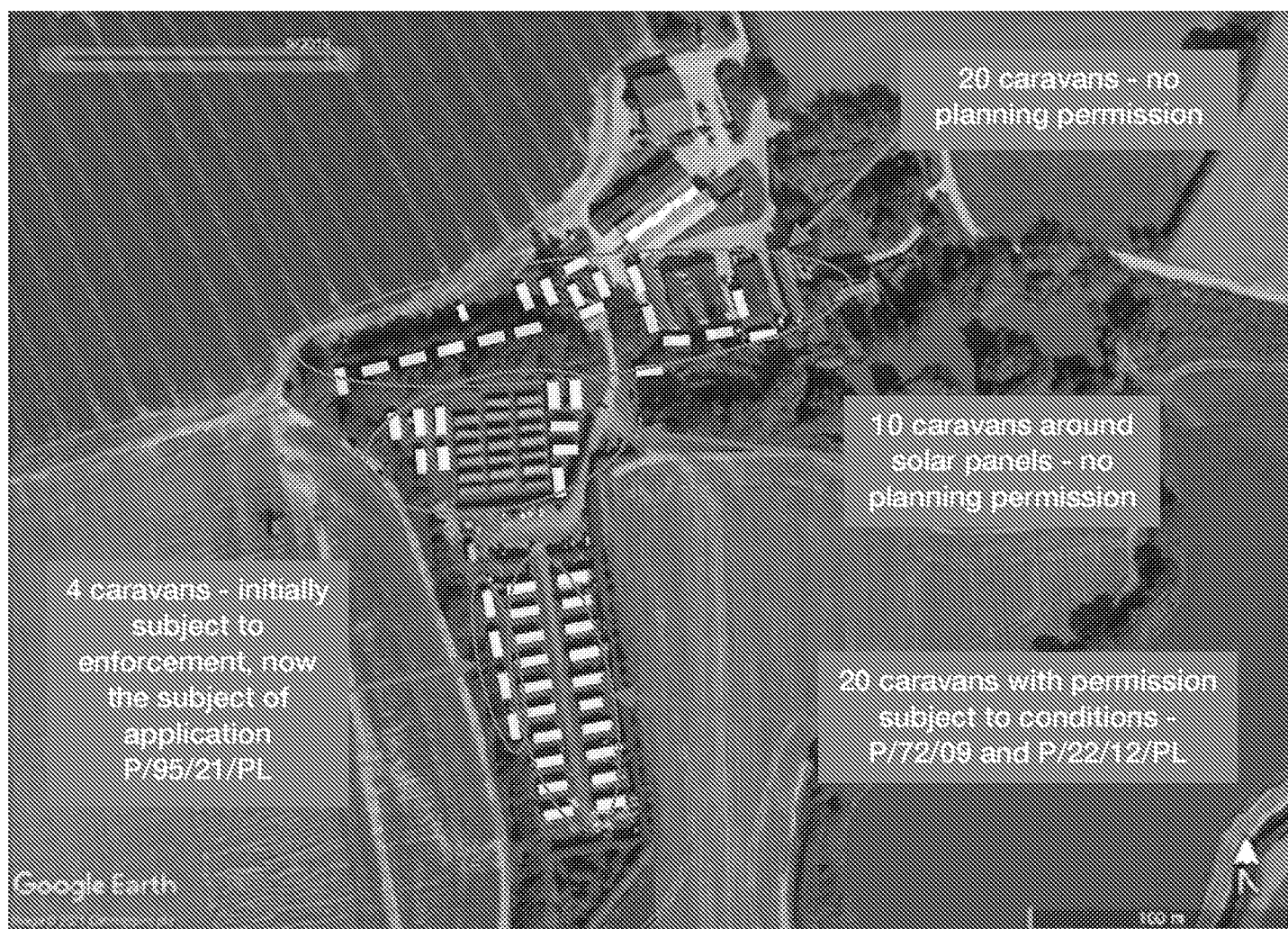
9/2019

Legend

Bowley Farm 2019



Annex II - Bowley Farm current status of development



BOWLEY LANE ACTION GROUP

**HIGHWAYS TECHNICAL APPRAISAL FOR ARUN DISTRICT COUNCIL PLANNING
APPLICATION REFERENCE: P/95/21/PL**

BOWLEY FARM, BOWLEY LANE, SOUTH MUNDHAM, CHICHESTER PO20 1NB



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1.0 Introduction

- 1.1 Les Henry Associates Limited have been instructed by Bowley Lane Action Group to provide this Technical Appraisal of planning application reference: P/95/21/PL for the “Retention of 4 mobile homes for countryside workers together with drainage and service connection provision in connection with permission P/72/09 as varied by P/22/017/PL (resubmission following P/86/20/PL)”.
- 1.2 My name is Leslie James Henry. I am an Incorporated Engineer, a Fellow of the Institute of Highway Engineers and a Member of the Chartered Institution of Highways and Transportation.
- 1.3 I have been involved in highway and traffic engineering issues for 40 years in connection with new development and road safety schemes within both the private and public sector.
- 1.4 I have assisted numerous Parish Councils, individuals, groups, and private companies in respect of many development proposals and highway improvement schemes since 2007.
- 1.5 This report is produced in response to a request from Bowley Lane Action Group. My instructions were to provide a report on the impact of the development at the site if the Application is granted so that the Action Group could establish whether the grounds on which it proposed to object to the Application were valid and if they were to provide independent evidence in support of them.

2.0 Site and Highway Characteristics

- 2.1 The proposal site is positioned to the west of the south-eastern most section of Bowley Lane and to the west of existing commercial operation named Clarkes of Bowley.



Figure 1: Aerial Site Location Plan

- 2.2 Bowley Lane which provides vehicular and pedestrian access to the application site is an unclassified single-track road with no system of footways or street lighting.
- 2.3 Bowley Lane is only capable of accommodating two-way vehicular traffic in isolated areas where accesses provide localised carriageway widenings or where constant vehicle over-runs have eroded the grass verges on either side of the carriageway. There are also sharp bends in the lane which results in reduced forward visibility for drivers.
- 2.4 The carriageway surfacing is poor in many locations and there is no apparent system of positive drainage for the local highway network.
