WALBERTON PARISH COUNCIL

INCLUDING FONTWELL AND BINSTED

Parish Council Office, The Pavilion, The Street,
Walberton, Arundel, West Sussex, BN18 0PJ

[redacted]

www.walberton-pc.gov.uk

Dear Sirs,

Re: WA/39/22/PL, Cherry Tree Nursery: Continuation of use of land for the stationing of 14 No agricultural workers caravans for a temporary period of 3 years

Walberton Parish Council wishes to **object** to the above planning application.

We note that the application is almost identical to that made last year, WA/37/21/PL, which was refused permission by Arun District Council. As such, we refer you to our previous objection (attached) as we consider that the points raised remain relevant here.
The new letter from the agent provides no additional detail and the majority is a word-for-word duplicate of their previous submission. There seems to be confusion from the applicant as to the time scale requested for the temporary period as the letter refers to both two- and three-year periods.

The agent does note a lack of formal enforcement action at this time. However, we consider that given there is an enforcement issue raised within Arun Planning and it is going through the procedure, albeit slowly, and that we have raised concerns about the ongoing activity at the site it is our opinion that failure of the site owner to comply with planning regulations does not imply that a re-application should be successful.

We note the three reasons for refusal given in the decision notice for the previous application. The current application makes no effort to address any of these and so the logical course of action would be to refuse this application and continue with the enforcement process.

Yours sincerely,

(sent by email unsigned)

Andrew Peppler
Clerk to Walberton Parish Council on behalf of the Planning Committee.

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16 June 2021

Arun District Council
Planning Department

Dear Sirs,

Ref: WA/37/21/PL
Cherry Tree Nursery Eastergate Lane Walberton BN18 0BA
Continuation of use of land for the stationing of
14 No agricultural workers caravans for a temporary period of 2 years.

Walberton Parish Council (WPC) OBJECTS to this application for the following reasons:

1.1. WPC is concerned that this application is in fact the start of a process to obtain residential use on this site. The site has been considered, and rejected as unsuitable for residential use, in HELAA on the grounds:

- of potential contamination due to previous uses;
- that it is outside the built-up area boundary;
- that it is outside the settlement boundary
- that it is poorly related to facilities.

1.2 The site has also been considered and rejected in both the 2015 and 2021 Walberton Neighbourhood Plans. In the Site Assessment for the current Neighbourhood Plan the site is considered as unsuitable on the basis of the reasons set out in HELAA.
These matters relate as much to any temporary residential use as to a permanent use and WPC is concerned that if permission is given for what actually appears to be a commercial letting for residential purposes with no connection to any on site agricultural or horticultural use this will lead to a future application for unconditional residential use.
Stephen Jupp the applicant's agent appears to contemplate this in saying, not that at the end of the two year period the units will be removed but, that 'the provision of these caravans for agricultural workers 'will be reviewed'. WPC has seen no evidence of the present work done by, or employment of, the residents. What evidence has been provided? Any such 'review' would, like this application, be contrary to ADC's own policies (see below). WPC has also been seriously concerned as to the actual use/occupancy of the site by reports of police visits including two by the armed police unit.

2. The applicant's agent, refers to the 'submitting of the … application at the request of the enforcement team'.

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Permission should have been applied for and obtained before the use started and the fact that the 'dwellings' are on site and occupied should not now influence any decision of the Council in favour of the *status quo*.

3. The agent makes reference to a number of policies in *Arun Local Plan 2011 to 2031*.
He does not however refer to Policy HDM3.
This policy states:
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.
It is clear from both the agent's letter and that from Joanna Rodwell, the 'Accommodation Manager' at Pro-Force (dated 9 April 2021), that the occupiers of these units will not be seasonal workers accommodated on 'a farm or horticultural holding' nor indeed either permanent or temporary 'Rural Workers' such as are referred to in paragraphs 1 and 2 of Policy HDM3. It is also made quite clear by Ms Rodwell that any conditions relating to 'seasonal and temporary occupancy', such as are anticipated as a *sine qua non* by the Policy (see 3b), will not be acceptable as Pro-Force require 'the flexibility for them always to be available' as there is 'no clear season for many workers'. This is not consistent with the 'seasonal workforce' to which they refer in the opening line of their letter. On their website Pro-Force say to potential workers:
Accommodation
To ensure we have the right calibre of associate, we recruit across the globe, and are able to offer those associates cost effective accommodation solutions.
We currently are able to house around 4200 associates, and this number is increasing year on year. Associates are able to come and work with us, residing in one of our specially developed Worker Villages.
Full compliance with UK H&S standards
Strict internal risk assessment programme
External, independent auditory checks
Weekly maintenance checks
On-site welfare support
Dedicated accommodation management teams

