

Recommendation Report for Planning Permission**REF NO:** R/268/14/PL**LOCATION:** Orchard Caravan Park
Worthing Road
Rustington**PROPOSAL:** Retention of use of holiday caravan park to a residential use for 28 pitches.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	5840 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.4m high fencing to rear. Open mesh fencing to school to 1.8m high.
SITE CHARACTERISTICS	Established caravan site with 28 plots accessed from Worthing Road
CHARACTER OF LOCALITY	Predominantly residential. 2 storey terraced dwellings on site frontage. Detached 2 storey dwellings to rear. Summerlea School to east, public footpath to west adjacent to 2 storey dwellings on former HRI site.

RELEVANT SITE HISTORY

R/144/91	Continuance of use without complying with Condition No 2 imposed on Planning Permission R/313/82 and Condition No 2 imposed on Planning Permission R/68/83 restricting the holiday use to 11 months and weekends only in November to holiday use for 12 months of the year for 28 caravans.	Approve 21-10-1991
R/127/12/	Application for removal of condition 1 imposed under planning application R/313/82 for amendment to periods of permitted use of caravans.	Approve 22-08-2012
R/27/60	Renewal of consent for storage of 20 caravans	ApproveConditionally 22-03-1960

R/4/71	Additional siting of 3 caravans	ApproveConditionally 05-02-1971
R/313/82	Amendment to periods of permitted use of caravans	ApproveConditionally 05-01-1983

REPRESENTATIONS

Representations received:

Rustington Parish Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Environmental Health

Southern Water Planning

Consultations responses received:

Southern Water - A public sewer crosses the street no development should be located within 3.5m of the sewer.

Environmental Health -Environmental Health is the Licensing Authority for this caravan site and has no adverse comment to make on this application.

The ownership of the site has been fragmented in recent years. The freeholder of the whole site (Silver Lake Property Investments Ltd) has in recent years leased land to separate companies, (four in total), each with its own separate leasehold parcels. This change of ownership has resulted in an application having been made to us for a number of caravan site licences to operate the site as a residential site. The caravan site licensing legislation is such that we cannot issue licences where the relevant planning consent is not in place. In the case of Orchard Park, we

are at present unable to issue residential caravan site licences as the site has planning permission for all year round holiday use. It is this situation which the applicant is seeking to resolve by way of this application. It is understood from conversations with residents, that the site has been used, by some at least, for residential purposes for a number of years.

Comments on Consultation responses:

The proximity of development to the sewer is not relevant to consideration of this application. The comments of the Environmental Health Officer are agreed.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area Boundary

Class A Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)
[DEV37](#)

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development
Existing Caravan Sites

TOU DM1 Tourism Related Development
D DM1 Aspects of Form and Design
Quality

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PLANNING HISTORY

The site is an established caravan park dating back to 1949. The original permission has been altered and the size of park and nature of the use has been permitted to change over time. When the site was first approved it was outside the built up area boundary and was for holiday caravans.

In 1982 (R/133/82) permission was granted for 11 months occupation. Condition 2 restricted the use accordingly. November was excluded apart from for maintenance and repair at weekends between 12 noon on Friday and 12 noon on Mondays.

In 1991 (R/144/91) granted permission to remove condition 2 of R/133/82 to allow all year occupation for 28 caravans. No conditions were attached to this permission. The loss of tourist accommodation (DEV35) cannot therefore be considered as part of this proposal since it has previously been agreed.

In 2012 (R/127/12) granted permission to remove condition 1 imposed on planning permission R/313/82 to allow continuous occupation of the caravans at the site.

This application has been submitted to regularise the current residential use of the site. It currently has 28 pitches. The alternative possibility of submitting a Certificate of Lawfulness application has been considered by the agent, but given the number of properties and the length of time involved such an approach was felt to be a disproportionate and expensive exercise. Information in this respect has been gathered and submitted in support of the application and corroborates the established position. It demonstrates that 8 of the homes have been occupied by current occupiers for in excess of 10 years. The assertions that the site has been occupied for residential use are therefore supported by the submitted schedule and are a material consideration.

VISUAL AMENITY AND CHARACTER OF THE AREA

The continued use of the site for all year round residential occupation and the length of leases has no adverse impact on the visual amenities of the locality. The residential nature of the use is in keeping with the Parklands residential estate which now encompasses the site to the rear and west.

SUMMARY

There are no material considerations that would warrant refusal of the application. The application is therefore recommended for approval.

HUMAN RIGHTS ACT

FOR APPROVAL

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 (the right to respect for private and family life number and description) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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 neutral 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).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans site plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 2 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.