- 2.5 The nearest accessible classified road is B2166 Lagness Road approximately 2km to the north.
- 2.6 The statutory speed limit for Bowley Lane is the National speed Limit for single carriageway without street lighting of 60mph and requires no signage.



Figure 2: Highway Context Plan

3.0 The Proposals

- 3.1 The proposals submitted under planning reference: P/95/21/PL seek the “Retention of 4 mobile homes for countryside workers together with drainage and service connection provision in connection with permission P/72/09 as varied by P/22/017/PL (resubmission following P/86/20/PL)”.
- 3.2 The initial application submitted under planning application reference: P/72/09 for the “Formation of hardstanding and use of land for siting of agricultural workers mobile homes together with drainage & service connection provision” was permitted subject to conditions include the following: -
2. The caravans hereby approved shall only be occupied between 1st March and 31st October in any year.
Reason: The site lies in a rural area where development unrelated to the seasonal agricultural essential need would not normally be permitted and in accordance with Arun District Local Plan policy GEN3
 3. The Caravans shall only be occupied by agricultural workers engaged in agricultural employment at Bowley Farm and other land in the same ownership and/or control as Bowley Farm.
Reason: The site lies in a rural area where development other than for agricultural purposes would not be permitted and in accordance with Arun District Local Plan policy GEN3.
 7. All of the caravans delivered and taken away from Bowley farm shall be via Sefter farm and Pagham Road not through Mundham.
Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.
- 3.3 Subsequently the application submitted under reference: P/22/17/PL for the “Variation condition 2 imposed under P/72/09/ relating to occupancy dates”. The application was granted permission subject to the following conditions: -
1. The caravans shall not be occupied as a person's sole or main place of residence.
Reason: The caravans have been approved for the seasonal occupation of transitory agricultural workers and in accordance with Arun District Local Plan policy GEN3
 2. The owners/operators shall maintain an up-to-date register of the names of all the occupiers of individual caravans on the site of their main home addresses and dates of occupation and shall make this information available at all reasonable times to the Local Planning Authority.
Reason: The caravans have been approved for the seasonal occupation of transitory agricultural workers and in accordance with Arun District Local Plan policy GEN3