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Our sites include brick-built hotel style buildings, hostels and static caravan sites. All sites provide suitable facilities, including kitchen, sanitary, sleeping, laundry and social facilities.

This cannot be considered consistent with 'temporary' caravans?

4. The applicant's agent states the site has good access onto Eastergate Lane.
The professional Site Assessment carried out for the latest NP by AECOM Infrastructure & Environment UK Ltd, in confirming the unsuitability of this site, commented *Access on bend of road with potential for poor visibility.*

5. In supporting this application Ms Rodwell refers to the site at Nyton Rest 'provided' by Mr Cole. This is confusing. That site is owned by Waigo Limited who acquired it in 2011. In a very similar letter to that of Ms Rodwell dated 20 October 2020 from Ms Siobhan Marsh of Pro-Force supporting the application AL/61/20/PL - Nyton Rest, (which again was for retrospective permission for development started without permission) she refers to her hope that the partnership can continue 'for many years to come' but does not say when it began. The application refers to a start date for 'when the change of use started' of 20 April 2020. Although Mr Cole was a director of Waigo Ltd when it acquired the site in 2011 he had resigned on 16 May 2014 and was not a director at the time it was stated that the development had started?

6. This application and the plans accompanying it stated in the usual certificate that nobody other than the applicant was the owner of any part of the land to which the application relates. As can be seen from the Land Registry plan to the applicant's title WSX417572 the applicant does not own the road forming the entrance which is shown as included in the application site. He has rights of way over it but the certificate is inaccurate.

7. *Arun Local Plan 2011 to 2031*
This states;

- in paragraph 3.45: *New development must be planned to minimise impacts on the countryside and environment and … it is important to preserve the individual character and identity of Arun's towns and villages;*
- in paragraph 4.18: *The District's smaller settlements and rural areas will retain their character with limited new development to meet their need;*
- in paragraph 6.2.4 *the countryside area will be recognised and maintained reflecting its character and role as the coastal plain, with green wedges separating urban areas.*

WPC does not therefore agree with the agent's statement that the proposal is considered to be compliant with national and local planning policy and in particular that there is 'no reduction in existing gaps between settlements'.
The applicant's agent rightly draws attention to ADC's policy to limit impacts on the environment and countryside. He then however seeks to claim that an historic horticultural use is synonymous with a change to commercially let residential use. A previous application for the use of part of Cherry Tree Nursery as a touring caravan site was rejected by ADC, inter alia, on the basis that it would constitute '*an alien intrusion into the countryside which would be out of keeping with and detrimental to the rural character of the locality*'. That is equally true today.

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8. The application states "Continuation of use of land for the stationing of 14 No agricultural workers caravans ….". There has never been any permission for the this use of the land so it is **not** a continuation of use.

9. Planning statement

- 3rd paragraph. "It is my clients wish to where the current number of chalets were reached in May of this year" A chalet is not a caravan and in excess of 20 people arrived on the site on Friday morning the 6th November 2020.

- 4th paragraph states "Next door, to the West, showpeople caravans are on site already" A true but misleading statement as they are purely stored and not used for habitation.

10. The application form is invalid as it states completion of the works was 1st August 2021 which is in the future.

11. The Walberton Neighbourhood Plan supports 'maintaining the gaps around the parish which separate the villages from neighbouring areas of development and protecting the green spaces that bring the countryside into the heart of the villages'. Development for any residential purpose permanent or temporary on this site would be contrary to that policy and those of ADC noted above and this application should therefore be refused.

Yours sincerely,

(Sent by email unsigned)

Andy Peppler
Clerk to Walberton Parish Council
On behalf of the Planning Committee.

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