4.0 Background

- 4.1 Approximately 20 years ago the land was actively farmed with a few workers residing at the farm, occupying a few mobile homes. Traffic along the lane was minimal, apart from the seasonal harvest time when there was an understandable increase in tractor traffic and vegetable pickers who were ferried to the field by minibus.
- 4.2 However, despite the fields now being sublet to an adjacent farm, the traffic in the area has increased year on year to an intolerable level. This is entirely due to the siting of 54 tenanted caravans and associated personal, as well as delivery, utility, and service vehicles.
- 4.3 It is worth noting that there have been no additional houses built in the area last ten years. Residents and visitors to the area have been subjected to a significant increase in traffic on the roads and lanes for which they are not fit. In addition, cases of careless and dangerous driving on unsuitable roads have resulted in many near misses and numerous, albeit unrecorded accidents.
- 4.4 The volume of traffic is significantly greater than would be expected from a lane that contains 10 houses and a small farm. Even during the COVID-19 lockdown period of early 2021, the vehicle movements along the lane were at dangerous levels - averaging 140 per day.
- 4.5 Over a four-week period between 19th March 2021 and 6th April 2021, a private security camera recorded over 4,800 vehicle movements along the Bowley Lane access to the farm, an average of approximately 170 movements per day. (See Figure 3 below).
- 4.6 Traffic uses the lane continuously throughout the day and night which is extremely rare for such a rural route of this type and has a severe impact on the amenities of the residents.

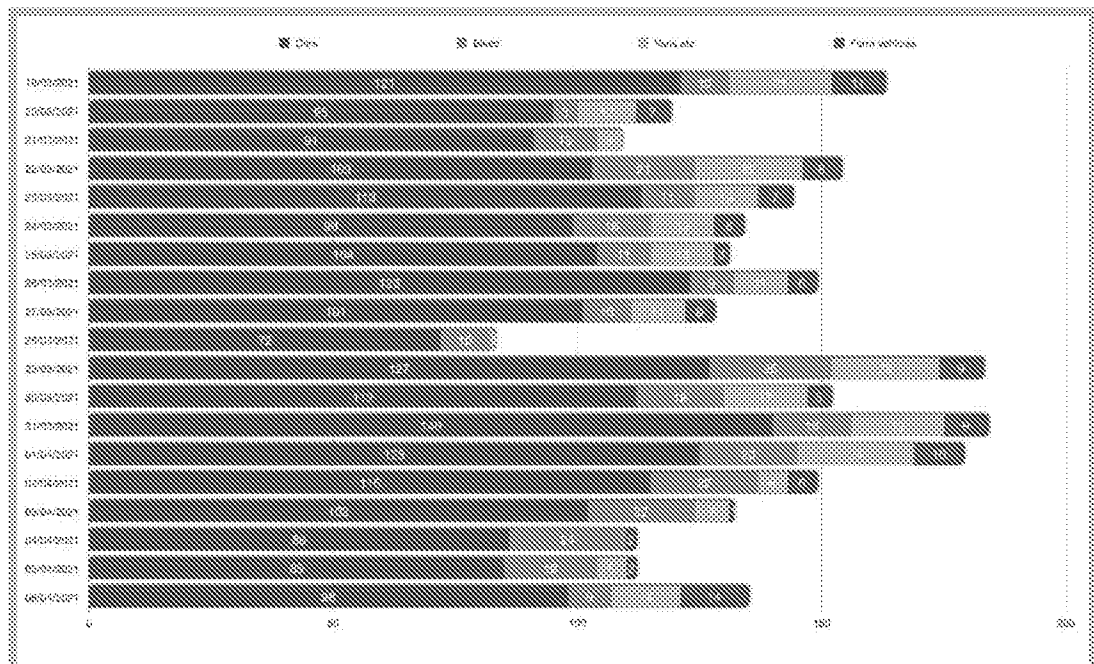


Figure 3: Recorded Daily Traffic Flows

5.0 Highways Implications

- 5.1 It is evident from the planning history of the application site that there has been an intensification in the use of caravans to house a growing number of workers for local enterprises and industries.
- 5.2 The length of time per year these caravans have been used as “temporary accommodation” has increased and it appears the accommodation has become permanent housing for the local workforce.
- 5.3 The intensification of uses on the application site and other adjoining sites has led to an increase in vehicular traffic which now often includes HGV’s.
- 5.4 The “CRASHMAP” website records only 2 vehicle collisions resulting in personal injury along Bowley Lane but there is much anecdotal and photographic evidence of vehicle collisions resulting in substantial vehicle damage and no doubt personal injuries (Appendix A).
- 5.5 The proposals, albeit without planning permission, have already intensified the use of the rural country lanes surrounding the application site by unsuitable levels of vehicular traffic that is not sustainable.
- 5.6 Bowley Lane is continuously used by pedestrians and cyclists; either residents or other members of the public attempting to enjoy the rural countryside.
- 5.7 There are 5 horses that reside in Bowley Lane there is a larger stable in South Mundham. In addition, a nearby riding school uses the lane for cross country hacking with up to 8 children.
- 5.8 Condition 7 of planning permission reference: P/72/09 (above) requires: -
- “All of the caravans delivered and taken away from Bowley farm shall be via Sefter farm and Pagham Road not through Mundham.”
- “In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan”.
- This condition recognises the condition of the highway network serving the application site and the conflicts that large vehicles using the route cause and prevent the safe and free flow of traffic.
- 5.9 The continual intensive use of the site for such accommodation will continue to contribute to conditions that are detrimental to highway safety and the amenities of residents.

6.0 Conclusions

- 6.1 The historical planning permissions granted for temporary accommodation at the site have led to an intensification of use of the land for residential accommodation, some of which may be seasonal agricultural workers, but it would appear the accommodation has been increasingly used to house labour for local industries and businesses.
- 6.2 Bowley Lane is an unclassified narrow, single lane carriageway, with sharp bends, has no passing places, no system of street lighting, or footways and insufficient highway drainage.
- 6.3 Historical planning permissions at this and adjacent sites have given rise to an increase volume of vehicular traffic that constantly gives rise to conditions prejudicial to highway safety.
- 6.4 It would appear the Local Planning Authority and the Highway Authority are unaware of the full extent of the residential accommodation on the site.
- 6.5 There are currently 54 caravans on the site and subsequently this current planning application for the retention of 4 mobile homes is a misrepresentation of the current situation.
- 6.6 These current proposals simply continue to intensify the level of vehicular traffic on unsuitable routes which cannot be sustained as it already severely adversely affects highway safety and endangers pedestrians, cyclists, horse riders and other vulnerable highway users.
- 6.7 The proposals are therefore unacceptable and should be refused planning permission.

APPENDIX A

Photographs





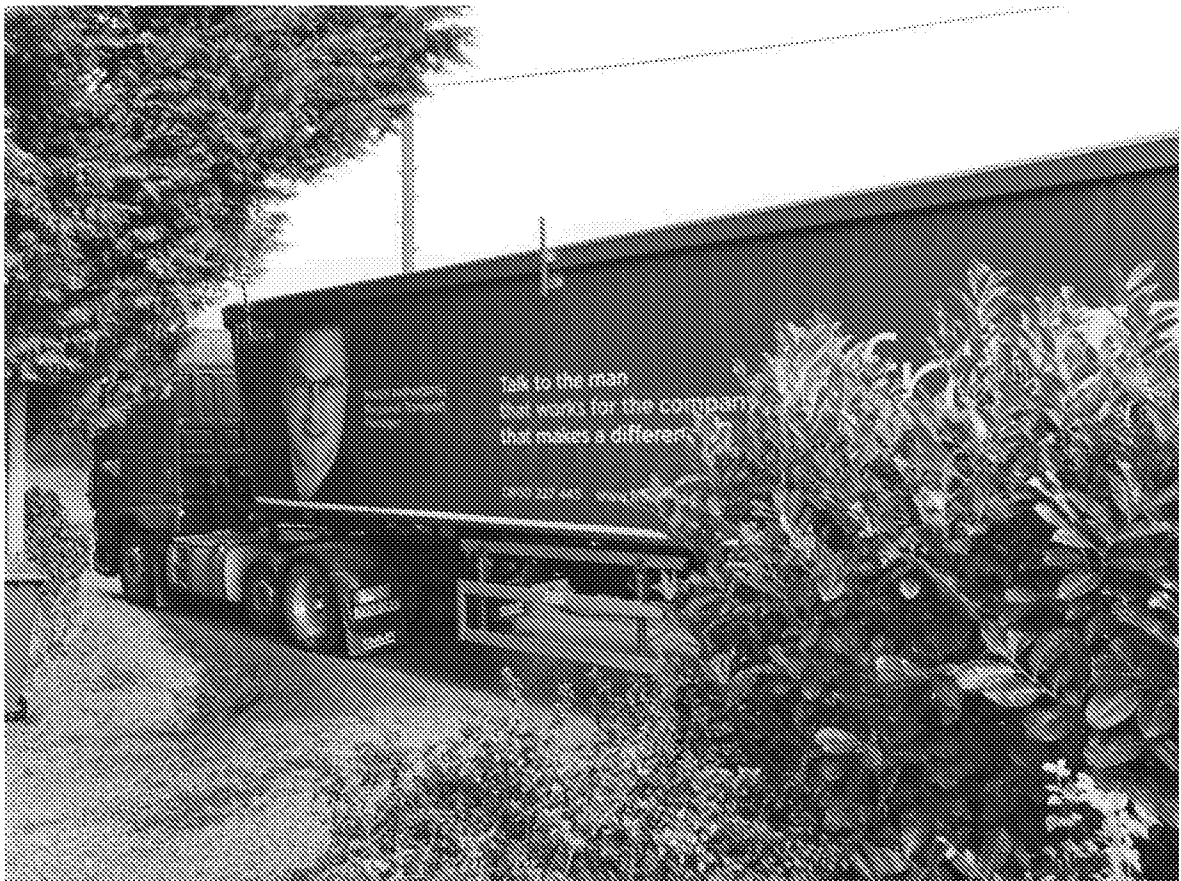




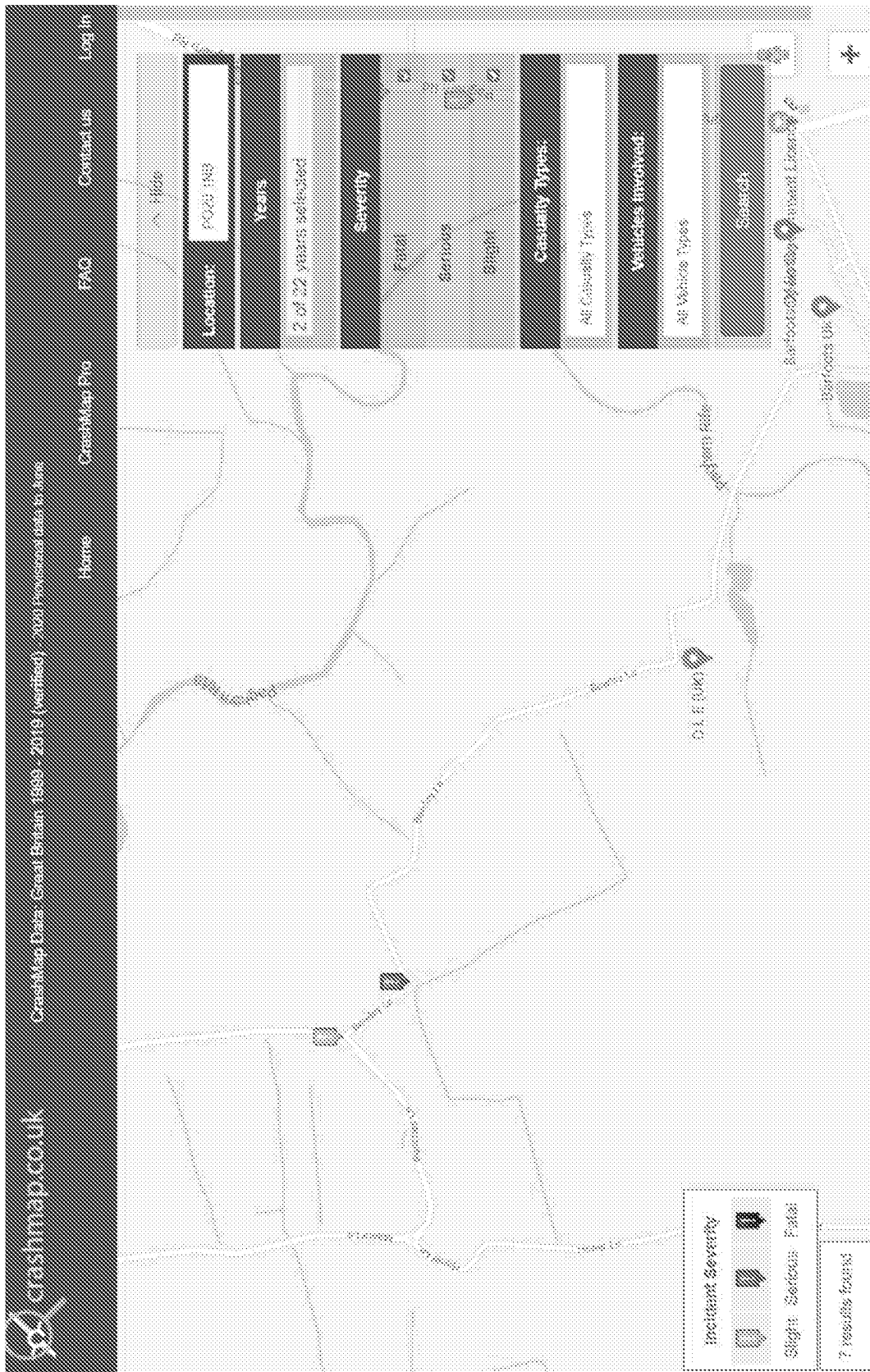








APPENDIX B
CRASHMAP Data



APPENDIX C

Traffic Flow Data

